

1 A bill to be entitled
2 An act relating to naturopathic medicine;
3 redesignating the title of ch. 462, F.S., from
4 "Naturopathy" to "Naturopathic Medicine"; creating s.
5 462.001, F.S.; providing legislative findings and
6 purpose; creating s. 462.002, F.S.; providing
7 applicability and construction; renumbering and
8 amending s. 462.01, F.S.; revising and defining terms;
9 creating s. 462.004, F.S.; creating the Board of
10 Naturopathic Medicine within the Department of Health;
11 providing for membership of the board; requiring the
12 board, in conjunction with the department, to
13 establish a disciplinary training program for board
14 members; providing requirements for the program;
15 providing that board members may not participate in
16 probable cause panels or disciplinary decisions unless
17 they have completed the training program; requiring
18 board members appointed to probable cause panels to
19 attempt to complete their work on every case presented
20 to them; authorizing board members to reconvene a
21 probable cause panel under certain circumstances;
22 providing applicability; renumbering and amending s.
23 462.023, F.S.; authorizing the board to adopt rules;
24 deleting obsolete language; creating s. 462.006, F.S.;
25 prohibiting certain unlicensed persons from practicing

26 | naturopathic medicine or promoting, identifying, or
27 | describing themselves using specified titles or
28 | abbreviations; providing construction; creating ss.
29 | 462.007 and 462.008, F.S.; providing for licensure by
30 | examination and by endorsement, respectively, of
31 | naturopathic physicians; requiring the department and
32 | the board to use an investigative process to ensure
33 | that applicants meet the applicable criteria;
34 | authorizing the State Surgeon General or her or his
35 | designee to issue a 90-day licensure delay under
36 | certain circumstances; providing construction;
37 | prohibiting the board from certifying for licensure
38 | certain applicants until a certain investigation is
39 | completed; providing applicability; prohibiting the
40 | department from issuing a license to certain
41 | applicants until the board has reviewed the
42 | application and certified the applicant for licensure;
43 | authorizing the board to enter an order imposing
44 | certain sanctions against or conditions on an
45 | applicant for licensure under certain circumstances;
46 | renumbering and amending s. 462.08, F.S.; revising
47 | requirements for licensure renewal for naturopathic
48 | physicians; requiring the department to adopt rules;
49 | renumbering and amending s. 462.18, F.S.; revising
50 | continuing education requirements for naturopathic

51 physicians; requiring naturopathic physicians to use
52 the department's electronic continuing education
53 tracking system to demonstrate compliance with
54 continuing education requirements; renumbering and
55 amending s. 462.19, F.S.; revising provisions related
56 to reactivation of inactive naturopathic physician
57 licenses; requiring the board to adopt rules relating
58 to the reactivation of inactive licenses; providing
59 requirements for the rules; authorizing the board to
60 adopt rules to determine certain fees; prohibiting the
61 department from reactivating a license until certain
62 conditions have been met; renumbering and amending s.
63 462.11, F.S.; conforming a provision to changes made
64 by the act; creating s. 462.014, F.S.; requiring the
65 board to adopt rules providing for the handling of
66 medical records by licensed naturopathic physicians;
67 providing requirements for such rules; creating s.
68 462.015, F.S.; providing financial responsibility
69 requirements as a condition of licensure for
70 naturopathic physicians; providing exemptions from
71 such requirements; requiring certain insuring entities
72 to promptly notify the department of a naturopathic
73 physician's cancellation or nonrenewal of insurance;
74 requiring the department to suspend the license of a
75 naturopathic physician under certain circumstances

76 | until the licensee demonstrates compliance with
77 | specified requirements; providing applicability;
78 | requiring certain naturopathic physicians to provide a
79 | specified notice to their patients; providing
80 | requirements for the notice; providing for permanent
81 | disqualification from any exemption from the financial
82 | responsibility requirements, and for disciplinary
83 | action, for specified conduct; requiring certain
84 | naturopathic physicians to notify the department in
85 | writing of any change in circumstance and demonstrate
86 | compliance with certain requirements; requiring the
87 | department to suspend the license of a naturopathic
88 | physician under certain circumstances until certain
89 | requirements are met; providing applicability;
90 | requiring the board to adopt rules; renumbering and
91 | amending s. 462.13, F.S.; conforming a provision to
92 | changes made by the act; renumbering and amending s.
93 | 462.14, F.S.; revising grounds for disciplinary
94 | action; providing construction; providing for
95 | disciplinary actions by the board and department;
96 | providing for the standard of proof in certain
97 | administrative actions; providing requirements for the
98 | reinstatement of a license for certain persons;
99 | providing requirements for disciplinary guidelines
100 | adopted by the board; providing requirements and

101 procedures for the department's receipt of certain
102 closed claims and reports involving a licensed
103 naturopathic physician; authorizing the department to
104 bring an action to enjoin a naturopathic physician
105 from providing medical services under certain
106 circumstances; requiring the department to promptly
107 furnish certain documents to a naturopathic physician
108 or her or his attorney upon undertaking an
109 investigation of the naturopathic physician;
110 authorizing a naturopathic physician who is the
111 subject of such investigation to submit a written
112 response within a specified timeframe; requiring the
113 response to be considered by the probable cause panel,
114 if held on the matter; creating s. 462.018, F.S.;
115 prohibiting licensed naturopathic physicians from
116 holding themselves out as board-certified specialists
117 unless certified by the board regulating such
118 specialty; authorizing licensed naturopathic
119 physicians to accurately indicate or state which
120 services or types of services they provide within the
121 scope of practice of naturopathic medicine;
122 renumbering and amending s. 462.17, F.S.; providing
123 criminal penalties for specified violations relating
124 to the practice of naturopathic medicine; creating s.
125 462.024, F.S.; providing that patients are responsible

126 for advising treating health care practitioners about
127 any legend drugs, nutrients, or natural medicinal
128 substances that a naturopathic physician has
129 prescribed or recommended to the patient; requiring
130 naturopathic physicians to advise their patients of
131 such responsibility; creating a rebuttable presumption
132 that certain injuries sustained by a patient are
133 caused by her or his failure to disclose such
134 information as required; providing for the rebuttal of
135 such presumption under certain circumstances;
136 providing construction; providing that a naturopathic
137 physician is not required to confirm whether a patient
138 has disclosed this information to another treating
139 health care practitioner; creating s. 462.025, F.S.;
140 establishing the Naturopathic Medical Formulary
141 Council, separate and distinct from the board;
142 providing for membership of the council; requiring the
143 council to establish the Naturopathic Medical
144 Formulary; providing requirements for the formulary;
145 requiring the council to review the formulary annually
146 and at any time upon board request; providing that
147 naturopathic physicians may prescribe, administer, and
148 dispense only those drugs included in the formulary;
149 providing construction; creating s. 462.026, F.S.;
150 providing severability; renumbering s. 462.09, F.S.,

151 relating to disposition of fees; repealing s. 462.16,
 152 F.S., relating to reissue of license; repealing s.
 153 462.2001, F.S., relating to saving clause; amending s.
 154 921.0022, F.S.; conforming a cross-reference;
 155 providing an effective date.

156
 157 Be It Enacted by the Legislature of the State of Florida:

158
 159 Section 1. Chapter 462, Florida Statutes, entitled
 160 "Naturopathy," is redesignated as "Naturopathic Medicine."

161 Section 2. Section 462.001, Florida Statutes, is created
 162 to read:

163 462.001 Legislative findings; purpose.—

164 (1) The Legislature finds that a significant number of
 165 this state's residents choose naturopathic medicine for their
 166 health care needs, and the Legislature acknowledges that
 167 naturopathic medicine is a distinct health care profession that
 168 affects the public health, safety, and welfare and contributes
 169 to freedom of choice in health care.

170 (2) The purpose of this chapter is to provide standards
 171 for the licensing and regulation of naturopathic physicians in
 172 order to protect the public health, safety, and welfare; to
 173 ensure that naturopathic health care provided by qualified
 174 naturopathic physicians is available to residents of this state;
 175 and to provide a means of identifying qualified naturopathic

HB 843

2024

176 physicians.

177 Section 3. Section 462.002, Florida Statutes, is created
178 to read:

179 462.002 Exceptions.—

180 (1) This chapter does not apply to:

181 (a) Other duly licensed health care practitioners acting
182 within their scopes of practice, as authorized by statute.

183 (b) Students practicing under the direct supervision of a
184 licensed naturopathic physician as part of a preceptorship
185 program while enrolled in a college or university program that
186 is accredited by, or has candidacy status with, the Council on
187 Naturopathic Medical Education or an equivalent accrediting body
188 for the naturopathic medical profession which is recognized by
189 the United States Department of Education and the board.

190 (c) Naturopathic residents practicing under the direct
191 supervision of a licensed naturopathic physician at a residency
192 site recognized by the Council on Naturopathic Medical Education
193 or by an equivalent accrediting body for the naturopathic
194 medical profession which is recognized by the United States
195 Department of Education and the board.

196 (d) The practice of the religious tenets of any church in
197 this state.

198 (e) The domestic administration of recognized family
199 remedies.

200 (2) This chapter may not be construed to prohibit any

201 service rendered by a person if such service is rendered under
 202 the direct supervision and control of a licensed naturopathic
 203 physician who is available if needed, provides specific
 204 direction for any service to be performed, and gives final
 205 approval for all services performed.

206 Section 4. Section 462.01, Florida Statutes, is renumbered
 207 as section 462.003, Florida Statutes, and amended to read:

208 462.003 ~~462.01~~ Definitions.—As used in this chapter, the
 209 term:

210 (1) "Board" means the Board of Naturopathic Medicine
 211 "Natureopathy" and "Naturopathy" shall be construed as
 212 ~~synonymous terms and mean the use and practice of psychological,~~
 213 ~~mechanical, and material health sciences to aid in purifying,~~
 214 ~~cleansing, and normalizing human tissues for the preservation or~~
 215 ~~restoration of health, according to the fundamental principles~~
 216 ~~of anatomy, physiology, and applied psychology, as may be~~
 217 ~~required. Naturopathic practice employs, among other agencies,~~
 218 ~~phytotherapy, dietetics, psychotherapy, suggestotherapy,~~
 219 ~~hydrotherapy, zone therapy, biochemistry, external applications,~~
 220 ~~electrotherapy, mechanotherapy, mechanical and electrical~~
 221 ~~appliances, hygiene, first aid, sanitation, and heliotherapy;~~
 222 ~~provided, however, that nothing in this chapter shall be held or~~
 223 ~~construed to authorize any naturopathic physician licensed~~
 224 ~~hereunder to practice materia medica or surgery or chiropractic~~
 225 ~~medicine, nor shall the provisions of this law in any manner~~

226 ~~apply to or affect the practice of osteopathic medicine,~~
227 ~~chiropractic medicine, Christian Science, or any other treatment~~
228 ~~authorized and provided for by law for the cure or prevention of~~
229 ~~disease and ailments.~~

230 (2) "Department" means the Department of Health.

