



Committee on Health Quality

**Tuesday, March 18, 2008
8:00 AM – 10:45 AM
306 HOB**

COMMITTEE ACTION PACKET

**Marco Rubio
Speaker**

**Gayle Harrell
Chair**

COMMITTEE MEETING REPORT

Committee on Health Quality

3/18/2008 8:00:00AM

Location: 306 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Gayle Harrell (Chair)	X		
Larry Cretul	X		
Audrey Gibson	X		
D. Alan Hays	X		
Doug Holder	X		
Matt Hudson	X		
Paige Kreegel	X		
Julio Robaina	X		
Robert Schenck			X
Kelly Skidmore	X		
Darren Soto	X		
Totals:	10	0	1

COMMITTEE MEETING REPORT

Committee on Health Quality

3/18/2008 8:00:00AM

Location: 306 HOB

HB 607 : Orthotics, Prosthetics, and Pedorthics

Favorable With Amendments (1)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Larry Cretul	X				
Audrey Gibson	X				
D. Alan Hays				X	
Doug Holder	X				
Matt Hudson	X				
Paige Kreegel	X				
Julio Robaina	X				
Robert Schenck			X		
Kelly Skidmore	X				
Darren Soto	X				
Gayle Harrell (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Appearances:

Orthotics, Prosthetics and Pedorthics

Paul Lambert - Wavied & Support (Lobbyist) - Proponent

Florida Chiropractic Association

208 West Carolina Street

Tallahassee Florida 32301

Phone: 850-224-9393

Orthotics, Prosthetics and Pedorthics

Morris Gallo - Wavied & Support (General Public) - Proponent

Florida Association Orthotists & Prosthetists

P.O. Box 1521

Venice Florida 34284

Phone: 941-486-4200

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 0607

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION Y (Y/N)
FAILED TO ADOPT — (Y/N)
WITHDRAWN — (Y/N)
OTHER _____

ADOPTED
3-18-2008

1 Council/Committee hearing bill: Committee on Health Quality
2 Representative Cretul offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 468.80, Florida Statutes, is amended to
7 read:

8 468.80 Definitions.--As used in this part act, the term:

9 (1) "Agency" means the Agency for Health Care
10 Administration.

11 (2) "Board" means the Board of Orthotists and
12 Prosthetists.

13 (3) "Department" means the Department of Health.

14 (4) "Internship" means a program in which a person
15 receives clinical experience under the supervision of a licensed
16 orthotist or prosthetist as defined by the board by rule.

17 (5) "Mandatory courses" means continuing education courses
18 that the board has defined by rule and required for license
19 issuance or renewal.

20 (6)-(4) "Orthosis" means any a medical device used to
21 provide support, correction, or alleviation of neuromuscular or
22 musculoskeletal dysfunction, disease, injury, or deformity, but

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

23 does not include the following assistive technology devices:
24 upper extremity adaptive equipment used to facilitate the
25 activities of daily living, including specialized utensils,
26 combs, and brushes; finger splints; wheelchair seating and
27 equipment that is an integral part of the wheelchair and not
28 worn by the patient; elastic abdominal supports that do not have
29 metal or plastic reinforcing stays; nontherapeutic arch
30 supports; nontherapeutic accommodative inlays and nontherapeutic
31 accommodative footwear, regardless of method of manufacture;
32 unmodified, over-the-counter nontherapeutic shoes; prefabricated
33 nontherapeutic foot care products; durable medical equipment
34 such as canes, crutches, or walkers; dental appliances; or
35 devices implanted into the body by a physician. For purposes of
36 this subsection, "accommodative" means designed with the primary
37 goal of conforming to the individual's anatomy, and "inlay"
38 means any removable material upon which the foot directly rests
39 inside the shoe and which may be an integral design component of
40 the shoe, and "musculoskeletal" and "neuromuscular" mean the
41 systems of the body providing support and movement and include
42 the skeletal, muscular, circulatory, nervous, and integumentary
43 systems.

44 (7)-(5) "Orthotic fitter" means a person who is licensed to
45 practice orthotics, ~~pursuant to a licensed physician's written~~
46 ~~prescription,~~ whose scope of practice is limited to fitting
47 prefabricated cervical orthoses not requiring more than minor
48 modification and not used for the treatment of cervical
49 fractures or dislocations; custom-made and prefabricated
50 compression garments ~~pressure gradient hose;~~ trusses; custom-
51 molded and noncustom diabetic therapeutic footwear;
52 prefabricated corset or frame-type spinal orthoses, except for
53 those used in the treatment of vertebral fractures or scoliosis,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

54 rigid body jackets made of thermoformable materials, and "halo"
55 devices; and prefabricated orthoses of the upper and lower
56 extremities, except for those used in the treatment of bone
57 fractures and open diabetic ulcers.

58 ~~(8)(6)~~ "Orthotic fitter assistant" means a person who is
59 licensed to practice orthotics, ~~pursuant to a licensed~~
60 ~~physician's written prescription,~~ whose scope of practice is
61 limited to fitting, without modification, prefabricated soft
62 cervical orthoses not used for the treatment of cervical
63 fractures or dislocations; prefabricated soft spinal supports
64 not used for treatment of vertebral fractures; prefabricated
65 compression garments ~~pressure gradient hose;~~ trusses; and soft
66 prefabricated orthoses for the upper and lower extremities not
67 used in the treatment of bone fractures and open diabetic
68 ulcers.

69 ~~(9)(7)~~ "Orthotics" means the practice, ~~pursuant to a~~
70 ~~licensed physician's written prescription,~~ of evaluating,
71 treatment formulating, measuring, designing, fabricating,
72 assembling, fitting, adjusting, servicing, or providing the
73 initial training necessary to accomplish the fitting of an
74 orthosis or pedorthic device; ~~however, the repair, replacement,~~
75 ~~adjustment, or servicing of any existing orthosis may be~~
76 ~~performed without an additional prescription from the patient's~~
77 ~~physician, unless the original prescription states otherwise. If~~
78 ~~a patient is under the care of a licensed occupational therapist~~
79 ~~or physical therapist, the orthotist must consult with the~~
80 ~~therapist if the therapist has requested consultation regarding~~
81 ~~the fitting, design, or fabrication of an orthosis or regarding~~
82 ~~treatment with an orthosis.~~

83 ~~(10)(8)~~ "Orthotist" means a person licensed to practice
84 orthotics pursuant to this chapter.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

85 ~~(11)(9)~~ "Pedorthic device" means therapeutic shoes, shoe
86 modifications made for therapeutic purposes, nondynamic
87 prosthetic fillers of the forefoot, and foot orthoses for use on
88 the human foot limited anatomically to that part distal to the
89 maleoli from the ankle and below, but does not include arch
90 supports; nontherapeutic accommodative inlays and nontherapeutic
91 accommodative footwear, regardless of method of manufacture;
92 unmodified, over-the-counter shoes; or prefabricated foot care
93 products. For purposes of this subsection, "accommodative" means
94 designed with the primary goal of conforming to the individual's
95 anatomy and "inlay" means any removable material upon which the
96 foot directly rests inside the shoe and which may be an integral
97 design component of the shoe.

98 ~~(12)(10)~~ "Pedorthics" means the practice, ~~pursuant to a~~
99 ~~licensed physician's written prescription,~~ of evaluating,
100 treatment formulating, measuring, designing, fabricating,
101 assembling, fitting, adjusting, servicing, or providing the
102 initial training necessary to accomplish the fitting of a
103 pedorthic device; ~~however, the repair, replacement, adjustment,~~
104 ~~or servicing of any existing pedorthic device may be performed~~
105 ~~without an additional prescription from the patient's physician,~~
106 ~~unless the original prescription states otherwise. If a patient~~
107 ~~is under the care of a licensed occupational therapist or~~
108 ~~physical therapist, the pedorthist must consult with the~~
109 ~~therapist if the therapist has requested consultation regarding~~
110 ~~the fitting, design, or fabrication of a pedorthic device or~~
111 ~~regarding treatment with a pedorthic device.~~

112 ~~(13)(11)~~ "Pedorthist" means a person licensed to practice
113 pedorthics pursuant to this chapter.

114 ~~(14)(12)~~ "Prosthesis" means a medical device used to
115 replace a missing appendage or other external body part,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

116 including an artificial limb, hand, or foot. It does not include
117 surgically implanted devices or artificial eyes; dental
118 appliances; ostomy products; or cosmetic devices such as breast
119 prostheses, eyelashes, or wigs; ~~or other devices that do not~~
120 ~~have a significant impact on the musculoskeletal functions of~~
121 ~~the body.~~

122 ~~(15)(13)~~ "Prosthetics" means the practice, ~~pursuant to a~~
123 ~~licensed physician's written prescription,~~ of evaluating,
124 treatment formulating, measuring, designing, fabricating,
125 assembling, fitting, adjusting, servicing, or providing the
126 initial training necessary to accomplish the fitting of a
127 prosthesis, ~~except the repair, replacement, adjustment, or~~
128 ~~servicing of any existing prosthesis may be performed without an~~
129 ~~additional prescription from the patient's physician, unless the~~
130 ~~original prescription states otherwise. If a patient is under~~
131 ~~the care of a licensed occupational therapist or physical~~
132 ~~therapist, the prosthetist must consult with the therapist if~~
133 ~~the therapist has requested consultation regarding the fitting,~~
134 ~~design, or fabrication of a prosthesis or regarding treatment~~
135 ~~with a prosthesis.~~

136 ~~(16)(14)~~ "Prosthetist" means a person licensed to practice
137 prosthetics pursuant to this chapter.

138 ~~(17)(15)~~ "Prosthetist-orthotist" means a person licensed
139 to practice as a prosthetist and as an orthotist.

140 (18) "Resident" means a person registered to practice
141 orthotics or prosthetics under the supervision of a licensed
142 orthotist or prosthetist as defined by the board by rule.

143 (19) "Therapeutic" means designed and fabricated to
144 provide support, correction, or alleviation of neuromuscular or
145 musculoskeletal dysfunction, disease, injury, or deformity. It

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

146 does not include devices used solely to increase comfort through
147 the use of soft materials or spreading out of forces.

