

1 A bill to be entitled
 2 An act relating to prohibited acts by health care
 3 practitioners or physicians; amending s. 456.072,
 4 F.S.; prohibiting specified acts by health care
 5 practitioners or physicians relating to specialty
 6 designations; authorizing the Department of Health to
 7 enforce compliance with the act; authorizing the
 8 department to take specified action against health
 9 care practitioners or physicians in violation of the
 10 act; providing an effective date.

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

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14 Section 1. Paragraphs (a) and (t) of subsection (1) and
 15 subsection (2) of section 456.072, Florida Statutes, are amended
 16 to read:

17 456.072 Grounds for discipline; penalties; enforcement.—

18 (1) The following acts shall constitute grounds for which
 19 the disciplinary actions specified in subsection (2) may be
 20 taken:

21 (a) Making misleading, deceptive, or fraudulent
 22 representations in or related to the practice of the licensee's
 23 profession or specialty designation. The term "anesthesiologist"
 24 may be used only if the practitioner or physician is licensed
 25 under chapter 458 or chapter 459 or as a dentist under chapter

26 | 466, and the term "dermatologist" may be used only if the
 27 | practitioner or physician is licensed under chapter 458 or
 28 | chapter 459.

29 | (t) Failing to identify through written notice, which may
 30 | include the wearing of a name tag, or orally to a patient the
 31 | type of license or specialty designation under which the
 32 | practitioner is practicing. Any advertisement for health care
 33 | services naming the practitioner must identify the type of
 34 | license the practitioner holds. This paragraph does not apply to
 35 | a practitioner while the practitioner is providing services in a
 36 | facility licensed under chapter 394, chapter 395, chapter 400,
 37 | or chapter 429. The department shall enforce this paragraph ~~Each~~
 38 | ~~board, or the department where there is no board, is authorized~~
 39 | ~~by rule to determine how its practitioners may comply with this~~
 40 | ~~disclosure requirement.~~

41 | (2) (a) When the board, or the department when there is no
 42 | board, finds any person guilty of the grounds set forth in
 43 | subsection (1) or of any grounds set forth in the applicable
 44 | practice act, including conduct constituting a substantial
 45 | violation of subsection (1) or a violation of the applicable
 46 | practice act which occurred before ~~prior to~~ obtaining a license,
 47 | it may enter an order imposing one or more of the following
 48 | penalties:

49 | 1. ~~(a)~~ Refusal to certify, or to certify with restrictions,
 50 | an application for a license.

51 ~~2.(b)~~ Suspension or permanent revocation of a license.

52 ~~3.(e)~~ Restriction of practice or license, including, but
53 not limited to, restricting the licensee from practicing in
54 certain settings, restricting the licensee to work only under
55 designated conditions or in certain settings, restricting the
56 licensee from performing or providing designated clinical and
57 administrative services, restricting the licensee from
58 practicing more than a designated number of hours, or any other
59 restriction found to be necessary for the protection of the
60 public health, safety, and welfare.

61 ~~4.(d)~~ Imposition of an administrative fine not to exceed
62 \$10,000 for each count or separate offense. If the violation is
63 for fraud or making a false or fraudulent representation, the
64 board, or the department if there is no board, must impose a
65 fine of \$10,000 per count or offense.

66 ~~5.(e)~~ Issuance of a reprimand or letter of concern.

67 ~~6.(f)~~ Placement of the licensee on probation for a period
68 of time and subject to such conditions as the board, or the
69 department when there is no board, may specify. Those conditions
70 may include, but are not limited to, requiring the licensee to
71 undergo treatment, attend continuing education courses, submit
72 to be reexamined, work under the supervision of another
73 licensee, or satisfy any terms which are reasonably tailored to
74 the violations found.

75 ~~7.(g)~~ Corrective action.

76 ~~8.(h)~~ Imposition of an administrative fine in accordance
77 with s. 381.0261 for violations regarding patient rights.

78 ~~9.(i)~~ Refund of fees billed and collected from the patient
79 or a third party on behalf of the patient.

80 ~~10.(j)~~ Requirement that the practitioner undergo remedial
81 education.

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83 In determining what action is appropriate, the board, or
84 department when there is no board, must first consider what
85 sanctions are necessary to protect the public or to compensate
86 the patient. Only after those sanctions have been imposed may
87 the disciplining authority consider and include in the order
88 requirements designed to rehabilitate the practitioner. All
89 costs associated with compliance with orders issued under this
90 subsection are the obligation of the practitioner.

91 (b) When the department finds that a practitioner or
92 physician has violated paragraph (1)(a), the department must
93 issue to the practitioner or physician a notice to cease and
94 desist. The department must send the notice to cease and desist
95 to the practitioner or physician by certified mail and e-mail to
96 the practitioner's or physician's physical address and e-mail
97 address of record on file with the department and to any other
98 mailing address or e-mail address through which the department
99 believes the practitioner or physician may be reached.

100 Section 2. This act shall take effect upon becoming a law.