231 (3) "Division" means the Division of Medical Quality
232 Assurance of the department.

233 (4) "Legend drug" has the same meaning as "prescription
234 drug" as defined in s. 499.003.

235 (5) "Naturopathic doctoral degree" means the "Doctor of
236 Naturopathic Medicine," "Doctor of Naturopathy," or "Diploma of
237 Naturopathic Medicine" degree, designated as "N.D." or "N.M.D.,"
238 from a college or university that is accredited by, or has
239 candidacy with, the Council on Naturopathic Medical Education or
240 an equivalent accrediting body for the naturopathic medical
241 profession which is recognized by the United States Department
242 of Education and the board. When referring to a naturopathic
243 school of medicine degree, each of these degrees must be
244 construed as equivalent to each other.

245 (6) "Naturopathic Medical Formulary" or "formulary" means
246 the Naturopathic Medical Formulary established under s. 462.025,
247 which authorizes licensed naturopathic physicians to prescribe,
248 dispense, and administer specific legend drugs that are
249 consistent with the practice of naturopathic medicine.

250 (7) "Naturopathic physician" means a person licensed to

251 practice naturopathic medicine under this chapter.

252 (8) "Naturopathic therapeutic order" means a set of
253 guidelines to help naturopathic physicians completely resolve a
254 patient's symptoms and address the underlying cause while using
255 the least force necessary.

256 (9) (a) "Practice of naturopathic medicine" means the
257 diagnosis, prevention, treatment, and prescription of lifestyle
258 change, natural medicines, including vitamins, minerals, dietary
259 supplements, botanical medicines, medicinal fungi, and
260 homeopathic medicines, and legend drugs as specified by the
261 Naturopathic Medical Formulary established under s. 462.025
262 which are provided and administered, through the appropriate
263 route of administration, by a naturopathic physician for
264 preventative and therapeutic purposes for any human disease,
265 pain, injury, deformity, or other physical or mental condition;
266 which is based on and consistent with the naturopathic
267 educational standards and requirements of the Council on
268 Naturopathic Medical Education or an equivalent accrediting body
269 for the naturopathic medical profession which is recognized by
270 the United States Department of Education and the board; and
271 which emphasizes the importance of the principles of
272 naturopathic medicine and the naturopathic therapeutic order in
273 the maintenance and restoration of health.

274 (b) The term does not include any of the following:

275 1. Prescribing, dispensing, or administering any legend

276 drug other than those authorized under the Naturopathic Medical
 277 Formulary established under s. 462.025.
 278 2. Performing any surgical procedure.
 279 3. Practicing or claiming to practice as a medical doctor
 280 or physician, an osteopathic physician, a dentist, a podiatric
 281 physician, an optometrist, a psychologist, a nurse practitioner,
 282 a physician assistant, a chiropractic physician, a physical
 283 therapist, an acupuncturist, a midwife, or any other health care
 284 practitioner as defined in s. 456.001.
 285 4. Using general or spinal anesthetics.
 286 5. Administering ionizing radioactive substances.
 287 6. Performing chiropractic or osteopathic adjustments or
 288 manipulations that include high-velocity thrusts at or beyond
 289 the end range of normal joint motion, unless the naturopathic
 290 physician is also licensed as a chiropractic physician or an
 291 osteopathic physician.
 292 7. Performing acupuncture, unless the naturopathic
 293 physician is also licensed as an acupuncturist.
 294 8. Prescribing, dispensing, or administering for cosmetic
 295 purposes any nonprescription drug or legend drug listed in the
 296 Naturopathic Medical Formulary.
 297 (10) "Preceptorship program" means a component of a
 298 naturopathic doctoral degree program which allows naturopathic
 299 medical students to observe health care practitioners while
 300 attending patients, giving naturopathic medical students a wide

301 variety of experiences in different health care settings in
 302 order to develop clinical knowledge, attitudes, and skills
 303 relevant to the role of a naturopathic physician.

304 (11) "Principles of naturopathic medicine" means the
 305 foundations of naturopathic medical education and practice as
 306 set forth by the American Association of Naturopathic
 307 Physicians, including all of the following principles:

308 (a) The healing power of nature.

309 (b) Identify and treat the causes.

310 (c) First do no harm.

311 (d) Doctor as teacher.

312 (e) Treat the whole person.

313 (f) Prevention.

314 Section 5. Section 462.004, Florida Statutes, is created
 315 to read:

316 462.004 Board of Naturopathic Medicine.—

317 (1) There is created within the department the Board of
 318 Naturopathic Medicine, composed of seven members appointed by
 319 the Governor and confirmed by the Senate.

320 (2) (a) Five members of the board must be licensed
 321 naturopathic physicians in good standing in this state who are
 322 residents of this state.

323 (b) Two members must be residents of this state who are
 324 not, and have never been, licensed health care practitioners.

325 (c) At least one member must be 55 years of age or older.

326 (3) For the purpose of staggering terms, the Governor
327 shall initially appoint to the board three members for terms of
328 4 years each, two members for terms of 3 years each, and two
329 members for terms of 2 years each. As the terms of board members
330 expire, the Governor shall appoint successors for terms of 4
331 years, and such members shall serve until their successors are
332 appointed.

333 (4) The board, in conjunction with the department, shall
334 establish a disciplinary training program for members of the
335 board. The program must provide for initial and, thereafter,
336 periodic training on the grounds for disciplinary action, the
337 actions that may be taken by the board and the department,
338 changes in relevant statutes and rules, and any relevant
339 judicial and administrative decisions. A member of the board may
340 not participate on a probable cause panel or in a disciplinary
341 decision of the board unless she or he has completed the
342 disciplinary training program.

343 (5) During the terms of service of members of the board on
344 a probable cause panel, such members shall attempt to complete
345 their work on every case presented to them. If consideration of
346 a case has begun but is not completed during the terms of
347 service of the board members on the panel, the board members may
348 reconvene as a probable cause panel for the purpose of
349 completing their deliberations on that case.

350 (6) All provisions of chapter 456 relating to activities

351 of boards apply to the board.

352 Section 6. Section 462.023, Florida Statutes, is
 353 renumbered as section 462.005, Florida Statutes, and amended to
 354 read:

355 462.005 ~~462.023~~ Rulemaking authority; powers and duties of
 356 the board department.—The board department may adopt ~~such~~ rules
 357 pursuant to ss. 120.536(1) and 120.54 to implement the
 358 provisions of this chapter conferring duties upon it and ~~as are~~
 359 ~~necessary~~ to carry out the purposes of this chapter, may
 360 initiate disciplinary action as provided by this chapter, and
 361 shall establish fees based on its estimates of the revenue
 362 required to administer this chapter but shall not exceed the fee
 363 amounts provided in this chapter. ~~The department shall not adopt~~
 364 ~~any rules which would cause any person who was not licensed in~~
 365 ~~accordance with this chapter on July 1, 1959, and had not been a~~
 366 ~~resident of the state for 2 years prior to such date, to become~~
 367 ~~licensed.~~

368 Section 7. Section 462.006, Florida Statutes, is created
 369 to read:

370 462.006 License required.—Unless licensed under this
 371 chapter, a person may not practice naturopathic medicine in this
 372 state and may not promote, identify, or describe himself or
 373 herself as a "doctor of naturopathic medicine," a "naturopathic
 374 doctor," a "doctor of naturopathy," or a "naturopathic
 375 physician" or use the abbreviations "N.D." or "N.M.D." However,

376 this section may not be construed to prohibit any person
 377 licensed in this state under any other law from engaging in the
 378 practice for which she or he is licensed.

379 Section 8. Section 462.007, Florida Statutes, is created
 380 to read:

381 462.007 Licensure by examination.—

382 (1) Any person desiring to be licensed as a naturopathic
 383 physician must apply to the department on forms furnished by the
 384 department. The department shall license each applicant who
 385 completes the application form and who the board certifies has
 386 met all of the following criteria:

387 (a) Is at least 21 years of age.

388 (b) Has received a bachelor's degree from one of the
 389 following:

390 1. A college or university accredited by an accrediting
 391 agency recognized by the United States Department of Education
 392 or the Council for Higher Education Accreditation or its
 393 successor entity.

394 2. A college or university in Canada which is a member of
 395 Universities Canada.

396 3. A college or university in a foreign country and has
 397 provided evidence that her or his educational credentials are
 398 deemed equivalent to those provided in this country. To have
 399 educational credentials deemed equivalent, the applicant must
 400 provide her or his foreign educational credentials, including

401 transcripts, course descriptions or syllabi, and diplomas, to a
402 nationally recognized educational credential evaluating agency
403 approved by the board for the evaluation and determination of
404 equivalency of the foreign educational credentials.

405 (c) Has received a naturopathic doctoral degree from a
406 college or program accredited by the Council on Naturopathic
407 Medical Education or another accrediting agency recognized by
408 the United States Department of Education.

409 (d) Is physically and mentally fit to practice as a
410 naturopathic physician.

411 (e) Is of good moral character and has not:

412 1. Committed any act or offense in this or any other
413 jurisdiction which would constitute the basis for disciplining a
414 naturopathic physician pursuant to s. 462.017.

415 2. Had an application for licensure in any profession
416 denied or had her or his license to practice any profession
417 revoked or suspended by any other state, district, or territory
418 of the United States or another country for reasons that relate
419 to her or his ability to practice skillfully and safely as a
420 naturopathic physician.

421 3. Been found guilty of a felony.

422

423 The board and the department shall ensure that applicants for
424 licensure meet the criteria of this paragraph by independently
425 verifying the provided information through the department's

426 investigative process.

427 (f) Has submitted to the department a set of fingerprints
428 on a form and in accordance with procedures specified by the
429 department under s. 456.039(4), along with payment in an amount
430 equal to the costs incurred by the department for the criminal
431 background check of the applicant.

432 (g) Has demonstrated compliance with the financial
433 responsibility requirements imposed under s. 462.015.

434 (h) Has obtained a passing score, as determined by board
435 rule, on Part I - Biomedical Science Examination, Part II - Core
436 Clinical Science Examination, and Part II - Clinical Elective
437 Pharmacology Examination of the competency-based national
438 Naturopathic Physician Licensing Examination administered by the
439 North American Board of Naturopathic Examiners, or an equivalent
440 examination offered by an equivalent or successor entity, as
441 approved by the board.

442 (2) The department and the board shall ensure that
443 applicants for licensure satisfy applicable criteria in this
444 section through an investigative process. If the investigative
445 process is not completed within the timeframe established in s.
446 120.60(1) and the department or board has reason to believe that
447 the applicant does not meet such criteria, the State Surgeon
448 General or her or his designee may issue a 90-day licensure
449 delay, which must be in writing and sufficient to notify the
450 applicant of the reason for the delay. This subsection prevails

HB 843

2024

451 over any conflicting provisions of s. 120.60(1).