148 Section 2. Subsections (2) and (3) of section 468.801,
149 Florida Statutes, are amended to read:

150 468.801 Board of Orthotists and Prosthetists; appointment;
151 membership; terms; headquarters.--

152 (2) The board members ~~of the board~~ must be residents of
153 this state. Two members ~~One member~~ must be a licensed practicing
154 prosthetists ~~prosthetist~~ with a minimum of 3 years' clinical or
155 practical experience, at least one of whom has attained a
156 minimum of a bachelor's ~~after receiving a Bachelor of Science~~
157 ~~degree in Orthotics and Prosthetics; one member must be a~~
158 ~~practicing prosthetist with at least 6 years' experience after~~
159 ~~certification by a national certifying body; one member must be~~
160 a licensed practicing orthotist with a minimum of 3 years'
161 clinical or practical experience who has attained a minimum of a
162 bachelor's ~~after receiving a Bachelor of Science degree in~~
163 ~~Orthotics and Prosthetics; one member must be a practicing~~
164 ~~orthotist with at least 6 years' experience after certification~~
165 ~~by a national certifying body; two members must be prosthetic or~~
166 orthotic users, the parents, guardians, or spouses of prosthetic
167 or orthotic users, or any combination of such users and nonusers
168 who are not deriving economic benefit from the fitting or
169 dispensing of orthotic or prosthetic devices and who have never
170 been orthotists or prosthetists or members of a closely related
171 profession; ~~and~~ one member must be a physician licensed under
172 chapter 458, chapter 459, chapter 460, or chapter 461, who has
173 extensive knowledge of orthotics or prosthetics; and one member
174 must be a licensed practicing orthotist, orthotic fitter, or
175 pedorthist with a minimum of 3 years' clinical or practical
176 experience. ~~One of the prosthetist or orthotist members must~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

177 ~~have received training in pedorthics and have 3 years of~~
178 ~~pedorthic experience as part of his or her practice.~~

179 (3) Members of the board shall be appointed for terms of 4
180 years each and shall serve until their successors are appointed.
181 ~~However, for the purpose of staggering terms, two of the~~
182 ~~original board members shall serve terms of 4 years each, two~~
183 ~~shall serve terms of 3 years each, two shall serve terms of 2~~
184 ~~years each, and one shall serve a term of 1 year, as designated~~
185 ~~by the Governor.~~ Members may be reappointed for additional
186 terms.

187 Section 3. Section 468.802, Florida Statutes, is amended
188 to read:

189 468.802 Authority to adopt rules.--The board shall adopt
190 rules pursuant to ss. 120.536(1) and 120.54 to implement the
191 provisions of this part act, including rules relating to
192 standards of practice for orthotists, orthotic fitters, orthotic
193 fitter assistants, pedorthists, prosthetists, and residents
194 pedorthists.

195 Section 4. Section 468.803, Florida Statutes, is amended
196 to read:

197 468.803 License, registration, and examination ~~License~~
198 requirements.--

199 (1) The department shall issue a license to practice
200 orthotics, prosthetics, or pedorthics, or a registration for a
201 resident to practice orthotics or prosthetics, to qualified
202 applicants. Licenses ~~License~~ shall be granted independently in
203 orthotics, prosthetics, or pedorthics, but a person may be
204 licensed in more than one such discipline and a prosthetist-
205 orthotist license may be granted to persons meeting the
206 requirements for both a prosthetist and an orthotist license.
207 Registrations shall be granted independently in orthotics or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

208 prosthetics, and a person may be registered in both fields at
209 the same time.

210 (2) An applicant for registration, examination, or
211 licensure must apply to the department on a form prescribed by
212 the board for consideration of board approval. Each applicant
213 shall submit a set of fingerprints to the department on a form
214 and under procedures specified by the department, along with
215 payment in an amount equal to the costs incurred by the
216 department for state and national criminal history checks of the
217 applicant. The department shall submit the fingerprints provided
218 by an applicant to the Department of Law Enforcement for a
219 statewide criminal history check, and the Department of Law
220 Enforcement shall forward the fingerprints to the Federal Bureau
221 of Investigation for a national criminal history check of the
222 applicant. The board shall screen the results to determine if an
223 applicant meets licensure requirements. The board shall consider
224 for examination, registration, or licensure it in order to take
225 the appropriate licensure examination, including a practical
226 examination demonstrating clinical patient management, when
227 appropriate, and written examinations, one of which demonstrates
228 orthotic, prosthetic, or pedorthic problem-solving skills. The
229 board may accept the examination results of a national orthotic,
230 prosthetic, or pedorthic standards organization in lieu of
231 administering the state examination. In such cases, the
232 department shall set fees appropriate to the level of
233 practitioner and shall examine each applicant who the board
234 verifies:

235 (a) Has submitted the completed the application and the
236 fingerprint forms form and has paid the applicable an
237 application fee, not to exceed \$500, and the cost of the state
238 and national criminal history checks. The application fee and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

239 cost of the criminal history checks ~~which shall be~~
240 ~~nonrefundable, an examination fee and the actual per applicant~~
241 ~~costs to the department for purchase or development of the~~
242 ~~examination, and a license fee not to exceed \$500;~~

243 (b) Is of good moral character;

244 (c) Is 18 years of age or older; and

245 (d) Has completed the appropriate educational preparation,
246 ~~including practical training requirements; and~~

247 ~~(e) Has successfully completed an appropriate clinical~~
248 ~~internship in the professional area for which the license is~~
249 ~~sought.~~

250 (3) A person seeking to attain the required orthotics or
251 prosthetics experience in this state must be approved by the
252 board and registered as a resident by the department. Although a
253 registration may be held in both practice fields, the board
254 shall not approve a second registration until at least 1 year
255 after the issuance of the first registration. Notwithstanding
256 subsection (2), an applicant who has been approved by the board
257 and registered by the department in one practice field may apply
258 for registration in the second practice field without an
259 additional state or national criminal history check during the
260 period in which the first registration is valid. Each
261 registration is valid for 2 years from the date of issuance
262 unless otherwise revoked by the department upon recommendation
263 of the board. The board shall set a registration fee not to
264 exceed \$500 to be paid by the applicant. A registration may be
265 renewed once by the department upon recommendation of the board
266 for a period no longer than 1 year, as such renewal is defined
267 by the board by rule. The registration renewal fee shall not
268 exceed one-half the current registration fee. To be considered

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

269 by the board for approval of registration as a resident, the
270 applicant must have:

271 (a) A Bachelor of Science or higher-level postgraduate
272 degree in Orthotics and Prosthetics from a regionally accredited
273 college or university recognized by the Commission on
274 Accreditation of Allied Health Education Programs or, at a
275 minimum, a bachelor's degree from a regionally accredited
276 college or university and a certificate in orthotics from a
277 program recognized by the Commission on Accreditation of Allied
278 Health Education Programs, or its equivalent, as determined by
279 the board; or

280 (b) A Bachelor of Science or higher-level postgraduate
281 degree in Orthotics and Prosthetics from a regionally accredited
282 college or university recognized by the Commission on
283 Accreditation of Allied Health Education Programs or, at a
284 minimum, a bachelor's degree from a regionally accredited
285 college or university and a certificate in prosthetics from a
286 program recognized by the Commission on Accreditation of Allied
287 Health Education Programs, or its equivalent, as determined by
288 the board.

289 (4) The department may develop and administer a state
290 examination for an orthotist or a prosthetist license, or the
291 board may approve the existing examination of a national
292 standards organization. The examination must be predicated on a
293 minimum of a baccalaureate-level education and formalized
294 specialized training in the appropriate field. Each examination
295 must demonstrate a minimum level of competence in basic
296 scientific knowledge, written problem solving, and practical
297 clinical patient management. The board shall require an
298 examination fee not to exceed the actual cost to the board in
299 developing, administering, and approving the examination, which

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

300 fee must be paid by the applicant. To be considered by the board
301 for examination, the applicant must have:

302 (a) For an examination in orthotics:

303 1. A Bachelor of Science or higher-level postgraduate
304 degree in Orthotics and Prosthetics from a regionally accredited
305 college or university recognized by the Commission on
306 Accreditation of Allied Health Education Programs or, at a
307 minimum, a bachelor's degree from a regionally accredited
308 college or university and a certificate in orthotics from a
309 program recognized by the Commission on Accreditation of Allied
310 Health Education Programs, or its equivalent, as determined by
311 the board; and

312 2. An approved orthotics internship of 1 year of qualified
313 experience, as determined by the board, or an orthotic residency
314 program recognized by the board.

315 (b) For an examination in prosthetics:

316 1. A Bachelor of Science or higher-level postgraduate
317 degree in Orthotics and Prosthetics from a regionally accredited
318 college or university recognized by the Commission on
319 Accreditation of Allied Health Education Programs or, at a
320 minimum, a bachelor's degree from a regionally accredited
321 college or university and a certificate in prosthetics from a
322 program recognized by the Commission on Accreditation of Allied
323 Health Education Programs, or its equivalent, as determined by
324 the board; and

325 2. An approved prosthetics internship of 1 year of
326 qualified experience, as determined by the board, or a
327 prosthetic residency program recognized by the board.

328 (5)-(3) In addition to the requirements in subsection (2),
329 to be licensed as:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

330 (a) An orthotist, the applicant must pay a license fee not
331 to exceed \$500 and must have:

332 1. A Bachelor of Science or higher-level postgraduate
333 degree in Orthotics and Prosthetics from a regionally accredited
334 college or university, or a bachelor's degree with a certificate
335 in orthotics from a program recognized by the Commission on
336 Accreditation of Allied Health Education Programs, or its
337 equivalent, as determined by the board; ~~and~~

338 2. An appropriate internship of 1 year of qualified
339 experience, as determined by the board, or a residency program
340 recognized by the board;

341 3. Completed the mandatory courses; and

342 4. Passed the state orthotics examination or the board-
343 approved orthotics examination.

344 (b) A prosthetist, the applicant must pay a license fee
345 not to exceed \$500 and must have:

346 1. A Bachelor of Science or higher-level postgraduate
347 degree in Orthotics and Prosthetics from a regionally accredited
348 college or university, or a bachelor's degree with a certificate
349 in prosthetics from a program recognized by the Commission on
350 Accreditation of Allied Health Education Programs, or its
351 equivalent, as determined by the board; ~~and~~

352 2. An internship of 1 year of qualified experience, as
353 determined by the board, or a residency program recognized by
354 the board;

355 3. Completed the mandatory courses; and

356 4. Passed the state prosthetics examination or the board-
357 approved prosthetics examination.

358 (c) An orthotic fitter, the applicant must pay a license
359 fee not to exceed \$500 and must have:

360 1. A high school diploma or its equivalent;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

361 2. A minimum of 40 hours of training in orthotics
362 education, as approved by the board; ~~and~~

363 3. Two years of supervised experience in orthotics
364 acquired after completion of the required education, as approved
365 by the board; and

366 4. Completed the mandatory courses.

367 (d) An orthotic fitter assistant, the applicant must pay a
368 license fee not to exceed \$500 and must have:

369 1. A high school diploma or its equivalent; ~~and~~

370 2. A minimum of 40 hours of training in orthotics
371 education, as approved by the board; and

372 3. Completed the mandatory courses.

373 (e) A pedorthist, the applicant must pay a license fee not
374 to exceed \$500 and must have:

375 1. A high school diploma or its equivalent;

376 2. A minimum of 120 hours of training, as approved by the
377 board; ~~and~~

378 3. An internship of 80 hours of qualified working
379 experience, as determined by the board; and

380 4. Completed the mandatory courses.