452 (3) The board may not certify to the department for
453 licensure any applicant who is under investigation in another
454 jurisdiction for an offense that would constitute a violation of
455 this chapter or chapter 456 until the investigation has been
456 completed. Upon completion of the investigation, s. 462.017
457 applies.

458 (4) (a) The department may not issue a license to any
459 individual who has committed an act or offense in any
460 jurisdiction which would constitute the basis for disciplining a
461 naturopathic physician under s. 462.017 until the board has
462 reviewed the application and certified the applicant for
463 licensure.

464 (b) If the board finds that an applicant for licensure has
465 committed an act or offense in any jurisdiction which would
466 constitute the basis for disciplining a naturopathic physician
467 under s. 462.017, the board may enter an order imposing one or
468 more of the sanctions set forth in that section and s.
469 456.072(2) as applicable to applicants for licensure, including
470 refusing to certify an application for licensure or certifying
471 an application for licensure with conditions.

472 (5) If the board determines that an applicant for
473 licensure has failed to meet, to the board's satisfaction, any
474 of the requirements of this section, it may enter an order
475 imposing one or more of the following:

476 (a) Refusal to certify to the department an application
 477 for licensure.

478 (b) Certification to the department of an application for
 479 licensure with restrictions on the scope of practice of the
 480 naturopathic physician.

481 (c) Certification to the department of an application for
 482 licensure with a probationary period for the applicant, subject
 483 to such conditions as the board specifies, including, but not
 484 limited to, requiring the naturopathic physician to submit to
 485 treatment, attend continuing education courses, submit to
 486 reexamination, or work under the supervision of another
 487 naturopathic physician.

488 Section 9. Section 462.008, Florida Statutes, is created
 489 to read:

490 462.008 Licensure by endorsement.—

491 (1) Any person licensed to practice naturopathic medicine
 492 in another state or territory of the United States or in Canada
 493 who desires to be licensed as a naturopathic physician in this
 494 state must apply to the department on forms furnished by the
 495 department. The department shall issue a license by endorsement
 496 to any applicant who completes the application form and who the
 497 board certifies has met all of the following criteria:

498 (a) Has met the qualifications for licensure established
 499 in s. 462.007(1) (a) - (g) .

500 (b)1. Has submitted evidence of holding an active license

501 to practice naturopathic medicine in another state or territory
502 of the United States or in Canada for at least the 5 years
503 immediately preceding the filing of her or his application; or

504 2. If an applicant has held an active license to practice
505 naturopathic medicine in another state or territory of the
506 United States or in Canada for less than the 5 years immediately
507 preceding the filing of her or his application, has obtained a
508 passing score on the national licensing examination, as
509 specified in s. 462.007(1)(h), within the year immediately
510 preceding the filing of the application.

511 (2) The department and the board shall ensure that
512 applicants for licensure by endorsement meet applicable criteria
513 in this section through an investigative process. When the
514 investigative process is not completed within the timeframe
515 established in s. 120.60(1) and the department or board has
516 reason to believe that the applicant does not meet the criteria,
517 the State Surgeon General or her or his designee may issue a 90-
518 day licensure delay, which must be in writing and sufficient to
519 notify the applicant of the reason for the delay. This
520 subsection controls over any conflicting provisions of s.
521 120.60(1).

522 (3) The board may not certify to the department for
523 licensure by endorsement any applicant who is under
524 investigation in another jurisdiction for an offense that would
525 constitute a violation of this chapter or chapter 456 until the

526 investigation has been completed. Upon completion of the
527 investigation, s. 462.017 applies.

528 (4) (a) The department may not issue a license by
529 endorsement to any individual who has committed an act or
530 offense in any jurisdiction which would constitute the basis for
531 disciplining a naturopathic physician under s. 462.017 until the
532 board has reviewed the application and certified the applicant
533 for licensure.

534 (b) If the board finds that an applicant for licensure by
535 endorsement has committed an act or offense in any jurisdiction
536 which would constitute the basis for disciplining a naturopathic
537 physician under s. 462.017, the board may enter an order
538 imposing one or more of the sanctions set forth in that section
539 and s. 456.072(2) as applicable to applicants for licensure,
540 including refusing to certify an application for licensure or
541 certifying an application for licensure with conditions.

542 (5) If the board determines that an applicant for
543 licensure has failed to meet, to the board's satisfaction, any
544 of the requirements of this section, it may enter an order
545 imposing one or more of the following:

546 (a) Refusal to certify to the department an application
547 for licensure.

548 (b) Certification to the department of an application for
549 licensure with restrictions on the scope of practice of the
550 naturopathic physician.

551 (c) Certification to the department of an application for
 552 licensure with a probationary period for the applicant, subject
 553 to such conditions as the board specifies, including, but not
 554 limited to, requiring the naturopathic physician to submit to
 555 treatment, attend continuing education courses, submit to
 556 reexamination, or work under the supervision of another
 557 naturopathic physician.

558 Section 10. Section 462.08, Florida Statutes, is
 559 renumbered as section 462.009, Florida Statutes, and amended to
 560 read:

561 462.009 ~~462.08~~ Renewal of license to practice naturopathic
 562 medicine naturopathy.—

563 (1) In order to continue practicing naturopathic medicine
 564 in this state, each licensed naturopathic physician must
 565 ~~licenseholder shall~~ biennially renew her or his license to
 566 practice naturopathic medicine naturopathy. The applicant for
 567 license renewal must furnish to the board ~~department~~ such
 568 evidence as it requires of the applicant's compliance with s.
 569 462.011 ~~s. 462.18~~, relating to continuing education ~~educational~~
 570 requirements, and s. 462.015, relating to financial
 571 responsibility requirements. The biennial renewal fee, the
 572 amount of which shall be determined by the department but which
 573 may not exceed \$1,000, must be paid at the time the application
 574 for renewal of the license is filed.

575 (2) The department shall adopt rules establishing

576 procedures for the biennial renewal of licenses under this
 577 chapter.

578 Section 11. Section 462.18, Florida Statutes, is
 579 renumbered as section 462.011, Florida Statutes, and amended to
 580 read:

581 462.011 ~~462.18~~ Continuing education ~~Educational~~
 582 requirements.—

583 (1) At the time each licensee renews ~~shall renew~~ her or
 584 his license as ~~otherwise~~ provided in s. 462.009 ~~this chapter~~,
 585 each licensee must, in addition to the payment of the regular
 586 renewal fee, ~~shall~~ furnish to the board ~~department~~ satisfactory
 587 evidence that, in the preceding biennial period, the licensee
 588 has completed the continuing education requirements of this
 589 section.

590 (2) The board shall require each naturopathic physician to
 591 receive at least 60 hours of continuing education during each
 592 biennial renewal period.

593 (a) At least 10 hours of the 60 hours of continuing
 594 education must be in pharmacology, addressing the use of legend
 595 drugs that are consistent with the education and training of
 596 naturopathic physicians.

597 (b) The board shall approve organizations that accredit
 598 naturopathic continuing education providers, including, but not
 599 limited to, the American Association of Naturopathic Physicians,
 600 the North American Naturopathic Continuing Education

601 Accreditation Council, and the Oregon Association of
602 Naturopathic Physicians.

603 (c) The determination of whether substitute continuing
604 education programs are permissible is solely within the
605 discretion of the board.

606 (3) The naturopathic physician must use the electronic
607 continuing education tracking system developed by the department
608 under s. 456.0361 to demonstrate compliance with the continuing
609 education requirements of this section year preceding each such
610 application for renewal, the licensee has attended the 2-day
611 educational program as promulgated and conducted by the Florida
612 Naturopathic Physicians Association, Inc., or, as a substitute
613 therefor, the equivalent of that program as approved by the
614 department. The department shall send a written notice to this
615 effect to every person holding a valid license to practice
616 naturopathy within this state at least 30 days prior to May 1 in
617 each even-numbered year, directed to the last known address of
618 such licensee, and shall enclose with the notice proper blank
619 forms for application for annual license renewal. All of the
620 details and requirements of the aforesaid educational program
621 shall be adopted and prescribed by the department. In the event
622 of national emergencies, or for sufficient reason, the
623 department shall have the power to excuse the naturopathic
624 physicians as a group or as individuals from taking this
625 postgraduate course.

626 ~~(2) The determination of whether a substitute annual~~
 627 ~~educational program is necessary shall be solely within the~~
 628 ~~discretion of the department.~~

629 Section 12. Section 462.19, Florida Statutes, is
 630 renumbered as section 462.012, Florida Statutes, and amended to
 631 read:

632 462.012 ~~462.19~~ ~~Renewal of license;~~ Inactive status;
 633 reactivation of license.—

634 (1) A licensee may reactivate an inactive license by
 635 applying to the department, paying any applicable fees, and
 636 submitting proof of compliance with the financial responsibility
 637 requirements of s. 462.015.

638 (2) The board shall adopt rules relating to reactivation
 639 of licenses that have become inactive and for the renewal of
 640 inactive licenses. The rules must include continuing education
 641 requirements as a condition of reactivating a license. The
 642 continuing education requirements for reactivating a license may
 643 not be fewer than 20 classroom hours for each year the license
 644 was inactive. The board may also adopt rules to determine fees,
 645 including a fee for placing a license into inactive status, a
 646 biennial renewal fee for licenses in inactive status, a
 647 delinquency fee, and a fee for the reactivation of a license.
 648 None of these fees may exceed the biennial renewal fee
 649 determined by the board in s. 462.009.

650 (3) The department may not reactivate a license unless the

651 applicable fees have been paid and the financial responsibility
 652 requirements of s. 462.015 have been satisfied ~~The department~~
 653 ~~shall renew a license upon receipt of the renewal application~~
 654 ~~and fee.~~

655 ~~(2) A licensee may request that her or his license be~~
 656 ~~placed in an inactive status by making application to the~~
 657 ~~department and paying a fee in an amount set by the department~~
 658 ~~not to exceed \$50.~~

659 Section 13. Section 462.11, Florida Statutes, is
 660 renumbered as section 462.013, Florida Statutes, and amended to
 661 read:

662 462.013 462.11 Obligations of naturopathic physicians
 663 ~~Naturopaths to observe regulations. Naturopathic physicians~~
 664 ~~Doctors of naturopathy~~ shall comply with ~~observe~~ and are ~~be~~
 665 subject to all state, county, and municipal regulations relating
 666 ~~in regard~~ to the control of contagious and infectious diseases,
 667 the reporting of births and deaths, and ~~to any and all~~ other
 668 matters pertaining to the public health in the same manner as is
 669 required of other health care practitioners ~~of the healing art.~~

670 Section 14. Section 462.014, Florida Statutes, is created
 671 to read:

672 462.014 Patient records; termination of practice.—The
 673 board shall adopt rules providing for the handling of medical
 674 records by licensed naturopathic physicians, including when a
 675 naturopathic physician sells or otherwise terminates a practice.