381 Section 5. Section 468.806, Florida Statutes, is amended
382 to read:

383 468.806 Biennial renewal of license.--

384 (1) The department shall renew a license upon receipt of
385 the required documentation, renewal application, and renewal
386 fee, not to exceed \$500, as set by the board. The applicant for
387 license renewal must submit information necessary to conduct a
388 statewide criminal history check along with payment in an amount
389 equal to the costs incurred by the department for a statewide
390 criminal history check. The department shall submit the required

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

391 information for a statewide criminal history check of the
392 applicant to the Department of Law Enforcement.

393 (2) The board shall adopt rules establishing a procedure
394 for the biennial license renewal.

395 (3) The board may by rule prescribe continuing education
396 requirements and approve course criteria, not to exceed 30 hours
397 biennially, as a condition for license renewal. The board shall
398 establish by rule mandatory courses to safeguard the welfare of
399 the public and licensed practitioners, standards and
400 qualifications for continuing education courses, standards and
401 qualifications for course providers, and a procedure for
402 approving continuing education courses and providers and may set
403 a fee for continuing education course and provider approval. The
404 Florida Association of Orthotists and Prosthetists, Inc., or a
405 successor organization shall be deemed an approved provider of
406 continuing education courses, including mandatory courses, that
407 meet the criteria established in this subsection.

408 Section 6. Section 468.807, Florida Statutes, is repealed.

409 Section 7. Effective January 1, 2009, section 468.808,
410 Florida Statutes, is amended to read:

411 468.808 Support personnel.--A person must be licensed to
412 practice orthotics, prosthetics, or pedorthics in this state.
413 However, a licensed orthotist, prosthetist, or pedorthist may
414 delegate duties, not to include patient evaluation, treatment
415 formulation, or the final fitting of a device prior to patient
416 use, to nonlicensed support supportive personnel. All other
417 delegated if these duties must be are performed under the direct
418 supervision, as defined by the board by rule, of a licensed
419 orthotist, prosthetist, or pedorthist, and the persons acting as
420 support personnel must be identified as such by wearing an
421 identification tag as defined by the board by rule. In such

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

122 instances the supervising licensee is responsible for all acts
423 performed by such persons.

424 Section 8. Section 468.809, Florida Statutes, is amended
425 to read:

426 468.809 Prohibitions; penalties.--

427 (1) A person may not:

428 (a) Make a false or fraudulent statement in any
429 application, affidavit, or statement presented to the board or
430 in any proceeding before the board.

431 (b) Practice orthotics, prosthetics, or pedorthics without
432 a license or registration issued pursuant to this part act
433 unless otherwise exempt.

434 (2) A person who violates any provision of this section
435 commits a misdemeanor of the second degree, punishable as
436 provided in s. 775.082 or s. 775.083.

137 Section 9. Effective January 1, 2009, section 468.8095,
438 Florida Statutes, is created to read:

439 468.8095 Practitioner and resident identification.--

440 (1) A licensee or person registered with the department
441 shall post a license or registration and a recent photograph of
442 the licensee or registrant at each facility where patients are
443 seen by the licensee or registrant in a manner determined by the
444 board by rule. This requirement does not extend to areas where
445 the licensee or registrant may visit and normally does not treat
446 patients. The posted license or registration must be valid.

447 (2) A licensee or person registered with the department
448 shall post in close proximity to the posted license or
449 registration a notice stating the department's Consumer Services
450 Unit address, Internet website, and telephone number. The notice
451 shall state that a patient may file a complaint of unlicensed or
152 substandard practice by contacting the Consumer Services Unit. A

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

153 single notice may be used for multiple licensees or registrants
454 in a facility.

455 (3) During patient contact, each licensee or person
456 registered with the department shall prominently wear an
457 identification tag or badge with the name, recent photograph,
458 and license or registration number, as applicable, of the
459 licensee or registrant. The size and appearance of the
460 identification tag or badge shall be determined by the board by
461 rule. Persons licensed in more than one practice field under
462 this part may list both license numbers. Licensees or
463 registrants working in facilities requiring the wearing of a
464 specific identification tag may substitute the identification
465 tag or badge required by this subsection with the facility's
466 design as determined by the board.

467 Section 10. Subsection (1) of section 468.811, Florida
168 Statutes, is amended to read:

469 468.811 Disciplinary proceedings.--

470 (1) The following acts constitute grounds for denial of a
471 registration or license or for disciplinary action, as specified
472 in s. 456.072(2):

473 (a) Attempting to procure a license by fraudulent
474 misrepresentation.

475 (b) Having a license to practice orthotics, prosthetics,
476 or pedorthics revoked, suspended, or otherwise acted against,
477 including the denial of licensure in another state or
478 jurisdiction.

479 (c) Being convicted or found guilty of or pleading nolo
480 contendere to, regardless of adjudication, in any jurisdiction,
481 a crime that directly relates to the practice of orthotics,
482 prosthetics, or pedorthics, including violations of federal laws
183 or regulations regarding orthotics, prosthetics, or pedorthics.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

184 (d) Filing a report, claim, or record that the licensee
485 knows is false; intentionally or negligently failing to file a
486 report, claim, or record required by state or federal law;
487 willfully impeding or obstructing such filing; or inducing
488 another person to impede or obstruct such filing. Such reports,
489 claims, or records include only reports, claims, or records that
490 are signed in a person's capacity as a licensee under this part
491 act.

492 (e) Advertising goods or services in a fraudulent, false,
493 deceptive, or misleading manner.

494 (f) Violation of an order of the board, agency, or
495 department previously entered in a disciplinary hearing or
496 failure to comply with a subpoena issued by the board, agency,
497 or department.

498 (g) Practicing with a revoked, suspended, or inactive
499 license.

500 (h) Gross or repeated malpractice or the failure to
501 deliver orthotic, prosthetic, or pedorthic services with that
502 level of care and skill which is recognized by a reasonably
503 prudent licensed practitioner with similar professional training
504 as being acceptable under similar conditions and circumstances.

505 (i) Failing to provide written notice of any applicable
506 warranty for an orthosis, prosthesis, or pedorthic device that
507 is provided to a patient.

508 (j) Violating any provision of this chapter or chapter
509 456, or any rules adopted pursuant thereto.

510 (k) Making deceptive, untrue, or fraudulent
511 representations in the licensed or unlicensed practice of
512 orthotics, prosthetics, or pedorthics.

513 (l) Practicing orthotics, prosthetics, or pedorthics or
514 practicing as an orthotic fitter or an orthotic fitter assistant

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

515 without a licensed physician's written prescription. The repair,
516 replacement, adjustment, or servicing of any existing orthosis
517 may be performed without an additional prescription from the
518 patient's physician, unless the original prescription states
519 otherwise.

520 Section 11. Section 468.812, Florida Statutes, is amended
521 to read:

522 468.812 Exemptions from licensure.--

523 (1) This part ~~act~~ does not apply to:

524 (a) A person who is licensed under chapter 458, chapter
525 459, chapter 460, or chapter 461;

526 (b) A person performing services for the Federal
527 Government, if the person provides orthotic, prosthetic, or
528 pedorthic care solely under the direction or control of the
529 organization by which that person is employed;

530 ~~(c) A person fulfilling the supervised residency or~~
531 ~~internship experience requirements of this act;~~

532 ~~(c)(d)~~ (c) A student, fellow, or trainee in orthotics,
533 prosthetics, or pedorthics pursuing a course of study at a
534 regionally accredited college or university or working in a
535 recognized training center or research facility, provided ~~if~~ the
536 activities and services are part of a regular course of study
537 under a supervisor licensed under this part ~~act~~;

538 ~~(d)(e)~~ (d) An instructor in a regionally accredited university
539 or college, while performing regularly assigned work under the
540 curriculum of such a school; or

541 ~~(e)(f)~~ (e) A person engaged exclusively in the fabrication of
542 orthoses, pedorthic devices, or prostheses as defined in this
543 part, provided there is no patient contact ~~fabricating, fitting,~~
544 ~~or servicing of devices excluded under this act.~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

545 (2) This part act does not require an additional license
546 of, or regulate the practice of, any other licensed health care
547 professional. ~~within the state, or prevent a qualified member of~~
548 ~~any other profession or any person employed under the~~
549 ~~supervision of such a licensed professional from doing work of a~~
550 ~~nature consistent with that person's training, as long as the~~
551 ~~person does not hold himself or herself out to the public as a~~
552 ~~licensee under this act.~~

553 (3) The provisions of this act relating to orthotics or
554 pedorthics do not apply to any licensed pharmacist or to any
555 person acting under the supervision of a licensed pharmacist.
556 The practice of orthotics or pedorthics by a pharmacist or any
557 of the pharmacist's employees acting under the supervision of a
558 pharmacist shall be construed to be within the meaning of the
559 term "practice of the profession of pharmacy" as set forth in s.
560 465.003(13), and shall be subject to regulation in the same
561 manner as any other pharmacy practice. The Board of Pharmacy
562 shall develop rules regarding the practice of orthotics and
563 pedorthics by a pharmacist. Any pharmacist or person under the
564 supervision of a pharmacist engaged in the practice of orthotics
565 or pedorthics shall not be precluded from continuing that
566 practice pending adoption of these rules.

567 Section 12. Section 468.813, Florida Statutes, is amended
568 to read:

569 468.813 Use of titles.--A person must be licensed or
570 registered under this part act to represent himself or herself
571 as a licensed or registered orthotist, ~~or~~ prosthetist,
572 prosthetist-orthotist, orthotic fitter, orthotic fitter
573 assistant, pedorthist, prosthetic resident, or orthotic resident
574 or use in connection with his or her name the words "orthotist,"
575 "prosthetist," "prosthetist-orthotist," "orthotic fitter,"

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

576 "orthotic fitter assistant," "pedorthist," or "resident" or
577 abbreviations, titles, or insignia indicating or suggesting that
578 he or she is able to legally provide services or devices
579 described in this part ~~an orthotist, prosthetist, prosthetist-~~
580 ~~orthotist, orthotic fitter, orthotic fitter assistant, or~~
581 ~~pedorthist.~~

582 Section 13. Except as otherwise expressly provided in this
583 act, this act shall take effect July 1, 2008.

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T I T L E A M E N D M E N T

588
589 Remove the entire title and insert:

590 A bill to be entitled

591 An act relating to orthotics, prosthetics, and pedorthics;
592 amending s. 468.80, F.S.; providing and revising
593 definitions; amending s. 468.801, F.S.; changing
594 composition of the Board of Orthotists and Prosthetists;
595 removing obsolete requirement for initial staggering of
596 terms; amending s. 468.802, F.S.; expanding the authority
597 for rule adoption to include standards of practice for
598 orthotic fitters, orthotic fitter assistants, and
599 residents; amending s. 468.803, F.S.; providing for
600 registration for a resident to practice orthotics or
601 prosthetics; authorizing licensure as a prosthetist-
602 orthotist; providing requirements for such licensure;
603 requiring applicants for registration, examination, or
604 licensure to apply on Department of Health forms;
605 requiring applicants to submit fingerprints and a fee to
606 cover department costs for criminal background checks;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

507 requiring board verification of certain information prior
608 to an applicant's examination, registration, or licensure;
609 providing requirements for registration as a resident in
610 orthotics or prosthetics; providing for registration and
611 renewal fees for registration; authorizing either the
612 Department of Health to develop and administer a state
613 examination for an orthotist or prosthetist license or the
614 board to approve an existing examination of a national
615 standards organization; providing examination
616 requirements; authorizing examination fees; delineating
617 applicant qualifications for examination; delineating
618 requirements for licensure and licensure fees for an
619 orthotist, a prosthetist, an orthotic fitter, an orthotic
620 fitter assistant, and a pedorthist; amending s. 468.806,
621 F.S.; revising materials required for submission for
522 biennial license renewal, including information necessary
623 to conduct a statewide criminal history check and payment
624 of costs therefor; requiring certain mandatory courses,
625 standards and qualifications for continuing education
626 courses, and standards and qualifications for course
627 providers to be established by rule; deeming the Florida
628 Association of Orthotists and Prosthetists, Inc., or a
629 successor organization an approved course provider;
630 repealing s. 468.807, F.S., relating to issuance of a
631 temporary license; amending s. 468.808, F.S.; revising
632 duties that can be delegated to unlicensed support
633 personnel; providing requirements for support personnel
634 identification; amending s. 468.809, F.S.; including the
635 practice of orthotics, prosthetics, or pedorthics without
636 registration in certain prohibitions; providing penalties;
537 creating s. 468.8095, F.S.; requiring licensees and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

638 registrants to post licenses, registrations, recent
639 photographs, and certain notices in a facility and to wear
640 certain identification tags or badges; amending s.
641 468.811, F.S.; revising grounds for denial of a license or
642 disciplinary action; providing grounds for denial of
643 registration; amending s. 468.812, F.S.; revising
644 provisions exempting certain persons from licensure;
645 authorizing adoption of rules by the Board of Pharmacy;
646 amending s. 468.813, F.S.; revising requirements regarding
647 use of titles; providing effective dates.

COMMITTEE MEETING REPORT

Committee on Health Quality

3/18/2008 8:00:00AM

Location: 306 HOB

HB 649 : Podiatric Medicine

Favorable With Amendments (1)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Larry Cretul	X				
Audrey Gibson		X			
D. Alan Hays	X				
Doug Holder	X				
Matt Hudson	X				
Paige Kreegel			X		
Julio Robaina	X				
Robert Schenck			X		
Kelly Skidmore	X				
Darren Soto		X			
Gayle Harrell (Chair)	X				
Total Yeas: 7		Total Nays: 2			

Appearances:

Podiatric Medicine

Chris Hanson (Lobbyist) - Opponent
Florida Podiatric Medical Association
301 S Bronough Street #600
Tallahassee Florida 32301
Phone: 850-577-9090

Podiatric Medicine

Ross E. Taubman, D.P.M. (General Public) - Opponent
American Podiatric Medical Association
6100 Day Long Lane, Suite 102
Clarksville MD 21029
Phone: 443-535-8770

Podiatric Medicine

Dr. Melvin B. Price (General Public) - Opponent
Podiatric Physician and Surgeon
212 2nd Avenue East
Bradenton Florida 34208
Phone: 941-741-3338

Podiatric Medicine

Briant G Moyles (General Public) - Opponent
Podiatry Insurance Co. of America
211 E. New Haven Avenue
Melbourne Florida 32900
Phone: 321-723-3500

COMMITTEE MEETING REPORT

Committee on Health Quality

3/18/2008 8:00:00AM

Location: 306 HOB

Podiatric Medicine

Andrew Borom, M.D. (General Public) - Proponent

Florida Medical Association

4492 Rhoden Cove Lane

Tallahassee Florida 32312

Phone: 850-894-0072

Podiatric Medicine

Alan Routman (Lobbyist) - Proponent

Florida Orthopaedic Society

5601 N Dixie Hwy.

Ft Lauderdale Florida 33334

Phone: 954-776-4707

Podiatric Medicine

Paul Greenman, D.P.M. (General Public) - Opponent

Lauderdale Orthopaedic Surgeons

6000 Almono Terrace

Plantation Florida 33317

Phone: 954-684-7351

Amendment No. 1

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CHAMBER ACTION

Senate

House

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Action: - See Substitute

1 Representative Cretul offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsection (5) of section 461.003, Florida
6 Statutes, is amended to read:

7 461.003 Definitions.--As used in this chapter:

8 (5) "Practice of podiatric medicine" means the diagnosis
9 or medical, surgical, palliative, and mechanical treatment of
10 ailments of the human foot and leg, ~~The surgical treatment of~~
11 ~~ailments of the human foot and leg shall be~~ limited anatomically
12 to that part below the anterior tibial tubercle. The practice of
13 podiatric medicine includes ~~shall include~~ the amputation of the
14 toes or other parts of the foot but does ~~shall~~ not include the
15 amputation of the foot or leg in its entirety. A podiatric

Amendment No. 1

16 physician may prescribe drugs that relate specifically to the
17 scope of practice authorized herein.

18 Section 2. Section 461.0145, Florida Statutes, is created
19 to read:

20 461.0145 Surgery.--

21 (1) A podiatric physician initially licensed after July 1,
22 2008 must not perform ankle surgery or Achilles tendon repair
23 unless the podiatric physician has completed a surgical
24 residency program of at least 36 months that has been approved
25 by the Council on Podiatric Medical Education. In addition, the
26 podiatric physician must:

27 (a) Obtain certification in reconstructive rearfoot or
28 ankle surgery from the American Board of Podiatric Surgery
29 within 3 years of completion of the surgical residency program
30 required in subsection (1).

31 (b) Biennially complete, as part of the continuing
32 education requirement under s. 461.007, 10 hours of continuing
33 education relating to ankle surgery and Achilles tendon repair.

34 (c) Perform ankle surgery or Achilles tendon repair only
35 in a hospital or ambulatory surgical center that is accredited
36 by the Joint Commission at which the podiatric physician has
37 surgical privileges to perform ankle surgery and Achilles tendon
38 repair. A podiatric physician who performs ankle surgery or
39 Achilles tendon repair at an ambulatory surgical center must
40 have surgical privileges to perform ankle surgery and Achilles
41 tendon repair at a hospital.

Amendment No. 1

42 (2) A podiatric physician must not perform surgery on
43 Pilon fractures or tibial fractures that do not enter the ankle
44 joint.

45 Section 3. This act shall take effect July 1, 2008.

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T I T L E A M E N D M E N T

Remove the entire title and insert:

A bill to be entitled

An act relating to podiatric medicine; amending s.
461.003, F.S.; redefining the term "practice of podiatric
medicine"; creating s. 461.0145, F.S.; prohibiting a
podiatric physician from performing ankle surgery unless
he or she meets certain requirements for education and
training; providing a period during which a licensed
podiatric physician must meet the eligibility requirements
in order to perform ankle surgery; providing accreditation
requirements for the hospital or ambulatory surgical
center at which ankle surgery is performed; prohibiting a
podiatric physician from performing surgery on certain
fractures; providing an effective date.

COUNCIL/COMMITTEE ACTION

ADOPTED	<u>Y</u> (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Health Quality Committee
2 Representative Cretul offered the following:

3
4 **Amendment to Amendment (1) by Representative Cretul**

5 Remove lines 43-44 and insert:

6 tibial fractures that do not enter the ankle joint or Pilon
7 fractures.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. 1B (for drafter's use only)

Bill No. 649

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION Y (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Health Quality Committee
2 Representative Skidmore offered the following:

3
4 **Amendment to Amendment (1) by Representative Cretul**

5 Remove line 24 and insert:

6 residency program of at least 24 months that has been approved
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COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	<u>Y</u>	(Y/N)
OTHER	—	

1 Council/Committee hearing bill: Health Quality Committee
2 Representative Skidmore offered the following:

3
4 **Amendment to Amendment (1) by Representative Cretul (with**
5 **title amendment)**

6 Remove lines 42-44
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12 **T I T L E A M E N D M E N T**

13 Remove lines 62-64 and insert:
14 center at which ankle surgery is performed; providing an
15 effective date.
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COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	<input checked="" type="checkbox"/>	(Y/N)
OTHER	—	

1 Council/Committee hearing bill: Health Quality Committee
2 Representative A. Gibson offered the following:

3
4 **Amendment to Amendment (1) by Representative Cretul**

5 Remove line 44 and insert:

6 joint, unless specifically trained in treating Pilon fractures
7 or tibial fractures by an internationally recognized training
8 program.

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Amendment No. 2 ✓

CHAMBER ACTION

Senate

House

ADOPTED

3-18-2008

1 Representative Homan offered the following:

2
3 **Substitute Amendment for Amendment (1) (with title**
4 **amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (5) of section 461.003, Florida
7 Statutes, is amended to read:

8 461.003 Definitions.--As used in this chapter:

9 (5) "Practice of podiatric medicine" means the diagnosis
10 or medical, surgical, palliative, and mechanical treatment of
11 ailments of the human foot and leg, ~~The surgical treatment of~~
12 ~~ailments of the human foot and leg shall be limited anatomically~~
13 to that part below the anterior tibial tubercle. The practice of
14 podiatric medicine includes ~~shall include~~ the amputation of the
15 toes or other parts of the foot but does ~~shall~~ not include the
16 amputation of the foot or leg in its entirety. A podiatric

Amendment No. 2

17 physician may prescribe drugs that relate specifically to the
18 scope of practice authorized herein.

19 Section 2. Section 461.0145, Florida Statutes, is created
20 to read:

21 461.0145 Surgery.--

22 (1) A podiatric physician initially licensed after July 1,
23 2010 must not perform ankle surgery or Achilles tendon repair
24 unless the podiatric physician has completed a surgical
25 residency program of at least 36 months that has been approved
26 by the Council on Podiatric Medical Education. In addition, the
27 podiatric physician must:

28 (a) Obtain certification in reconstructive rearfoot or
29 ankle surgery from the American Board of Podiatric Surgery
30 within 5 years of completion of the surgical residency program
31 required in subsection (1).

32 (b) Biennially complete, as part of the continuing
33 education requirement under s. 461.007, 10 hours of continuing
34 education relating to ankle surgery and Achilles tendon repair.

35 (c) Perform ankle surgery or Achilles tendon repair only
36 in a hospital or ambulatory surgical center that is accredited
37 by the Joint Commission or the American Osteopathic Association
38 at which the podiatric physician has surgical privileges to
39 perform ankle surgery and Achilles tendon repair. A podiatric
40 physician who performs ankle surgery or Achilles tendon repair
41 at an ambulatory surgical center must have surgical privileges
42 to perform ankle surgery and Achilles tendon repair at a
43 hospital.

Amendment No. 2

44 (2) A podiatric physician must not perform surgery on
45 tibial fractures that do not enter the ankle joint.