HB 843

2024

676 The rules must provide for notification of the naturopathic
677 physician's patients and for an opportunity for the patients to
678 request the transfer of their medical records to another
679 physician or health care practitioner upon payment of actual
680 costs for such transfer.

681 Section 15. Section 462.015, Florida Statutes, is created
682 to read:

683 462.015 Financial responsibility.—

684 (1) As a condition of licensure, a naturopathic physician
685 must, by one of the following methods, demonstrate to the
686 satisfaction of the board and the department that she or he has
687 the ability to pay claims and ancillary costs arising from the
688 rendering of, or the failure to render, medical care or
689 services:

690 (a) Establishing and maintaining an escrow account
691 consisting of cash or assets eligible for deposit in accordance
692 with s. 625.52 in the per-claim amounts specified in paragraph
693 (b). Expenditures may not be made from the escrow amount for
694 litigation costs or attorney fees for the defense of any medical
695 malpractice claim.

696 (b) Obtaining and maintaining professional liability
697 coverage in an amount not less than \$100,000 per claim, with a
698 minimum annual aggregate of not less than \$300,000, from an
699 authorized insurer as defined under s. 624.09, from an eligible
700 surplus lines insurer as defined under s. 626.914(2), from a

701 risk retention group as defined under s. 627.942, from the Joint
702 Underwriting Association operated under s. 627.351(4), or
703 through self-insurance as provided in s. 627.357. Expenditures
704 may not be made from the required coverage amount for litigation
705 costs or attorney fees for the defense of any medical
706 malpractice claim.

707 (c) Obtaining and maintaining an unexpired, irrevocable
708 letter of credit, issued pursuant to chapter 675, in an amount
709 not less than \$100,000 per claim, with a minimum aggregate
710 availability of credit of not less than \$300,000. The letter of
711 credit must be payable to the naturopathic physician as
712 beneficiary upon presentment of a final judgment indicating
713 liability and awarding damages to be paid by the naturopathic
714 physician or upon presentment of a settlement agreement signed
715 by all parties to such agreement when such final judgment or
716 settlement is a result of a claim arising out of the rendering
717 of, or the failure to render, medical care or services. The
718 letter of credit may not be used for litigation costs or
719 attorney fees for the defense of any medical malpractice claim.
720 The letter of credit must be nonassignable and nontransferable
721 and be issued by a bank or savings association organized and
722 existing under the laws of this state or a bank or savings
723 association organized under the laws of the United States which
724 has its principal place of business in this state or has a
725 branch office that is authorized under the laws of this state or

726 of the United States to receive deposits in this state.

727 (2)(a) Meeting the financial responsibility requirements
728 of this section or the criteria for any exemption from such
729 requirements must be demonstrated at the time of issuance,
730 renewal, or reactivation of a naturopathic physician license.

731 (b) Any person may, at any time, submit to the department
732 a request for an advisory opinion regarding such person's
733 qualifications for exemption.

734 (3)(a) Each insurer, self-insurer, or risk retention group
735 or the Joint Underwriting Association must promptly notify the
736 department of a cancellation or nonrenewal of insurance required
737 by this section. Unless the naturopathic physician demonstrates
738 that she or he is otherwise in compliance with the requirements
739 of this section, the department shall suspend the license of the
740 naturopathic physician pursuant to ss. 120.569 and 120.57 and
741 notify all health care facilities licensed under part IV of
742 chapter 394 or chapter 395 or a health maintenance organization
743 certified under part I of chapter 641 of such action. Any
744 suspension imposed under this subsection remains in effect until
745 the naturopathic physician demonstrates compliance with the
746 requirements of this section. If any judgments or settlements
747 are pending at the time of suspension, those judgments or
748 settlements must be paid in accordance with this section unless
749 otherwise mutually agreed to in writing by the parties. This
750 paragraph does not abrogate a judgment debtor's obligation to

HB 843

2024

751 satisfy the entire amount of any judgment.

752 (b) If the financial responsibility requirements are met
753 by maintaining an escrow account or letter of credit as provided
754 in this section, upon the entry of an adverse final judgment
755 arising from a medical malpractice arbitration award, from a
756 claim in contract or tort of medical malpractice, or from
757 noncompliance with the terms of a settlement agreement arising
758 from a claim in contract or tort of medical malpractice, the
759 naturopathic physician must pay the entire amount of the
760 judgment together with all accrued interest or the amount
761 maintained in the escrow account or provided in the letter of
762 credit as required by this section, whichever is less, within 60
763 days after the date such judgment becomes final and subject to
764 execution, unless otherwise mutually agreed to in writing by the
765 parties. If timely payment is not made by the naturopathic
766 physician, the department must suspend the license of the
767 naturopathic physician pursuant to procedures set forth in
768 subparagraphs (4) (f) 3., 4., and 5. This paragraph does not
769 abrogate a judgment debtor's obligation to satisfy the entire
770 amount of any judgment.

771 (4) The requirements imposed in subsection (1) do not
772 apply to:

773 (a) Any person licensed under this chapter who practices
774 naturopathic medicine exclusively as an officer, employee, or
775 agent of the Federal Government or of the state or its agencies

HB 843

2024

776 or subdivisions. For purposes of this subsection, an agent of
777 the state, its agencies, or its subdivisions is a person who is
778 eligible for coverage under any self-insurance or insurance
779 program as provided in s. 768.28(16).

780 (b) Any person whose license has become inactive under
781 this chapter and who is not practicing naturopathic medicine in
782 this state. Any person applying for reactivation of a
783 naturopathic physician license must either:

784 1. Demonstrate that she or he maintained tail insurance
785 coverage that provided liability coverage for incidents that
786 occurred on or after the initial date of licensure in this state
787 and for incidents that occurred before the date on which the
788 license became inactive; or

789 2. Submit an affidavit stating that she or he has no
790 unsatisfied medical malpractice judgments or settlements at the
791 time of application for reactivation of the license.

792 (c) Any person licensed under this chapter who practices
793 only in conjunction with her or his teaching duties at a college
794 of naturopathic medicine. Such person may engage in the practice
795 of naturopathic medicine to the extent that such practice is
796 incidental to and a necessary part of duties in connection with
797 the teaching position in the college of naturopathic medicine.

798 (d) Any person holding an active naturopathic physician
799 license under this chapter who is not practicing naturopathic
800 medicine in this state. If such person initiates or resumes any

801 practice of naturopathic medicine in this state, she or he must
802 notify the department of such activity and fulfill the financial
803 responsibility requirements of this section before resuming the
804 practice of naturopathic medicine in this state.

805 (e) Any person holding an active naturopathic physician
806 license under this chapter who meets all of the following
807 criteria:

808 1. Has held an active license to practice naturopathic
809 medicine in this state or another state or some combination
810 thereof for more than 15 years.

811 2. Has either retired from the practice of naturopathic
812 medicine or maintains a part-time practice of naturopathic
813 medicine of no more than 1,000 patient contact hours per year.

814 3. Has had no more than two claims for medical malpractice
815 resulting in an indemnity exceeding \$25,000 within the previous
816 5-year period.

817 4. Has not been convicted of, or pled guilty or nolo
818 contendere to, any criminal violation specified in this chapter
819 or the practice act of any other state.

820 5. Has not been subject, within the last 10 years of
821 practice, to license revocation or suspension for any period of
822 time, probation for a period of 3 years or longer, or a fine of
823 \$500 or more for a violation of this chapter or the naturopathic
824 medical practice act of another jurisdiction. A regulatory
825 agency's acceptance of a naturopathic physician's relinquishment

826 of her or his license or of a stipulation, consent order, or
827 other settlement, offered in response to or in anticipation of
828 the filing of administrative charges against her or his license,
829 constitutes action against the naturopathic physician's license
830 for the purposes of this paragraph.

831 6. Has submitted a form supplying necessary information as
832 required by the department and an affidavit affirming compliance
833 with this paragraph.

834 7. Biennially submits to the department a certification
835 stating compliance with this paragraph. The naturopathic
836 physician must also demonstrate compliance with this paragraph
837 at any time upon department request.

838
839 A naturopathic physician who meets the requirements of this
840 paragraph must provide notice to patients, either by prominently
841 displaying a sign in the reception area of her or his practice
842 in a manner clearly visible to patients or by providing a
843 written statement to each patient to whom she or he provides
844 naturopathic medical services. The sign or statement must read
845 as follows: "Under Florida law, naturopathic physicians are
846 generally required to carry medical malpractice insurance or
847 otherwise demonstrate financial responsibility to cover
848 potential claims for medical malpractice. However, certain part-
849 time naturopathic physicians who meet certain criteria are
850 exempt from the financial responsibility requirements. YOUR

HB 843

2024

851 NATUROPATHIC PHYSICIAN MEETS THE EXEMPTION CRITERIA AND HAS
852 DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice
853 is provided pursuant to Florida law."

854 (f) Any person holding an active naturopathic physician
855 license under this chapter who agrees to all of the following
856 conditions:

857 1. Upon the entry of an adverse final judgment arising
858 from a medical malpractice arbitration award, from a claim of
859 medical malpractice either in contract or tort, or from
860 noncompliance with the terms of a settlement agreement arising
861 from a claim of medical malpractice either in contract or tort,
862 the naturopathic physician agrees to pay the judgment creditor
863 the lesser of the entire amount of the judgment with all accrued
864 interest or either \$100,000, if the naturopathic physician is
865 licensed pursuant to this chapter but does not maintain hospital
866 staff privileges, or \$250,000, if the naturopathic physician is
867 licensed pursuant to this chapter and maintains hospital staff
868 privileges, within 60 days after the date such judgment becomes
869 final and subject to execution, unless otherwise mutually agreed
870 to in writing by the parties. Such adverse final judgment must
871 include any cross-claim, counterclaim, or claim for indemnity or
872 contribution arising from the claim of medical malpractice. Upon
873 notification of the existence of an unsatisfied judgment or
874 payment pursuant to this subparagraph, the department shall
875 notify the naturopathic physician by certified mail that she or

876 he is subject to disciplinary action unless, within 30 days
 877 after the date of mailing, the naturopathic physician either:
 878 a. Shows proof that the unsatisfied judgment has been paid
 879 in the amount specified in this subparagraph; or
 880 b. Furnishes the department with a copy of a timely filed
 881 notice of appeal and either:
 882 (I) A copy of a supersedeas bond properly posted in the
 883 amount required by law; or
 884 (II) An order from a court of competent jurisdiction
 885 staying execution on the final judgment, pending disposition of
 886 the appeal.
 887 2. The department shall issue an emergency order
 888 suspending the license of any naturopathic physician who, 31
 889 days or more after receipt of a notice from the department, has
 890 failed to satisfy a medical malpractice claim against him or
 891 her; furnish the department a copy of a timely filed notice of
 892 appeal; furnish the department a copy of a supersedeas bond
 893 properly posted in the amount required by law; or furnish the
 894 department an order from a court of competent jurisdiction
 895 staying execution on the final judgment pending disposition of
 896 the appeal.
 897 3. Upon the next meeting of the probable cause panel of
 898 the board 31 days or more after the date of mailing the notice
 899 of disciplinary action to the naturopathic physician, the panel
 900 shall make a determination as to whether probable cause exists

901 to take disciplinary action against the naturopathic physician
902 for a violation of subparagraph 1.