46 Section 3. This act shall take effect July 1, 2008.

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T I T L E A M E N D M E N T

Remove the entire title and insert:

 A bill to be entitled

An act relating to podiatric medicine; amending s. 461.003, F.S.; redefining the term "practice of podiatric medicine"; creating s. 461.0145, F.S.; prohibiting a podiatric physician from performing ankle surgery or Achilles tendon repair unless he or she meets certain requirements for education and training; providing a period during which a licensed podiatric physician must meet the eligibility requirements in order to perform ankle surgery or Achilles tendon repair; providing accreditation requirements for the hospital or ambulatory surgical center at which ankle surgery or Achilles tendon repair is performed; prohibiting a podiatric physician from performing surgery on a certain fracture; providing an effective date.

COMMITTEE MEETING REPORT

Committee on Health Quality

3/18/2008 8:00:00AM

Location: 306 HOB

HB 997 : Emergency Dispatchers

Favorable With Amendments (1)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Larry Cretul	X				
Audrey Gibson	X				
D. Alan Hays	X				
Doug Holder	X				
Matt Hudson	X				
Paige Kreegel	X				
Julio Robaina	X				
Robert Schenck			X		
Kelly Skidmore	X				
Darren Soto	X				
Gayle Harrell (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Appearances:

Emergency Dispatchers

Armand Nault -Wavied and Support (General Public) - Proponent

Professional Firefighters of Palm Beach County

2328 South Congress Avenue suite 2-C

West Palm Beach Florida 33406

Emergency Dispatchers

Richard Pinsky - Wavied and Support (Lobbyist) - Proponent

Florida 911 Emergency Dispatchers

811 Forest Hill Blvd.

West Palm Beach Florida 33405

Phone: 561-202-0990

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 997

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION Y (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

ADOPTED

3-18-08

1 Council/Committee hearing bill: Committee on Health Quality
2 Representative Domino offered the following:

3
4 **Amendment (with directory and title amendments)**

5 Remove lines 43-75 and insert:

6 (a) Any person who desires to be certified or recertified
7 as a 911 emergency dispatcher may apply to the department under
8 oath on forms provided by the department. The department shall
9 establish by rule educational and training criteria for the
10 certification and recertification of 911 emergency dispatchers.
11 The department shall determine whether the applicant meets the
12 requirements specified in this section and in rules of the
13 department and shall issue a certificate to any person who meets
14 such requirements. Such requirements must include, but need not
15 be limited to, the following requirements:

16 1. Completion of an appropriate 911 emergency dispatcher
17 training program that is equivalent to the most recently
18 approved emergency dispatcher course of the Department of
19 Education and that consists of not less than 208 hours;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

20 2. Completion and documentation of at least 2 years of
21 supervised full-time employment as a 911 emergency dispatcher
22 since January 1, 2002.

23 3. Certification under oath that the applicant is not
24 addicted to alcohol or any controlled substance;

25 4. Certification under oath that the applicant is free from
26 any physical or mental defect or disease that might impair the
27 applicant's ability to perform his or her duties;

28 5. Submission of the application fee prescribed in
29 subsection (3); and

30 6. Submission of a completed application to the department
31 which indicates compliance with subparagraphs 1., 2., 3., and 4.

32 (c) The department shall establish by rule a procedure for
33 the biennial renewal certification of 911 emergency dispatchers.

34 (d) Each 911 emergency dispatcher certificate expires
35 automatically if not renewed at the end of the 2-year period and
36 may be renewed if the holder

COMMITTEE MEETING REPORT

Committee on Health Quality

3/18/2008 8:00:00AM

Location: 306 HOB

HB 1035 : Human Immunodeficiency Virus Testing

Favorable With Amendments (1)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Larry Cretul				X	
Audrey Gibson	X				
D. Alan Hays	X				
Doug Holder	X				
Matt Hudson	X				
Paige Kreegel				X	
Julio Robaina	X				
Robert Schenck			X		
Kelly Skidmore	X				
Darren Soto	X				
Gayle Harrell (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

HIV TESTING

MARTHA DeCastro - Wavied & Support (Lobbyist) - Proponent

Florida Hospital Association
306 E College Avenue
Tallahassee Florida 32301
Phone: 850-222-9800

HIV TESTING

Stephen Cline (Lobbyist) - Proponent

Baptist Health of South Florida
108 E Jefferson Street, # B
Tallahassee Florida 32301
Phone: 850-681-0254

Amendment No. 1

CHAMBER ACTION

Senate

House

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ADOPTED
3-18-2008

1 Representative L. Garcia offered the following:

2

3 **Amendment**

4 Remove everything after the enacting clause and insert:

5 Section 1. Paragraph (h) of subsection (3) of section
6 381.004, Florida Statutes, is amended to read:

7 381.004 HIV testing.--

8 (3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED
9 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.--

10 (h) Notwithstanding the provisions of paragraph (a),
11 informed consent is not required:

12 1. When testing for sexually transmissible diseases is
13 required by state or federal law, or by rule including the
14 following situations:

15 a. HIV testing pursuant to s. 796.08 of persons convicted
16 of prostitution or of procuring another to commit prostitution.

Amendment No. 1

17 b. HIV testing of inmates pursuant to s. 945.355 prior to
18 their release from prison by reason of parole, accumulation of
19 gain-time credits, or expiration of sentence.

20 c. Testing for HIV by a medical examiner in accordance
21 with s. 406.11.

22 d. HIV testing of pregnant women pursuant to s. 384.31.

23 2. Those exceptions provided for blood, plasma, organs,
24 skin, semen, or other human tissue pursuant to s. 381.0041.

25 3. For the performance of an HIV-related test by licensed
26 medical personnel in bona fide medical emergencies when the test
27 results are necessary for medical diagnostic purposes to provide
28 appropriate emergency care or treatment to the person being
29 tested and the patient is unable to consent, as supported by
30 documentation in the medical record. Notification of test
31 results in accordance with paragraph (c) is required.

32 4. For the performance of an HIV-related test by licensed
33 medical personnel for medical diagnosis of acute illness where,
34 in the opinion of the attending physician, obtaining informed
35 consent would be detrimental to the patient, as supported by
36 documentation in the medical record, and the test results are
37 necessary for medical diagnostic purposes to provide appropriate
38 care or treatment to the person being tested. Notification of
39 test results in accordance with paragraph (c) is required if it
40 would not be detrimental to the patient. This subparagraph does
41 not authorize the routine testing of patients for HIV infection
42 without informed consent.

43 5. When HIV testing is performed as part of an autopsy for
44 which consent was obtained pursuant to s. 872.04.

Amendment No. 1

45 6. For the performance of an HIV test upon a defendant
46 pursuant to the victim's request in a prosecution for any type
47 of sexual battery where a blood sample is taken from the
48 defendant voluntarily, pursuant to court order for any purpose,
49 or pursuant to the provisions of s. 775.0877, s. 951.27, or s.
50 960.003; however, the results of any HIV test performed shall be
51 disclosed solely to the victim and the defendant, except as
52 provided in ss. 775.0877, 951.27, and 960.003.

53 7. When an HIV test is mandated by court order.

54 8. For epidemiological research pursuant to s. 381.0032,
55 for research consistent with institutional review boards created
56 by 45 C.F.R. part 46, or for the performance of an HIV-related
57 test for the purpose of research, if the testing is performed in
58 a manner by which the identity of the test subject is not known
59 and may not be retrieved by the researcher.

60 9. When human tissue is collected lawfully without the
61 consent of the donor for corneal removal as authorized by s.
62 765.5185 or enucleation of the eyes as authorized by s. 765.519.

63 10. For the performance of an HIV test upon an individual
64 who comes into contact with medical personnel in such a way that
65 a significant exposure has occurred during the course of
66 employment or within the scope of practice and where a blood
67 sample is available that was taken from that individual
68 voluntarily by medical personnel for other purposes. The term
69 "medical personnel" includes a licensed or certified health care
70 professional; an employee of a health care professional or
71 health care facility; employees of a laboratory licensed under
72 chapter 483; personnel of a blood bank or plasma center; a

Amendment No. 1

73 medical student or other student who is receiving training as a
74 health care professional at a health care facility; and a
75 paramedic or emergency medical technician certified by the
76 department to perform life-support procedures under s. 401.23.

77 a. Prior to performance of an HIV test on a voluntarily
78 obtained blood sample, the individual from whom the blood was
79 obtained shall be requested to consent to the performance of the
80 test and to the release of the results. If consent cannot be
81 obtained within the time period necessary to perform the HIV
82 test and begin prophylactic treatment of the exposed medical
83 personnel, ~~The individual's refusal to consent and all~~
84 information concerning the performance of an HIV test and any
85 HIV test result shall be documented only in the medical
86 personnel's record unless the individual gives written consent
87 to entering this information on the individual's medical record.

88 b. Reasonable attempts to locate the individual and to
89 obtain consent shall be made, and all attempts must be
90 documented. If the individual cannot be found or is unavailable,
91 an HIV test may be conducted on the available blood sample. If
92 the individual does not voluntarily consent to the performance
93 of an HIV test, the individual shall be informed that an HIV
94 test will be performed, and counseling shall be furnished as
95 provided in this section. However, HIV testing shall be
96 conducted only after appropriate medical personnel under the
97 supervision of a licensed physician ~~document documents,~~ in the
98 medical record of the medical personnel, that there has been a
99 significant exposure and that, in accordance with the written
100 protocols based on the National Centers for Disease Control and

Amendment No. 1

101 Prevention's guidelines on HIV post-exposure prophylaxis and in
102 the physician's medical judgment, the information is medically
103 necessary to determine the course of treatment for the medical
104 personnel.

105 c. Costs of any HIV test of a blood sample performed with
106 or without the consent of the individual, as provided in this
107 subparagraph, shall be borne by the medical personnel or the
108 employer of the medical personnel. However, costs of testing or
109 treatment not directly related to the initial HIV tests or costs
110 of subsequent testing or treatment may not be borne by the
111 medical personnel or the employer of the medical personnel.

112 d. In order to utilize the provisions of this
113 subparagraph, the medical personnel must either be tested for
114 HIV pursuant to this section or provide the results of an HIV
115 test taken within 6 months prior to the significant exposure if
116 such test results are negative.

117 e. A person who receives the results of an HIV test
118 pursuant to this subparagraph shall maintain the confidentiality
119 of the information received and of the persons tested. Such
120 confidential information is exempt from s. 119.07(1).

121 f. If the source of the exposure will not voluntarily
122 submit to HIV testing and a blood sample is not available, the
123 medical personnel or the employer of such person acting on
124 behalf of the employee may seek a court order directing the
125 source of the exposure to submit to HIV testing. A sworn
126 statement by a physician licensed under chapter 458 or chapter
127 459 that a significant exposure has occurred and that, in the
128 physician's medical judgment, testing is medically necessary to

Amendment No. 1

129 determine the course of treatment constitutes probable cause for
130 the issuance of an order by the court. The results of the test
131 shall be released to the source of the exposure and to the
132 person who experienced the exposure.