903 4. If the board determines that the factual requirements
904 of subparagraph 1. are met, it must take disciplinary action as
905 it deems appropriate against the naturopathic physician. Such
906 disciplinary action must include, at a minimum, probation of the
907 license with the restriction that the naturopathic physician
908 must make payments to the judgment creditor on a schedule
909 determined by the board to be reasonable and within the
910 financial capability of the naturopathic physician.

911 Notwithstanding any other disciplinary penalty imposed, the
912 disciplinary penalty may include suspension of the license for a
913 period not to exceed 5 years. In the event that an agreement to
914 satisfy a judgment has been met, the board must remove any
915 restriction on the license.

916 5. The naturopathic physician must complete a form
917 supplying necessary information as required by department rule.

918
919 A naturopathic physician who agrees to the conditions of this
920 paragraph must provide notice to patients, either by prominently
921 displaying a sign in the reception area of her or his practice
922 in a manner clearly visible to patients or by providing a
923 written statement to each patient to whom she or he provides
924 naturopathic medical services. The sign or statement must read
925 as follows: "Under Florida law, naturopathic physicians are

926 generally required to carry medical malpractice insurance or
927 otherwise demonstrate financial responsibility to cover
928 potential claims for medical malpractice. However, certain part-
929 time naturopathic physicians who meet certain criteria are
930 exempt from the financial responsibility requirements. YOUR
931 NATUROPATHIC PHYSICIAN MEETS THE EXEMPTION CRITERIA AND HAS
932 DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice
933 is provided pursuant to Florida law."

934 (5) A naturopathic physician who makes any deceptive,
935 untrue, or fraudulent representation with respect to any
936 provision of this section is permanently disqualified from any
937 exemption from financial responsibility requirements under this
938 section and is subject to disciplinary action under s. 462.017
939 for such conduct.

940 (6) Any naturopathic physician who relies on an exemption
941 from the financial responsibility requirements must notify the
942 department in writing of any change of circumstance regarding
943 her or his qualifications for such exemption and must
944 demonstrate that she or he is in compliance with the
945 requirements of this section.

946 (7) Notwithstanding any other provision of this section,
947 the department shall suspend the license of any naturopathic
948 physician against whom a final judgment, arbitration award, or
949 other order has been entered or who has entered into a
950 settlement agreement to pay damages arising out of a claim for

951 medical malpractice if all appellate remedies have been
 952 exhausted and payment up to the amounts required by this section
 953 has not been made within 30 days after the entering of such
 954 judgment, award, or order or agreement. A suspension under this
 955 subsection remains in effect until proof of payment is received
 956 by the department or a payment schedule has been agreed upon by
 957 the naturopathic physician and the claimant and presented to the
 958 department. This subsection does not apply to a naturopathic
 959 physician who has met the financial responsibility requirements
 960 under paragraph (1)(b).

961 (8) The board shall adopt rules to implement this section.

962 Section 16. Section 462.13, Florida Statutes, is
 963 renumbered as section 462.016, Florida Statutes, and amended to
 964 read:

965 462.016 ~~462.13~~ Additional powers and duties of the board
 966 and the department.—The board and the department may administer
 967 oaths, summon witnesses, and take testimony in all matters
 968 relating to their respective ~~its~~ duties under ~~pursuant to~~ this
 969 chapter. Evidence of an active, ~~Every~~ unrevoked license must
 970 ~~shall be presumed by presumptive evidence in~~ all courts and
 971 places to be evidence that the person therein named is legally
 972 licensed to practice naturopathic medicine in this state
 973 ~~naturopathy.~~ The board and the department shall aid the
 974 prosecuting attorneys of the state in the enforcement of this
 975 chapter.

976 Section 17. Section 462.14, Florida Statutes, is
 977 renumbered as section 462.017, Florida Statutes, and amended to
 978 read:

979 462.017 ~~462.14~~ Grounds for disciplinary action; action by
 980 the board and department.—

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

983 (a) Attempting to obtain, obtaining, or renewing a license
 984 to practice naturopathic medicine by bribery, by fraudulent
 985 misrepresentation, or through an error of the board or the
 986 department.

987 (b) Having a license to practice naturopathic medicine
 988 revoked, suspended, or otherwise acted against, including the
 989 denial of licensure, by the licensing authority of another
 990 state, territory, or country. The licensing authority's
 991 acceptance of a naturopathic physician's relinquishment of her
 992 or his license or of a stipulation, a consent order, or other
 993 settlement offered in response to or in anticipation of the
 994 filing of administrative charges against her or his license
 995 shall be construed as action against the naturopathic
 996 physician's license.

997 (c) Being convicted or found guilty, regardless of
 998 adjudication, of a crime in any jurisdiction which directly
 999 relates to the practice of naturopathic medicine or to the
 1000 ability to practice naturopathic medicine. Any plea of nolo

1001 | contendere creates a rebuttable presumption of guilt to the
 1002 | underlying criminal charges ~~shall be considered a conviction for~~
 1003 | ~~purposes of this chapter.~~

1004 | (d) False, deceptive, or misleading advertising.

1005 | (e) ~~Advertising, practicing, or attempting to practice~~
 1006 | ~~under a name other than one's own.~~

1007 | ~~(f)~~ Failing to report to the department or the
 1008 | department's impaired practitioner program consultant, as
 1009 | applicable, any person whom ~~who~~ the licensee knows is in
 1010 | violation of this chapter or of the rules of the board or
 1011 | department. However, a person whom ~~who~~ the licensee knows is
 1012 | unable to practice naturopathic medicine with reasonable skill
 1013 | and safety to patients by reason of illness or use of alcohol,
 1014 | drugs, narcotics, chemicals, or any other type of material, or
 1015 | as a result of a mental or physical condition, may be reported
 1016 | to a consultant operating an impaired practitioner program as
 1017 | described in s. 456.076 rather than to the department.

1018 | ~~(f)(g)~~ Aiding, assisting, procuring, or advising any
 1019 | unlicensed person to practice naturopathic medicine contrary to
 1020 | this chapter or to a rule of the board or department.

1021 | ~~(g)(h)~~ Failing to perform any statutory or legal
 1022 | obligation placed upon a licensed naturopathic physician.

1023 | (h) Giving false testimony in the course of any legal or
 1024 | administrative proceedings relating to the practice of
 1025 | naturopathic medicine or the delivery of health care services.

1026 (i) Making or filing a report which the licensee knows to
 1027 be false, intentionally or negligently failing to file a report
 1028 or record required by state or federal law, willfully impeding
 1029 or obstructing such filing or inducing another person to do so.
 1030 Such reports or records must ~~shall~~ include only those which are
 1031 signed in the capacity as a licensed naturopathic physician.

1032 (j) Paying or receiving any commission, bonus, kickback,
 1033 or rebate, or engaging in any split-fee arrangement in any form
 1034 whatsoever with a physician, an organization, an agency, a ~~or~~
 1035 person, a partnership, a firm, a corporation, or other business
 1036 entity, either directly or indirectly, for patients referred to
 1037 providers of health care goods and services, including, but not
 1038 limited to, hospitals, nursing homes, clinical laboratories,
 1039 ambulatory surgical centers, or pharmacies. ~~The provisions of~~
 1040 This paragraph may ~~shall~~ not be construed to prevent a
 1041 naturopathic physician from receiving a fee for professional
 1042 consultation services.

1043 (k) Refusing to provide health care based on a patient's
 1044 participation in pending or past litigation or participation in
 1045 any disciplinary action conducted pursuant to this chapter,
 1046 unless such litigation or disciplinary action directly involves
 1047 the naturopathic physician requested to provide services.

1048 (l) Exercising influence within a patient-physician
 1049 relationship for purposes of engaging a patient in sexual
 1050 activity. A patient is ~~shall~~ be presumed to be incapable of

HB 843

2024

1051 giving free, full, and informed consent to sexual activity with
1052 her or his naturopathic physician.

1053 ~~(m)-(1)~~ Making deceptive, untrue, or fraudulent
1054 representations in or related to the practice of naturopathic
1055 medicine or employing a trick or scheme in the practice of
1056 naturopathic medicine ~~when such scheme or trick fails to conform~~
1057 ~~to the generally prevailing standards of treatment in the~~
1058 ~~medical community.~~

1059 ~~(n)-(m)~~ Soliciting patients, either personally or through
1060 an agent, through the use of fraud, intimidation, undue
1061 influence, or a form of overreaching or vexatious conduct. A
1062 "solicitation" is any communication which directly or implicitly
1063 requests an immediate oral response from the recipient.

1064 ~~(o)-(n)~~ Failing to keep legible, written medical records,
1065 as defined by department rule in consultation with the board,
1066 which identify by name and professional title the licensed
1067 naturopathic physician or the supervising naturopathic physician
1068 who is responsible for rendering, ordering, supervising, or
1069 billing for each diagnostic or treatment procedure and which
1070 justify ~~justifying~~ the course of treatment of the patient,
1071 including, but not limited to, patient histories, examination
1072 results, test results, X rays, ~~and~~ records of medicine
1073 prescribed, dispensed, or administered, and reports of
1074 consultations and hospitalizations ~~the prescribing, dispensing~~
1075 ~~and administering of drugs.~~

1076 (p) Fraudulently altering or destroying records relating
 1077 to patient care or treatment, including, but not limited to,
 1078 patient histories, examination results, test results, X rays,
 1079 records of medicine prescribed, dispensed, or administered, and
 1080 reports of consultations and hospitalizations.

1081 (g)~~(e)~~ Exercising influence on the patient ~~or client~~ in
 1082 such a manner as to exploit the patient ~~or client~~ for the
 1083 financial gain of the licensee or of a third party, which
 1084 includes ~~shall include~~, but is not ~~be~~ limited to, the promoting
 1085 or selling of services, goods, appliances, or medicines. ~~drugs~~
 1086 ~~and the~~

1087 (r) Promoting or advertising on any prescription form of a
 1088 community pharmacy unless the form also states "This
 1089 prescription may be filled at any pharmacy of your choice."

1090 (s)~~(p)~~ Performing professional services that ~~which~~ have
 1091 not been duly authorized by the patient ~~or client~~, or her or his
 1092 legal representative, except as provided in s. 743.064, s.
 1093 766.103, or s. 768.13.