133 11. For the performance of an HIV test upon an individual
134 who comes into contact with medical personnel in such a way that
135 a significant exposure has occurred during the course of
136 employment or within the scope of practice of the medical
137 personnel while the medical personnel provides emergency medical
138 treatment to the individual; or, notwithstanding s. 384.287, an
139 individual who comes into contact with nonmedical personnel in
140 such a way that a significant exposure has occurred while the
141 nonmedical personnel provides emergency medical assistance
142 during a medical emergency. For the purposes of this
143 subparagraph, a medical emergency means an emergency medical
144 condition outside of a hospital or health care facility that
145 provides physician care. The test may be performed only during
146 the course of treatment for the medical emergency.

147 a. An individual who is capable of providing consent shall
148 be requested to consent to an HIV test prior to the testing. If
149 consent cannot be obtained within the time period necessary to
150 perform the HIV test and begin prophylactic treatment of the
151 exposed medical or nonmedical personnel ~~The individual's refusal~~
152 ~~to consent, and~~ all information concerning the performance of an
153 HIV test and its result, shall be documented only in the medical
154 personnel's record unless the individual gives written consent
155 to entering this information on the individual's medical record.

Amendment No. 1

156 b. HIV testing shall be conducted only after appropriate
157 medical personnel under the supervision of a licensed physician
158 document documents, in the medical record of the medical
159 personnel or nonmedical personnel, that there has been a
160 significant exposure and that, in accordance with the written
161 protocols based on the National Centers for Disease Control and
162 Prevention's guidelines on HIV post-exposure prophylaxis and in
163 the physician's medical judgment, the information is medically
164 necessary to determine the course of treatment for the medical
165 personnel or nonmedical personnel.

166 c. Costs of any HIV test performed with or without the
167 consent of the individual, as provided in this subparagraph,
168 shall be borne by the medical personnel or the employer of the
169 medical personnel or nonmedical personnel. However, costs of
170 testing or treatment not directly related to the initial HIV
171 tests or costs of subsequent testing or treatment may not be
172 borne by the medical personnel or the employer of the medical
173 personnel or nonmedical personnel.

174 d. In order to utilize the provisions of this
175 subparagraph, the medical personnel or nonmedical personnel
176 shall be tested for HIV pursuant to this section or shall
177 provide the results of an HIV test taken within 6 months prior
178 to the significant exposure if such test results are negative.

179 e. A person who receives the results of an HIV test
180 pursuant to this subparagraph shall maintain the confidentiality
181 of the information received and of the persons tested. Such
182 confidential information is exempt from s. 119.07(1).

Amendment No. 1

183 f. If the source of the exposure will not voluntarily
184 submit to HIV testing and a blood sample was not obtained during
185 treatment for the medical emergency, the medical personnel, the
186 employer of the medical personnel acting on behalf of the
187 employee, or the nonmedical personnel may seek a court order
188 directing the source of the exposure to submit to HIV testing. A
189 sworn statement by a physician licensed under chapter 458 or
190 chapter 459 that a significant exposure has occurred and that,
191 in the physician's medical judgment, testing is medically
192 necessary to determine the course of treatment constitutes
193 probable cause for the issuance of an order by the court. The
194 results of the test shall be released to the source of the
195 exposure and to the person who experienced the exposure.

196 12. For the performance of an HIV test by the medical
197 examiner or attending physician upon an individual who expired
198 or could not be resuscitated while receiving emergency medical
199 assistance or care and who was the source of a significant
200 exposure to medical or nonmedical personnel providing such
201 assistance or care.

202 a. HIV testing may be conducted only after appropriate
203 medical personnel under the supervision of a licensed physician
204 document, ~~documents~~ in the medical record of the medical
205 personnel or nonmedical personnel, that there has been a
206 significant exposure and that, in accordance with the written
207 protocols based on the National Centers for Disease Control and
208 Prevention's guidelines on HIV post-exposure prophylaxis and in
209 the physician's medical judgment, the information is medically

Amendment No. 1

210 necessary to determine the course of treatment for the medical
211 personnel or nonmedical personnel.

212 b. Costs of any HIV test performed under this subparagraph
213 may not be charged to the deceased or to the family of the
214 deceased person.

215 c. For the provisions of this subparagraph to be
216 applicable, the medical personnel or nonmedical personnel must
217 be tested for HIV under this section or must provide the results
218 of an HIV test taken within 6 months before the significant
219 exposure if such test results are negative.

220 d. A person who receives the results of an HIV test
221 pursuant to this subparagraph shall comply with paragraph (e).

222 13. For the performance of an HIV-related test medically
223 indicated by licensed medical personnel for medical diagnosis of
224 a hospitalized infant as necessary to provide appropriate care
225 and treatment of the infant when, after a reasonable attempt, a
226 parent cannot be contacted to provide consent. The medical
227 records of the infant shall reflect the reason consent of the
228 parent was not initially obtained. Test results shall be
229 provided to the parent when the parent is located.

230 14. For the performance of HIV testing conducted to
231 monitor the clinical progress of a patient previously diagnosed
232 to be HIV positive.

233 15. For the performance of repeated HIV testing conducted
234 to monitor possible conversion from a significant exposure.

235 Section 2. This act shall take effect July 1, 2008.

236

COMMITTEE MEETING REPORT

Committee on Health Quality

3/18/2008 8:00:00AM

Location: 306 HOB

HB 1281 : Medical Faculty Certificate

Favorable With Amendments

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Larry Cretul	X				
Audrey Gibson	X				
D. Alan Hays	X				
Doug Holder	X				
Matt Hudson	X				
Paige Kreegel			X		
Julio Robaina	X				
Robert Schenck			X		
Kelly Skidmore	X				
Darren Soto	X				
Gayle Harrell (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Amendment No. 1

CHAMBER ACTION

Senate

House

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ADOPTED

3-18-2008

Representative Hays offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsections (1) and (4) of section 458.3145, Florida Statutes, are amended to read:

458.3145 Medical faculty certificate.--

(1) A medical faculty certificate may be issued without examination to an individual who:

(a) Is a graduate of an accredited medical school or its equivalent, or is a graduate of a foreign medical school listed with the World Health Organization;

(b) Holds a valid, current license to practice medicine in another jurisdiction;

(c) Has completed the application form and remitted a nonrefundable application fee not to exceed \$500;

Amendment No. 1

17 (d) Has completed an approved residency or fellowship of
18 at least 1 year or has received training which has been
19 determined by the board to be equivalent to the 1-year residency
20 requirement;

21 (e) Is at least 21 years of age;

22 (f) Is of good moral character;

23 (g) Has not committed any act in this or any other
24 jurisdiction which would constitute the basis for disciplining a
25 physician under s. 458.331;

26 (h) For any applicant who has graduated from medical
27 school after October 1, 1992, has completed, before entering
28 medical school, the equivalent of 2 academic years of
29 preprofessional, postsecondary education, as determined by rule
30 of the board, which must include, at a minimum, courses in such
31 fields as anatomy, biology, and chemistry; and

32 (i) Has been offered and has accepted a full-time faculty
33 appointment to teach in a program of medicine at:

- 34 1. The University of Florida,
- 35 2. The University of Miami,
- 36 3. The University of South Florida,
- 37 4. The Florida State University, or
- 38 5. The Florida International University,
- 39 6. The University of Central Florida, or
- 40 7. The Mayo Medical School at the Mayo Clinic in
41 Jacksonville, Florida.

42 (4) In any year, the maximum number of extended medical
43 faculty certificateholders as provided in subsection (2) may not
44 exceed 15 persons at each institution named in

Amendment No. 1

45 subparagraphs(1)(i)1.-~~6~~-4. and at the facility named in s.
46 1004.43 and may not exceed 5 persons at the institution named in
47 subparagraph (1)(i)~~7~~-5.

48 Section 2. This act shall take effect July 1, 2008.
49
50
51

52 -----
53 **T I T L E A M E N D M E N T**

54 Remove the entire title and insert:

55 An act relating to medical faculty certificate; amending
56 s. 458.3145, F.S.; adding schools to the list of programs
57 at which medical faculty certificateholders may practice;
58 adding schools to the list of programs that are limited in
59 the number of medical faculty certificateholders per
60 school; providing an effective date.
61
62

COMMITTEE MEETING REPORT

Committee on Health Quality

3/18/2008 8:00:00AM

Location: 306 HOB

Workshop

HB 1011: Monitoring Controlled Substance Prescriptions

Appearances:

Chris Nuland (Lobbyist) - Proponent

Monitoring Controlled Substance

Florida Chapter, American College of Physicians

1000 Riverside Avenue #115

Jacksonville Florida 32204

Phone:904-355-1555

Gil Barnes (State Employee) - Proponent

Monitoring Controlled Substance

Governor's Office of Drug Control

2105 The Capitol

Tallahassee Florida 32399

Phone:850-922-0867

Michael Jackson (Lobbyist) - Information Only

Monitoring Controlled Substance

Florida Pharmacy Association

610 N Adams Street

Tallahassee Florida 32301

Phone:850-222-2400

Mike Zagorac (Lobbyist) - Information Only

Monitoring Controlled Substance

CVS/Caremark

13300 Indian Rocks Rd #1204

Largo Florida 33774

Phone:813-690-9772

Ron Book (Lobbyist) - Proponent

Monitoring Controlled Substance

United Way of Broward

209 S Adams Street

Tallahassee Florida 32301

Phone:850-224-3427

Steve Madden (Lobbyist) - Proponent

Monitoring Controlled Substance

McKesson/Relay Health

120 S Monroe Street

Tallahassee Florida 32301

Phone:850-671-4401

HB 1243: Public Records/DOH/Controlled Substances

COMMITTEE MEETING REPORT

Committee on Health Quality

3/18/2008 8:00:00AM

Location: 306 HOB

Appearances:

Curt Kiser (Lobbyist) - Opponent
Public Records/Dept of Health/Controlled Substances
Florida Press Association
5385 WPA Road
Lamont Florida 32336
Phone:850-425-5632

HB 385: Reproductive Health Services and Family Planning

Appearances:

Adrienne Kimmell (General Public) - Information Only
Reproductive Health Services and Family Planning
Florida Assoc. of Planned Parenthood Affiliates
6623 Gateway Avenue # A
Sarasota Florida 34231
Phone:941-923-5500

Christopher M Estes, MD (General Public) - Proponent
Reproductive Health Services and Family Planning
Self
1321 NW 14th street #201
Miami Florida 33136
Phone:305-325-1955

Karen Peterson (Lobbyist) - Opponent
Reproductive Health Services and Family Planning
Florida Hospital Association
306 E College Avenue
Tallahassee Florida 32301
Phone:850-222-9800

Michael Jackson (Lobbyist) - Information Only
Reproductive Health Services and Family Planning
Florida Pharmacy Association
610 N Adams Street
Tallahassee Florida 32301
Phone:850-222-2400

Michael Sheedy (Lobbyist) - Information Only
Reproductive Health Services and Family Planning
Florida Catholic Conference
201 W Park Avenue
Tallahassee Florida 32301
Phone:850-222-3803