1094 (t)~~(e)~~ Except as authorized by the Naturopathic Medical
 1095 Formulary established under s. 462.025, prescribing, dispensing,
 1096 administering, supplying, selling, giving, mixing, or otherwise
 1097 preparing a legend drug, including any controlled substance,
 1098 other than in the course of the naturopathic physician's
 1099 professional practice. For the purposes of this paragraph, it is
 1100 ~~shall be~~ legally presumed that prescribing, dispensing,

1101 administering, supplying, selling, giving, mixing, or otherwise
 1102 preparing legend drugs, including all controlled substances,
 1103 inappropriately or in excessive or inappropriate quantities is
 1104 not in the best interest of the patient and is not in the scope
 1105 ~~course~~ of the naturopathic physician's professional practice,
 1106 regardless of ~~without regard to~~ her or his intent.

1107 (u)~~(r)~~ Prescribing or, ~~dispensing, or administering~~ any
 1108 legend medicinal drug appearing on any schedule set forth in
 1109 chapter 893 ~~by the naturopathic physician~~ to herself or himself
 1110 or administering any such drug to herself or himself unless such
 1111 drug is, ~~except one~~ prescribed for, ~~dispensed, or administered~~
 1112 ~~to~~ the naturopathic physician by another practitioner authorized
 1113 to prescribe legend, ~~dispense, or administer medicinal~~ drugs.

1114 (v)~~(s)~~ Being unable to practice naturopathic medicine with
 1115 reasonable skill and safety to patients by reason of illness or
 1116 use of alcohol, drugs, narcotics, chemicals, or any other type
 1117 of material or as a result of any mental or physical condition.
 1118 In enforcing this paragraph, the department ~~shall have,~~ upon a
 1119 showing of probable cause, has the authority to issue an order
 1120 to compel a naturopathic physician to submit to a mental or
 1121 physical examination by naturopathic physicians designated by
 1122 the department. If the ~~failure of a~~ naturopathic physician
 1123 refuses to comply with such order, the department's order
 1124 directing ~~submit to~~ such ~~an~~ examination may be enforced by
 1125 filing a petition for enforcement in the circuit court where the

1126 naturopathic physician resides or does business. The
 1127 naturopathic physician against whom the petition is filed may
 1128 not be named or identified by initials in any public court
 1129 records or documents, and the proceedings must be closed to the
 1130 public. The department is entitled to the summary procedure
 1131 provided in s. 51.011 ~~when so directed shall constitute an~~
 1132 ~~admission of the allegations against her or him upon which a~~
 1133 ~~default and final order may be entered without the taking of~~
 1134 ~~testimony or presentation of evidence, unless the failure was~~
 1135 ~~due to circumstances beyond the naturopathic physician's~~
 1136 ~~control.~~ A naturopathic physician subject to an order issued
 1137 ~~affected~~ under this paragraph must, ~~shall~~ at reasonable
 1138 intervals, be afforded an opportunity to demonstrate that she or
 1139 he can resume the competent practice of naturopathic medicine
 1140 with reasonable skill and safety to patients. In any proceeding
 1141 under this paragraph, neither the record of proceedings nor the
 1142 orders entered by the department may be used against a
 1143 naturopathic physician in any other proceeding.

1144 (w) Notwithstanding s. 456.072(2) but as specified in s.
 1145 456.50(2):

1146 1. Committing medical malpractice as defined in s. 456.50.
 1147 The board shall give great weight to s. 766.102 when enforcing
 1148 this paragraph. Medical malpractice may not be construed to
 1149 require more than one instance, event, or act.

1150 2. Committing gross medical malpractice.

1151 3. Committing repeated medical malpractice as defined in
 1152 s. 456.50. A person found by the board to have committed such
 1153 repeated malpractice may not be licensed or continue to be
 1154 licensed to provide health care services as a naturopathic
 1155 physician in this state.

1156
 1157 This paragraph may not be construed to require that a
 1158 naturopathic physician be deemed incompetent to practice
 1159 naturopathic medicine in order to be disciplined pursuant to
 1160 this paragraph. A recommended order by an administrative law
 1161 judge or a final order of the board finding a violation under
 1162 this paragraph must specify whether the naturopathic physician
 1163 was found to have committed gross medical malpractice, repeated
 1164 medical malpractice, or medical malpractice, or any combination
 1165 thereof, and any publication by the board must include the
 1166 specified finding.

1167 ~~(t) Gross or repeated malpractice or the failure to~~
 1168 ~~practice naturopathic medicine with that level of care, skill,~~
 1169 ~~and treatment which is recognized by a reasonably prudent~~
 1170 ~~similar physician as being acceptable under similar conditions~~
 1171 ~~and circumstances. The department shall give great weight to the~~
 1172 ~~provisions of s. 766.102 when enforcing this paragraph.~~

1173 (x)(u) Performing any procedure or prescribing any therapy
 1174 that ~~which~~, by the prevailing standards of medical practice in
 1175 the naturopathic medical community, constitutes experimentation

1176 on a human subject, without first obtaining full, informed, and
 1177 written consent.

1178 ~~(y)-(v)~~ Practicing or offering to practice beyond the scope
 1179 permitted by law or accepting and performing professional
 1180 responsibilities that ~~which~~ the licensee knows or has reason to
 1181 know ~~that~~ she or he is not competent to perform. The board may
 1182 establish by rule standards of practice and standards of care
 1183 for particular practice areas, including, but not limited to,
 1184 education and training, equipment and supplies, medications as
 1185 specified by the Naturopathic Medical Formulary under s.
 1186 462.025, assistance from and delegation to other personnel,
 1187 transfer agreements, sterilization, records, performance of
 1188 complex or multiple procedures, informed consent, and policy and
 1189 procedure manuals.

1190 ~~(z)-(w)~~ Delegating professional responsibilities to a
 1191 person when the licensee delegating such responsibilities knows
 1192 or has reason to know that such person is not qualified by
 1193 training, experience, or licensure to perform them.

1194 ~~(aa)-(x)~~ Violating a lawful order of the board or the
 1195 department previously entered in a disciplinary hearing or
 1196 failing to comply with a lawfully issued subpoena of the board
 1197 or department.

1198 ~~(bb)-(y)~~ Conspiring with another licensee or with any other
 1199 person to commit an act, or committing an act, which would tend
 1200 to coerce, intimidate, or preclude another licensee from

1201 lawfully advertising her or his services.

1202 (cc)~~(z)~~ Procuring, or aiding or abetting in the procuring

1203 of, an unlawful termination of pregnancy.

1204 (dd)~~(aa)~~ Presigning blank prescription forms.

1205 (ee) Failing to adequately supervise the activities of any

1206 persons acting under the supervision of the naturopathic

1207 physician.

1208 ~~(bb) Prescribing by the naturopathic physician for office~~

1209 ~~use any medicinal drug appearing on Schedule II in chapter 893.~~

1210 ~~(cc) Prescribing, ordering, dispensing, administering,~~

1211 ~~supplying, selling, or giving any drug which is an amphetamine~~

1212 ~~or sympathomimetic amine drug, or a compound designated pursuant~~

1213 ~~to chapter 893 as a Schedule II controlled substance to or for~~

1214 ~~any person except for:~~

1215 ~~1. The treatment of narcolepsy; hyperkinesis; behavioral~~

1216 ~~syndrome in children characterized by the developmentally~~

1217 ~~inappropriate symptoms of moderate to severe distractability,~~

1218 ~~short attention span, hyperactivity, emotional lability, and~~

1219 ~~impulsivity; or drug-induced brain dysfunction.~~

1220 ~~2. The differential diagnostic psychiatric evaluation of~~

1221 ~~depression or the treatment of depression shown to be refractory~~

1222 ~~to other therapeutic modalities.~~

1223 ~~3. The clinical investigation of the effects of such drugs~~

1224 ~~or compounds when an investigative protocol therefor is~~

1225 ~~submitted to, reviewed, and approved by the department before~~

HB 843

2024

1226 ~~such investigation is begun.~~

1227 (ff) ~~(dd)~~ Prescribing, ordering, dispensing, administering,
1228 supplying, selling, or giving growth hormones, testosterone or
1229 its analogs, human chorionic gonadotropin (HCG), or other
1230 hormones for the purpose of muscle building or to enhance
1231 athletic performance. For the purposes of this subsection, the
1232 term "muscle building" does not include the treatment of injured
1233 muscle. A prescription written for the drug products identified
1234 in this paragraph ~~listed above~~ may be dispensed by the
1235 pharmacist with the presumption that the prescription is for
1236 legitimate medical use.

1237 (gg) Misrepresenting or concealing a material fact at any
1238 time during any phase of a licensing or disciplinary process or
1239 procedure.

1240 (hh) Interfering with an investigation or with any
1241 disciplinary proceeding.

1242 (ii) Failing to report to the department any person
1243 licensed under chapter 458, chapter 459, or this chapter whom
1244 the naturopathic physician knows has violated the grounds for
1245 disciplinary action set out in the law under which that person
1246 is licensed and who provides health care services in a facility
1247 licensed under chapter 395, or a health maintenance organization
1248 certificated under part I of chapter 641, in which the
1249 naturopathic physician also provides services.

1250 (jj) Being found by any court in this state to have

1251 provided, without reasonable investigation, corroborating
 1252 written medical expert opinion attached to any statutorily
 1253 required notice of claim or intent or to any statutorily
 1254 required response rejecting a claim.

1255 (kk) Except as provided in s. 462.018, advertising or
 1256 holding oneself out as a board-certified specialist in violation
 1257 of this chapter.

1258 (ll) Failing to comply with the requirements of ss.
 1259 381.026 and 381.0261 to provide patients with information about
 1260 their patient rights and how to file a patient complaint.

1261 (mm)~~(ee)~~ Violating any provision of this chapter or
 1262 chapter 456, or any rules adopted pursuant thereto.

1263 (nn) Providing deceptive or fraudulent expert witness
 1264 testimony related to the practice of naturopathic medicine.

1265 (oo) Promoting or advertising through any communication
 1266 medium the use, sale, or dispensing of any controlled substance
 1267 appearing on any schedule in chapter 893 which is not within the
 1268 scope of the Naturopathic Medical Formulary established under s.
 1269 462.025.

1270 (pp) Willfully failing to comply with s. 627.64194 or s.
 1271 641.513 with such frequency as to indicate a general business
 1272 practice.

1273 (2) The board ~~department~~ may enter an order denying
 1274 licensure or imposing any of the penalties in s. 456.072(2)
 1275 against any applicant for licensure or licensee who commits a

1276 ~~violation of is found guilty of violating any provision of~~
1277 ~~subsection (1) of this section or who is found guilty of~~
1278 ~~violating any provision of s. 456.072 (1). In determining what~~
1279 ~~action is appropriate, the board must first consider which~~
1280 ~~sanctions are necessary to protect the public or to compensate~~
1281 ~~the patient. Only after those sanctions have been imposed may~~
1282 ~~the board consider and include in the order other requirements~~
1283 ~~designed to rehabilitate the naturopathic physician. All costs~~
1284 ~~associated with compliance with orders issued under this~~
1285 ~~subsection are the obligation of the naturopathic physician.~~

1286 (3) In any administrative action against a naturopathic
1287 physician which does not involve a revocation or suspension of
1288 license, the division has the burden, by the greater weight of
1289 the evidence, to establish the existence of grounds for
1290 disciplinary action. The division shall establish grounds for
1291 revocation or suspension of license by clear and convincing
1292 evidence.

1293 (4) The board may ~~department shall~~ not reinstate the
1294 license of a naturopathic physician or cause a license to be
1295 issued to a person it has deemed unqualified until such time as
1296 it ~~the department~~ is satisfied that such person has complied
1297 with all the terms and conditions set forth in the final order
1298 and that such person is capable of safely engaging in the
1299 practice of naturopathic medicine. However, the board may not
1300 issue a license to, or reinstate the license of, any person

HB 843

2024

1301 found by the board to have committed repeated medical
1302 malpractice as defined in s. 456.50, regardless of the extent to
1303 which the licensed naturopathic physician or prospective
1304 licensed naturopathic physician has complied with all terms and
1305 conditions set forth in the final order or whether she or he is
1306 capable of safely engaging in the practice of naturopathic
1307 medicine.

1308 (5)-(4) The board department shall establish by rule
1309 establish guidelines for the disposition of disciplinary cases
1310 involving specific types of violations. Such guidelines must
1311 establish offenses and circumstances for which revocation will
1312 be presumed to be appropriate, as well as offenses and
1313 circumstances for which suspension for particular periods of
1314 time will be presumed to be appropriate. The guidelines must
1315 also may include minimum and maximum fines, periods of
1316 supervision or probation, ~~or~~ conditions of probation, and
1317 conditions for ~~or~~ reissuance of a license with respect to
1318 particular circumstances and offenses. Gross medical
1319 malpractice, repeated medical malpractice, and medical
1320 malpractice, respectively, as specified in paragraph (1)(w),
1321 must each be considered a distinct violation requiring specific
1322 individual guidelines.

1323 (6) Upon the department's receipt of a closed claim
1324 against a naturopathic physician submitted by an insurer or
1325 self-insurer pursuant to s. 627.912 or information reported to

HB 843

2024

1326 the Office of Insurance Regulation by a health care practitioner
1327 pursuant to s. 456.049, or receipt from a claimant of presuit
1328 notice against a naturopathic physician under s. 766.106, the
1329 department shall review such information and determine whether
1330 it potentially involves conduct by a licensed naturopathic
1331 physician which is subject to disciplinary action, in which case
1332 s. 456.073 applies. However, if the department receives
1333 information that a naturopathic physician has had three or more
1334 claims filed against her or him, each with indemnities exceeding
1335 \$50,000, within the previous 5-year period, the department must
1336 investigate the occurrences upon which the claims were based and
1337 determine if action by the department against the naturopathic
1338 physician is warranted.

1339 (7) Upon the department's receipt of a report from the
1340 Agency for Health Care Administration pursuant to s. 395.0197
1341 related to a naturopathic physician whose conduct may constitute
1342 grounds for disciplinary action, the department shall
1343 investigate the occurrences upon which the report was based and
1344 determine if action by the department against the naturopathic
1345 physician is warranted.

1346 (8) If any naturopathic physician commits such
1347 unprofessional conduct or negligence or demonstrates mental or
1348 physical incapacity or impairment such that the department
1349 determines that she or he is unable to practice with reasonable
1350 skill and safety and presents a danger to patients, the

1351 department may bring an action in circuit court enjoining such
1352 naturopathic physician from providing medical services to the
1353 public until the naturopathic physician demonstrates the ability
1354 to practice with reasonable skill and safety and without danger
1355 to patients.

1356 (9) (a) If an investigation of a naturopathic physician is
1357 undertaken, the department must promptly furnish to the
1358 naturopathic physician or her or his attorney a copy of the
1359 complaint or document that prompted initiation of the
1360 investigation. For purposes of this subsection, such documents
1361 include, but are not limited to:

1362 1. The pertinent portions of an annual report submitted by
1363 a licensed facility to the Agency for Health Care Administration
1364 pursuant to s. 395.0197(6).

1365 2. A report of an adverse incident which is provided by a
1366 licensed facility to the department pursuant to s. 395.0197.

1367 3. A report of peer review disciplinary action submitted
1368 to the department pursuant to s. 395.0193(4), provided that the
1369 investigations, proceedings, and records relating to such peer
1370 review disciplinary action continue to retain their privileged
1371 status even as to the naturopathic physician who is the subject
1372 of the investigation, as provided by s. 395.0193(8).

1373 4. A closed claim report submitted pursuant to s. 627.912.

1374 5. A presuit notice submitted pursuant to s. 766.106(2).

1375 6. A petition brought under the Florida Birth-Related

HB 843

2024

1376 Neurological Injury Compensation Plan pursuant to s. 766.305(2).

1377 (b) A naturopathic physician may submit to the department
 1378 a written response to the information contained in the complaint
 1379 or document that prompted the initiation of the investigation
 1380 within 45 days after she or he receives service of such
 1381 complaint or document. The naturopathic physician's written
 1382 response must be considered by the probable cause panel, if held
 1383 on the matter.

1384 Section 18. Section 462.018, Florida Statutes, is created
 1385 to read:

1386 462.018 Specialties.—A naturopathic physician licensed
 1387 under this chapter may not hold himself or herself out as a
 1388 board-certified specialist unless the naturopathic physician has
 1389 successfully completed the requirements for certification as set
 1390 forth by the board regulating such specialty. A naturopathic
 1391 physician may indicate the services offered and may state that
 1392 her or his practice is limited to one or more types of services
 1393 if it accurately reflects the scope of practice of the
 1394 naturopathic physician.

1395 Section 19. Section 462.17, Florida Statutes, is
 1396 renumbered as section 462.019, Florida Statutes, and amended to
 1397 read:

1398 462.019 ~~462.17~~ Penalty for offenses relating to
 1399 naturopathy.—Any person who shall:

1400 (1) Each of the following acts constitutes a felony of the

1401 third degree, punishable as provided in s. 775.082, s. 775.083,
 1402 or s. 775.084:

1403 (a) Practicing, or attempting to practice, naturopathic
 1404 medicine without an active license issued under this chapter.

1405 (b) A licensed naturopathic physician practicing beyond
 1406 the scope of practice authorized under this chapter.

1407 (c) Obtaining, or attempting to obtain, a license to
 1408 practice naturopathic medicine by a knowing misrepresentation.

1409 (d) Obtaining, or attempting to obtain, a position as a
 1410 naturopathic physician or naturopathic medical resident in a
 1411 clinic or hospital by knowingly misrepresenting education,
 1412 training, or experience.

1413 (e) Dispensing a controlled substance listed in Schedule
 1414 II or Schedule III of s. 893.03 in violation of s. 465.0276.

1415 (2) Each of the following acts constitutes a misdemeanor
 1416 of the first degree, punishable as provided in s. 775.082 or s.
 1417 775.083:

1418 (a) Knowingly concealing information relating to
 1419 violations of this chapter.

1420 (b) Making a false oath or affirmation when an oath or
 1421 affirmation is required by this chapter.

1422 (3) Each of the following constitutes a misdemeanor of the
 1423 second degree, punishable as provided in s. 775.082 or s.
 1424 775.083:

1425 (a) Fraudulently altering, defacing, or falsifying any

HB 843

2024

1426 records relating to patient care or treatment, including, but
1427 not limited to, patient histories, examination results, and test
1428 results.

1429 (b) Referring any patient for health care goods or
1430 services to any partnership, firm, corporation, or other
1431 business entity in which the naturopathic physician or the
1432 naturopathic physician's employer has an equity interest of 10
1433 percent or more, unless, before such referral, the naturopathic
1434 physician notifies the patient of her or his financial interest
1435 and of the patient's right to obtain such goods or services at
1436 the location of the patient's choice. This section does not
1437 apply to the following types of equity interest:

1438 1. The ownership of registered securities issued by a
1439 publicly held corporation or the ownership of securities issued
1440 by a publicly held corporation, the shares of which are traded
1441 on a national exchange or the over-the-counter market.

1442 2. A naturopathic physician's own practice, whether the
1443 naturopathic physician is a sole practitioner or part of a
1444 group, when the health care good or service is prescribed or
1445 provided solely for the naturopathic physician's own patients
1446 and is provided or performed by the naturopathic physician or
1447 under the naturopathic physician's supervision.

1448 3. An interest in real property resulting in a landlord-
1449 tenant relationship between the naturopathic physician and the
1450 entity in which the equity interest is held, unless the rent is

HB 843

2024

1451 determined, in whole or in part, by the business volume or
1452 profitability of the tenant or is otherwise unrelated to fair
1453 market value.

1454 (c) Paying or receiving any commission, bonus, kickback,
1455 or rebate or engaging in any split-fee arrangement in any form
1456 with a physician, an organization, an agency, a person, a
1457 partnership, a firm, a corporation, or other business entity for
1458 patients referred to providers of health care goods and
1459 services, including, but not limited to, hospitals, nursing
1460 homes, clinical laboratories, ambulatory surgical centers, or
1461 pharmacies. This paragraph may not be construed to prevent a
1462 naturopathic physician from receiving a fee for professional
1463 consultation services ~~Sell, fraudulently obtain, or furnish any~~
1464 ~~naturopathic diploma, license, record, or registration or aid or~~
1465 ~~abet in the same;~~

1466 ~~(2) Practice naturopathy under the cover of any diploma,~~
1467 ~~license, record, or registration illegally or fraudulently~~
1468 ~~obtained or secured or issued unlawfully or upon fraudulent~~
1469 ~~representations;~~

1470 ~~(3) Advertise to practice naturopathy under a name other~~
1471 ~~than her or his own or under an assumed name;~~

1472 ~~(4) Falsely impersonate another practitioner of a like or~~
1473 ~~different name;~~

1474 ~~(5) Practice or advertise to practice naturopathy or use~~
1475 ~~in connection with her or his name any designation tending to~~

1476 ~~imply or to designate the person as a practitioner of~~
 1477 ~~naturopathy without then being lawfully licensed and authorized~~
 1478 ~~to practice naturopathy in this state; or~~

1479 ~~(6) Practice naturopathy during the time her or his~~
 1480 ~~license is suspended or revoked~~

1481
 1482 ~~shall be guilty of a felony of the third degree, punishable as~~
 1483 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

1484 Section 20. Section 462.024, Florida Statutes, is created
 1485 to read:

1486 462.024 Disclosure of medications by patients.-

1487 (1) A patient who takes prescribed legend drugs consistent
 1488 with the Naturopathic Medical Formulary established under s.
 1489 462.025 or nutrients or other natural medicinal substances upon
 1490 the recommendation of her or his treating naturopathic physician
 1491 is responsible for advising any other treating health care
 1492 practitioner of her or his use of such legend drugs, nutrients,
 1493 or other natural medicinal substances.