HB 685: Practice of Medicine

House Bill 385 – Rep. Gibson
Relating to Reproductive Health Services and Family Planning

- Requires physicians, nurses, hospitals, and ambulatory surgical centers that provide care to a rape survivor to provide medically and factually accurate information regarding emergency birth control. If emergency birth control is requested, the physician or nurse must provide a “complete regimen” of emergency birth control.
- Requires the Department of Health to develop and provide information regarding emergency birth control to all emergency departments in the state, and to develop and post on its website information regarding a health care practitioner’s duty to provide emergency birth control to rape survivors.
- Requires that information provided to female victims of sexual assault must be medically and factually accurate and objective and be clearly written, readily comprehensible, and culturally appropriate.
- Imposes a fine of \$5,000 for a hospital or ambulatory surgical center that fails to provide medically and factually accurate information regarding emergency birth control to a rape survivor. After two violations, the hospital or ambulatory surgical center’s license must be suspended or revoked.
- Requires a pharmacy to provide an in-stock contraceptive to a customer who requests such contraceptive without delay. If the contraceptive is not in-stock, and the customer prefers to obtain the contraceptive through a referral or transfer, the pharmacy must locate a pharmacy of the customer's choice or the closest pharmacy confirmed to have the contraceptive in stock and refer the customer or transfer the prescription to that pharmacy. If the customer prefers that the pharmacy order the contraceptive, the pharmacy must obtain the contraceptive under the pharmacy's standard procedure for expedited ordering of medication and notify the customer when the contraceptive arrives.
- Requires a pharmacy to ensure that its employees do not:
 - Intimidate, threaten, or harass a customer in the delivery of services relating to a request for contraception;
 - Interfere with or obstruct the delivery of services relating to a request for contraception;
 - Intentionally misrepresent or deceive a customer about the availability of contraception or its mechanism of action;
 - Breach medical confidentiality with respect to a request for contraception or threaten to breach such confidentiality; or
 - Refuse to return a valid, lawful prescription for contraception upon customer request.
- States that a pharmacy is not prohibited from refusing to provide a contraceptive if:
 - If it is unlawful to dispense the contraceptive to the customer without a valid, lawful prescription and no such prescription is presented;

- If the customer is unable to pay for the contraceptive; or
 - If the employee of the pharmacy refuses to provide the contraceptive on the basis of a professional clinical judgment.
- States that a pharmacist or other person may refuse to furnish any contraceptive or family planning service, supplies, or information for religious reasons so long as the pharmacy ensures the customer receives the contraceptive without delay
 - Authorizes the department to impose a fine no greater than \$10,000 for a violation of the pharmacy provisions. The department may additionally deny or revoke the pharmacy's permit.
 - Authorizes a person injured by a violation of the bill to bring a civil action for compensatory and punitive damages as well as costs and fees.
 - Authorizes the Attorney General to bring a civil action in the name of the state on behalf of natural persons residing in the state.
 - Fiscal Comments: The bill appears to have an insignificant fiscal impact to the state; the department and the Agency for Health Care Administration could see an increase to revenue from assessment of fines on facilities and practitioners who fail to comply with the disclosure provisions outlined in the bill.
 - According to the department, the fiscal impact to develop, prepare, and produce informational materials to be disseminated to all emergency departments in the state is \$28,500 in the first year and approximately \$7,500 annually thereafter. Moreover, the department has included county health departments in the projection. If county health department's are not to be considered emergency departments, then the fiscal impact would be less.
 - According to the State Courts System, a fiscal impact can't be accurately determined at this moment due to the unavailability of data needed to establish the increase in judicial time resulting from the addition of the new civil cause of action for damages brought by persons injured or by the Attorney General on behalf of injured persons.

Strike-all

1 A bill to be entitled

2 An act relating to reproductive health services and family
3 planning; creating the "Prevention First Act"; providing
4 definitions; providing duties of licensed health care
5 practitioners and facilities relating to the treatment of
6 rape survivors; requiring the Department of Health to
7 provide certain information; requiring the Agency for
8 Health Care Administration to provide for enforcement and
9 impose penalties; defining the term "contraception";
10 specifying that the provision of contraception is not
11 subject to ch. 390, F.S., relating to the termination of
12 pregnancies; providing definitions; requiring licensed
13 pharmacies to dispense certain forms of contraception
14 without delay; specifying conditions under which a
15 pharmacy may refuse to provide a contraceptive; requiring
16 the Department of Health to investigate complaints
17 alleging a violation of certain provisions; providing for
18 an aggrieved person or the Attorney General to bring a
19 civil action; providing for penalties; providing for
20 severability; providing an effective date.

21
22 WHEREAS, although the Centers for Disease Control and
23 Prevention included family planning in its published list of Ten
24 Great Public Health Achievements in the 20th Century, the United
25 States still has one of the highest rates of unintended
26 pregnancies among industrialized nations, and

27 WHEREAS, the Legislature finds that family planning is basic
28 health care for women and that access to contraception helps
29 women prevent unintended pregnancy and control the timing and
30 spacing of planned births, and

Strike-all

31 WHEREAS, 46.3 percent of pregnancies among women in this
 32 state are unintended according to the Florida Pregnancy Risk
 33 Assessment Monitoring System initiated by the United States
 34 Centers for Disease Control and Prevention and the Florida
 35 Department of Health, and

36 WHEREAS, currently more than 1.7 million women in Florida
 37 are in need of contraceptive services and supplies, and

38 WHEREAS, the Legislature finds that the victimization of
 39 women through rape is compounded by the possibility that the rape
 40 survivors may suffer unintended pregnancies, and half of such
 41 pregnancies end in abortion, and

42 WHEREAS, women rely on prescription contraceptives for a
 43 range of medical purposes in addition to birth control, such as
 44 regulation of menstrual cycles and the treatment of
 45 endometriosis, and

46 WHEREAS, the Legislature further finds that providing access
 47 to family planning information, services, and birth control will
 48 prevent abortions and unintended pregnancies, thereby
 49 significantly reducing the number of women and teens who need
 50 medical assistance, Medicaid, Kidcare, and other social services,
 51 and

52 WHEREAS, the Legislature recognizes that the most recent
 53 study of women in need of family planning services by the Florida
 54 State University Center for Prevention and Early Intervention
 55 Policy found that only 26 percent of women in this state who are
 56 in need of such services are currently receiving them, and

57 WHEREAS, according to the Department of Health's Family
 58 Planning Program, for every dollar spent on family planning
 59 services, up to \$24 is saved as a result of averting expenditures
 60 for public programs that support women who have unintended

Strike-all

61 pregnancies and their infants; NOW, THEREFORE,

62

63 Be It Enacted by the Legislature of the State of Florida:

64

65 Section 1. This act may be cited as the "Prevention First
66 Act."

67 Section 2. Treatment for survivors of rape.--

68 (1) DEFINITIONS.--As used in this section, the term:

69 (a) "Agency" means the Agency for Health Care
70 Administration.

71 (b) "Care to a rape survivor" means medical examinations,
72 procedures, and services provided to a rape survivor.

73 (c) "Department" means the Department of Health.

74 (d) "Emergency Contraception" shall mean one or more
75 prescription drugs used separately or in combination to be
76 administered or self-administered by a patient to prevent
77 pregnancy within a medically recommended amount of time after
78 sexual intercourse and dispensed for that purpose, in accordance
79 with professional standards of practice, and determined to be
80 safe by the United States Food and Drug Administration.

81 (e) "Health care facility" means a facility licensed under
82 chapter 395, Florida Statutes.

83 (f) "Incest" means a sexual offense described in s. 826.04,
84 Florida Statutes.

85 (g) "Medically and factually accurate" means information
86 that is supported by the weight of research conducted in
87 compliance with accepted scientific methods and that is
88 recognized as accurate and objective by leading professional
89 organizations and agencies having relevant expertise in the
90 field.

Strike-all

91 (h) "Rape" means sexual battery as described in ss. 794.011
92 and 827.071, Florida Statutes.

93 (i) "Rape survivor" means a person who alleges or is
94 alleged to have been raped or who is the victim of alleged incest
95 and because of the alleged offense seeks treatment as a patient.

96 (2) DUTIES OF LICENSED PRACTITIONERS AND FACILITIES.--

97 (a) A health care practitioner licensed under chapter 458,
98 chapter 459, or chapter 464, Florida Statutes, or a health care
99 facility licensed under chapter 395, Florida Statutes, providing
100 care to a rape survivor shall:

101 1. Provide each female rape survivor with medically and
102 factually accurate, clear, and concise information concerning
103 emergency contraception, including its indications and
104 contraindications and the risks associated with its use.

105 2. Inform each female rape survivor of her medical option
106 to receive emergency birth control.

107 (b) If emergency contraception is requested, the health
108 care practitioner or health care facility shall immediately
109 provide the female rape survivor with the complete regimen of
110 emergency contraception.

111 (3) PATIENT INFORMATION.--

112 (a) The department shall:

113 1. Develop, prepare, and produce informational materials
114 relating to emergency contraception for the prevention of
115 pregnancy for distribution to and use in all emergency
116 departments in the state, in quantities sufficient to comply with
117 the requirements of this section, to the extent that funds are
118 available.

119 2. Develop, prepare, and post information on the
120 department's Internet website relating to the duty of licensed

Strike-all

121 health care practitioners and health care facilities to provide
122 emergency contraception to female rape survivors.

123 (b) Information provided to female rape survivors or female
124 victims of sexual assault must be:

125 1. Medically and factually accurate and objective.

126 2. Clearly written, readily comprehensible, and culturally
127 appropriate, as the department, in collaboration with community
128 sexual assault programs and other relevant stakeholders,
129 considers necessary to explain the nature of emergency
130 contraception, including its use, safety, efficacy, and
131 availability.

132 (4) ENFORCEMENT AND PENALTIES.-

133 (a) In addition to any other remedies provided by law, the agency
134 shall respond to complaints and shall periodically determine,
135 using all available investigative tools, whether a health care
136 facility is in compliance with this section. If the agency finds
137 that a health care facility is not in compliance with this
138 section, the agency shall:

139 (1) Impose a fine of \$5,000 per woman who is:

140 (a) denied medically and factually accurate and objective
141 information about emergency contraception;

142 (b) Not informed of her medical option to receive emergency
143 contraception; or

144 (c) Not provided the complete regimen of emergency
145 contraception, if emergency contraception is requested.

146 (2) Impose a fine of \$5,000 for failure to comply with subsection
147 (2). For every 30 days that a health care facility is not in
148 compliance with subsection (2), an additional fine of \$5,000
149 shall be imposed.

150 (b)The Secretary shall promulgate all such rules and regulations

Strike-all

151 as may be necessary and proper to implement the provisions of
152 this section.

153 Section 3. Section 390.011, Florida Statutes is amended to
154 include a new subsection (9) as follows:

155 (9) The term "contraception" means any drug or device
156 approved by the United States Food and Drug Administration to
157 prevent pregnancy.

158 Section 4. Section 390.026, Florida Statute is created to read as
159 follows:

160 Section 390.026. Access to contraception.--

161 The provision of contraception is not subject to or governed by
162 chapter 390, Florida Statutes.

163 Section 5. Section 465.190, Florida Statute is created to read as
164 follows:

165 Section 465.190. Patient protection.--

166 (1) DEFINITIONS.--As used in this section, the term:

167 (a) "Contraception" or "contraceptive" means any drug or
168 device approved by the United States Food and Drug Administration
169 to prevent pregnancy.

170 (b) "Employee" means a person hired, by contract or any
171 other form of agreement, by a pharmacy.

172 (c) "Pharmacist" means a person licensed under chapter 465,
173 Florida Statutes.

174 (d) "Pharmacy" means an entity that is authorized by the
175 state to engage in the business of selling prescription drugs at
176 retail and that employs one or more employees.

177 (e) "Product" means a drug or device approved by the United
178 States Food and Drug Administration.

179 (f) "Professional clinical judgment" means the use of
180 professional knowledge and skills to form a clinical judgment in

Strike-all

181 accordance with prevailing medical standards.

182 (e) "Without delay," with respect to a pharmacy providing,
183 providing a referral for, or ordering contraception, or
184 transferring a prescription for contraception, means within the
185 pharmacy's customary timeframe for providing, providing a
186 referral for, or ordering other products, or transferring the
187 prescription for other products.

188 (2) DUTIES OF LICENSED PHARMACIES.--

189 (a) If a customer requests a contraceptive that is in
190 stock, the pharmacy shall ensure that the contraceptive is
191 provided to the customer without delay.

192 (b) If a customer requests a contraceptive that is not in
193 stock and the pharmacy, in the normal course of business, stocks
194 contraceptives, the pharmacy shall immediately inform the
195 customer that the contraceptive is not in stock and without delay
196 offer the customer the following options:

197 1. If the customer prefers to obtain the contraceptive
198 through a referral or transfer, the pharmacy shall:

199 a. Locate a pharmacy of the customer's choice or the
200 closest pharmacy confirmed to have the contraceptive in stock;
201 and

202 b. Refer the customer or transfer the prescription to that
203 pharmacy.

204 2. If the customer prefers that the pharmacy order the
205 contraceptive, the pharmacist shall obtain the contraceptive
206 under the pharmacy's standard procedure for expedited ordering of
207 medication and notify the customer when the contraceptive
208 arrives.

209 (c) A pharmacy shall ensure that its employees do not:

210 1. Intimidate, threaten, or harass a customer in the

Strike-all

211 delivery of services relating to a request for contraception;

212 2. Interfere with or obstruct the delivery of services
213 relating to a request for contraception;

214 3. Intentionally misrepresent or deceive a customer about
215 the availability of contraception or its mechanism of action;

216 4. Breach medical confidentiality with respect to a request
217 for contraception or threaten to breach such confidentiality; or

218 5. Refuse to return a valid, lawful prescription for
219 contraception upon a customer's request.

220 (d) This section does not prohibit a pharmacy from refusing
221 to provide a contraceptive to a customer if:

222 1. It is unlawful to dispense the contraceptive to the
223 customer without a valid, lawful prescription and such
224 prescription is not presented;

225 2. The customer is unable to pay for the contraceptive; or

226 3. The employee of the pharmacy refuses to provide the
227 contraceptive on the basis of a professional clinical judgment.

228 (e) This section does not prevent a pharmacist or other
229 person from refusing to furnish any contraceptive or family
230 planning service, supplies, or information for religious reasons
231 so long as the pharmacy ensures that the customer receives the
232 contraceptive without delay and in compliance with this section.

233 (f) This section does not alter any standard established
234 under the Florida Civil Rights Act of 1992.

235 (g) Any person who believes that a violation of this
236 section has occurred may file a complaint with the Department of
237 Health. Within 30 days after receiving the complaint, the
238 department must investigate the complaint and determine whether a
239 violation occurred. If the department finds that a violation
240 occurred, the department shall impose a fine no greater than

Strike-all

241 \$10,000 or any other penalty in accordance with s. 456.072(2),
242 Florida Statutes. A pharmacy that violates this section is
243 subject to denial or revocation of a permit issued by the
244 department.

245 (h) Any person who has been injured by a violation of this
246 section may bring a civil action for compensatory and punitive
247 damages as well as the costs of the suit and reasonable fees for
248 attorneys and expert witnesses. With respect to compensatory
249 damages, the plaintiff may elect, at any time prior to the
250 rendering of final judgment, to recover, in lieu of actual
251 damages, an award of statutory damages in the amount of \$5,000.

252 (i) If the Attorney General has reasonable cause to believe
253 that any person or group of persons is being, has been, or may be
254 injured by conduct constituting a violation of this section, the
255 Attorney General may bring a civil action in the name of the
256 state, as parens patriae on behalf of natural persons residing in
257 the state. In such an action by the Attorney General, the court
258 may award appropriate relief, including compensatory damages and
259 civil penalties of not more than \$10,000 for each violation.

260 Section 6. If any provision of this act or the application
261 thereof to any person or circumstance is held invalid, the
262 invalidity does not affect other provisions or applications of
263 the act which can be given effect without the invalid provision
264 or application, and to this end the provisions of this act are
265 severable.

266 Section 7. This act shall take effect upon becoming a law.
267

House Bill 685 – Rep. Gonzalez Relating to Practice of Medicine

- Prohibits any United States citizen or resident who travels to Cuba to receive medical training or a medical degree from:
 - Undertaking his or her medical residency in Florida.
 - Being licensed to practice medicine in Florida.
 - Practicing medicine in any capacity in Florida.

- Provides an exemption for a native or citizen of Cuba who receives his or her medical training or degree in Cuba prior to immigrating to the United States

- Constitutional Issues: Legislation which singles out a class of persons for disparate treatment may implicate the Equal Protection Clause of the United States and Florida Constitutions.

- Fiscal Comments: The bill appears to have an insignificant fiscal impact to the state. The Board of Medicine may experience a minimal increase in workload associated with the investigation of the citizenship status of licensure applicants, but any increase can be absorbed within existing resources.

House Bill 1011 – Rep. Seiler
Relating to Monitoring Controlled Substance Prescriptions

- Creates an electronic monitoring system for the prescription of controlled substances listed in Schedules II, III, and IV, pursuant to chapter 893, F.S. The system must initially be implemented only in Broward and Palm Beach counties; the department is directed to expand the program to all remaining counties in accordance with a plan developed by the department.
- Requires a controlled substance listed in Schedule II, Schedule III, or Schedule IV dispensed in this state to be reported to the department no more than thirty-five days after each time the controlled substance is dispensed. The reporting does not apply if the controlled substance is:
 - Directly administered by a health care practitioner to the patient;
 - Dispensed directly to the patient by a health care practitioner for a treatment supply of no more than 72 hours;
 - Dispensed by a practitioner or pharmacist to an inpatient of a facility with an institutional pharmacy;
 - Ordered from an institutional pharmacy permitted under section 465.019, F.S.; or
 - Dispensed to a patient or resident receiving care from a hospital, nursing home, assisted living facility, home health agency, hospice, or intermediate care facility for the developmentally disabled
- Requires a dispenser to submit the information to the department in a written or electronic or other format determined by rule by the department.
- Authorizes the release of information to certain persons. Authorized persons may maintain the prescription information for up to a maximum of 2 years. If the information is pertinent to an ongoing investigation or prosecution it may be kept longer than 2 years.
- Imposes a first degree misdemeanor for any person who knowingly fails to report the dispensing of a controlled substance listed in Schedule II; Schedule III, or Schedule IV.
- Requires all costs incurred by the department in administering the prescription monitoring system to be paid through a grant applied for by the county or the state.
- Fiscal Comments: According to the department, it is currently unknown what grant funding, if any, is available, the amount of such funding, what requirements may need to be met to successfully obtain a grant, and what specific commodities/services may be funded by the grant. If the grant received is a federal grant, it is unlikely funding will be received prior to October 1, 2009, as the federal fiscal year begins October 1 of each year. This does not allow adequate time to bid the service and implement the system. The department estimates that expenditures will be \$4,800,173 in Fiscal Year 2008-09, \$3,233,305 in Fiscal Year 2009-10, and \$3,708,353 in Fiscal Year 2010-11.

House Bill 1243 – Rep. Seiler Relating to Public Records

- Creates a public records exemption for certain information stored in the proposed electronic monitoring system of Schedule II-IV prescription drugs created in House Bill 1011.
- Makes confidential and exempt information identifying information from public access, such as name, address, phone number, and social security number, as well as the patient's agent, a health care practitioner, a pharmacist, a pharmacist's agent, or pharmacy held in the electronic monitoring system.
- Authorizes the department to disclose confidential and exempt records to:
 - The Agency for Health Care Administration, when it has initiated a review of specific identifiers of Medicaid fraud and abuse.
 - A criminal justice agency that enforces laws relating to controlled substances that is engaged in a specific investigation involving a violation of law.
 - A practitioner or an employee of the practitioner, who requests such information and certifies that it is necessary to provide medical treatment to a current patient.
 - A pharmacist licensed in this state, or a pharmacy intern or pharmacy technician designated by the pharmacist, who requests information and certifies that it is to be used to dispense controlled substances to a current patient.
 - The patient who is identified in the record, upon a written request, for the purpose of verifying that information.
- Imposes a third degree felony for a person who willfully and knowingly violates the provisions of the bill.
- Provides for future review and repeal of the exemption on October 2, 2013, pursuant to the Open Government Sunset Review Act of 1995, s. 119.15, F.S.
- Fiscal Comments: The bill appears to have an insignificant fiscal impact to the state. There could be a minimal fiscal impact on agencies, because staff responsible for complying with public records requests could require training related to the expansion of the current public record exemption. In addition, agencies could incur minimal costs associated with redacting the confidential and exempt information prior to releasing a record.

COMMITTEE MEETING REPORT

Committee on Health Quality

3/18/2008 8:00:00AM

Location: 306 HOB

Appearances:

Jeff Scott -Wavied and Support (Lobbyist) - Proponent

Practice of Medicine
Florida Medical Association
123 S Adams Street
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Stephen R Winn - Wavied and Support (Lobbyist) - Proponent

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COMMITTEE MEETING REPORT

Committee on Health Quality

3/18/2008 8:00:00AM

Location: 306 HOB

Summary:

Committee on Health Quality

Tuesday March 18, 2008 08:00 am

HB 607	Favorable With Amendments (1)	Yeas: 9	Nays: 0
HB 649	Favorable With Amendments (1)	Yeas: 7	Nays: 2
HB 997	Favorable With Amendments (1)	Yeas: 10	Nays: 0
HB 1035	Favorable With Amendments (1)	Yeas: 8	Nays: 0
HB 1281	Favorable With Amendments	Yeas: 9	Nays: 0