1494 (2) Naturopathic physicians shall advise their patients of
 1495 this requirement in writing, maintain a signed copy of a
 1496 patient's disclosure in the patient's medical records, and
 1497 provide a copy of the disclosure to their patients, upon
 1498 request.

1499 (3) A patient's failure to disclose her or his use of
 1500 prescribed legend drugs or recommended nutrients or other

HB 843

2024

1501 natural medicinal substances to any other treating health care
1502 practitioner creates a rebuttable presumption that any
1503 subsequent related injuries sustained by the patient were caused
1504 by the patient's failure to disclose such information. This
1505 presumption may be rebutted by clear and convincing evidence
1506 that the patient's injuries were caused by the negligence of the
1507 other treating health care practitioner.

1508 (4) This section may not be construed to preclude a
1509 patient of a naturopathic physician from consulting with a
1510 medical physician, an osteopathic physician, or other health
1511 care practitioner.

1512 (5) A naturopathic physician is not required to confirm a
1513 patient's consultation with, or disclosure to, any other health
1514 care practitioner.

1515 Section 21. Section 462.025, Florida Statutes, is created
1516 to read:

1517 462.025 Naturopathic Medical Formulary Council;
1518 establishment of formulary.-

1519 (1) The Naturopathic Medical Formulary Council is
1520 established, separate and distinct from the board, to be
1521 composed of five members.

1522 (a) Two members must be naturopathic physicians licensed
1523 under this chapter, appointed by the board.

1524 (b) Three members must be pharmacists licensed under
1525 chapter 465, appointed by the board from a list of nominees

HB 843

2024

1526 provided by the Board of Pharmacy.

1527 (c) Each member shall be appointed for a 3-year term;
1528 however, for the purpose of providing staggered terms, the
1529 initial appointments to the council shall be as follows: one
1530 naturopathic physician appointed for a 1-year term, one
1531 pharmacist appointed for a 2-year term, and two pharmacists and
1532 one naturopathic physician, each appointed for a 3-year term.

1533 (d) A quorum consists of three members and is required for
1534 any vote to be taken.

1535 (2)(a) The council shall establish the Naturopathic
1536 Medical Formulary of legend drugs that a licensed naturopathic
1537 physician may prescribe in the practice of naturopathic
1538 medicine. The formulary may not include drugs:

1539 1. That are inconsistent with the education and training
1540 provided by approved colleges and programs of naturopathic
1541 medicine or board-approved continuing education courses for
1542 naturopathic physicians; or

1543 2. The prescription of which requires education and
1544 training beyond that of a naturopathic physician.

1545 (b) The council shall submit the formulary to the board
1546 immediately upon adoption of, and any revision to, the
1547 formulary. The board shall adopt the formulary, and any revision
1548 thereto, by rule.

1549 (c) The council shall review the formulary at least
1550 annually and at any time upon board request.

1551 (d) A naturopathic physician may prescribe, administer, or
 1552 dispense only those drugs included in the formulary adopted by
 1553 the board. This section may not be construed to authorize a
 1554 naturopathic physician to prescribe, administer, or dispense any
 1555 controlled substance under s. 893.03 unless such substance is
 1556 specifically included in the formulary.

1557 Section 22. Section 462.026, Florida Statutes, is created
 1558 to read:

1559 462.026 Severability.—The provisions of this chapter are
 1560 severable. If any provision of this chapter or its application
 1561 is held invalid or unconstitutional by any court of competent
 1562 jurisdiction, that invalidity or unconstitutionality does not
 1563 affect other provisions or applications of this chapter which
 1564 can be given effect without the invalid or unconstitutional
 1565 provision or application.

1566 Section 23. Section 462.09, Florida Statutes, is
 1567 renumbered as section 462.027, Florida Statutes.

1568 Section 24. Section 462.16, Florida Statutes, is repealed.

1569 Section 25. Section 462.2001, Florida Statutes, is
 1570 repealed.

1571 Section 26. Paragraph (g) of subsection (3) of section
 1572 921.0022, Florida Statutes, is amended to read:

1573 921.0022 Criminal Punishment Code; offense severity
 1574 ranking chart.—

1575 (3) OFFENSE SEVERITY RANKING CHART

HB 843

2024

1576	(g) LEVEL 7			
1577				
	Florida	Felony		
	Statute	Degree		Description
1578				
	316.027 (2) (c)		1st	Accident involving death, failure to stop; leaving scene.
1579				
	316.193 (3) (c) 2.		3rd	DUI resulting in serious bodily injury.
1580				
	316.1935 (3) (b)		1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
1581				

HB 843

2024

1582	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
1583	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
1584	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
1585	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
1586	456.065 (2)	3rd	Practicing a health care profession without a license.
	456.065 (2)	2nd	Practicing a health care profession without a license which results in

HB 843

2024

1587			serious bodily injury.
	458.327 (1)	3rd	Practicing medicine without a license.
1588			
	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
1589			
	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
1590			
	461.012 (1)	3rd	Practicing podiatric medicine without a license.
1591			
	<u>462.019</u> 462.17	3rd	Practicing <u>naturopathic medicine</u> naturopathy without a license.
1592			
	463.015 (1)	3rd	Practicing optometry without a license.
1593			
	464.016 (1)	3rd	Practicing nursing without a license.
1594			
	465.015 (2)	3rd	Practicing pharmacy

HB 843

2024

1595			without a license.
	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
1596			
	467.201	3rd	Practicing midwifery without a license.
1597			
	468.366	3rd	Delivering respiratory care services without a license.
1598			
	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
1599			
	483.901 (7)	3rd	Practicing medical physics without a license.
1600			
	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
1601			
	484.053	3rd	Dispensing hearing aids without a license.

HB 843

2024

1602	494.0018(2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
1603	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
1604	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
1605	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less

HB 843

2024

1606	775.21(10) (a)	3rd	<p>than \$20,000 by financial institution.</p> <p>Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.</p>
1607	775.21(10) (b)	3rd	<p>Sexual predator working where children regularly congregate.</p>
1608	775.21(10) (g)	3rd	<p>Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.</p>
1609	782.051 (3)	2nd	<p>Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.</p>

HB 843

2024

1610	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
1611	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
1612	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
1613	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
1614	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
1615			

HB 843

2024

1616	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
1617	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
1618	784.048 (7)	3rd	Aggravated stalking; violation of court order.
1619	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
1620	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
1621	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
	784.081 (1)	1st	Aggravated battery on specified official or

HB 843

2024

1622			employee.
	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
1623			
	784.083 (1)	1st	Aggravated battery on code inspector.
1624			
	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
1625			
	787.06 (3) (e) 2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
1626			
	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
1627			

HB 843

2024

1628	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
1629	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
1630	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
1631	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
1632	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the

HB 843

2024

1633			penalty enhancements provided for in s. 874.04.
	794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
1634			
	796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
1635			
	796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
1636			
	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
1637			
	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12

HB 843

2024

1638			years of age or older but younger than 16 years of age; offender 18 years of age or older.
	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
1639			
	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
1640			
	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
1641			
	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
1642			
	810.02 (3) (d)	2nd	Burglary of occupied

HB 843

2024

1643			conveyance; unarmed; no assault or battery.
	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
1644			
	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
1645			
1646			
	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
1647			
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HB 843

2024

1652	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
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1658			
	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
1659			
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1663			
	812.014 (2) (f)	2nd	Grand theft; second degree; firearm with previous conviction of s. 812.014 (2) (c) 5.
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HB 843

2024

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812.0145(2) (a) 1st Theft from person
65 years of age or
older; \$50,000 or
more.

1678

812.019(2) 1st Stolen property;
initiates, organizes,
plans, etc., the theft of
property and traffics in
stolen property.

1679

812.131(2) (a) 2nd Robbery by sudden
snatching.

HB 843

2024

1680	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
1681	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
1682	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
1683	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
1684	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
1685	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property

HB 843

2024

1686	817.418 (2) (a)	3rd	values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
1687	817.504 (1) (a)	3rd	Offering for sale or advertising personal protective equipment with intent to defraud.
1688	817.535 (2) (a)	3rd	Offering or advertising a vaccine with intent to defraud.
1689	817.611 (2) (b)	2nd	Filing false lien or other unauthorized document.
1690	825.102 (3) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
			Neglecting an elderly person or disabled adult causing

HB 843

2024

1691	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
1692	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
1693	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
1694	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
1695	838.015	2nd	Bribery.

HB 843

2024

1696	838.016	2nd	Unlawful compensation or reward for official behavior.
1697	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
1698	838.22	2nd	Bid tampering.
1699	843.0855(2)	3rd	Impersonation of a public officer or employee.
1700	843.0855(3)	3rd	Unlawful simulation of legal process.
1701	843.0855(4)	3rd	Intimidation of a public officer or employee.
1702	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
1703	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.

HB 843

2024

1704	872.06	2nd	Abuse of a dead human body.
1705	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
1706	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
1707	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or

HB 843

2024

1708	893.13(1)(e)1.	1st	municipal park or publicly owned recreational facility or community center.
1709	893.13(4)(a)	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for religious services or a specified business site.
1710	893.135(1)(a)1.	1st	Use or hire of minor; deliver to minor other controlled substance.
1711	893.135	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
			Trafficking in cocaine,

HB 843

2024

1712	(1) (b) 1.a.		more than 28 grams, less than 200 grams.
	893.135	1st	Trafficking in illegal
	(1) (c) 1.a.		drugs, more than 4 grams, less than 14 grams.
1713			
	893.135	1st	Trafficking in hydrocodone,
	(1) (c) 2.a.		28 grams or more, less than 50 grams.
1714			
	893.135	1st	Trafficking in hydrocodone,
	(1) (c) 2.b.		50 grams or more, less than 100 grams.
1715			
	893.135	1st	Trafficking in oxycodone, 7
	(1) (c) 3.a.		grams or more, less than 14 grams.
1716			
	893.135	1st	Trafficking in oxycodone,
	(1) (c) 3.b.		14 grams or more, less than 25 grams.
1717			
	893.135	1st	Trafficking in fentanyl,
	(1) (c) 4.b. (I)		4 grams or more, less

HB 843

2024

1718			than 14 grams.
	893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
1719			
	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
1720			
	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
1721			
	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
1722			
	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
1723			

HB 843

2024

1724	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4- Butanediol, 1 kilogram or more, less than 5 kilograms.
1725	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
1726	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
1727	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
1728	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
1728	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.

HB 843

2024

1729	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
1730	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
1731	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
1732	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
1733	943.0435 (9) (a)	3rd	Sexual offender; failure

HB 843

2024

1734	943.0435(13)	3rd	to comply with reporting requirements.
1735	943.0435(14)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1736	944.607(9)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
1737	944.607(10)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
			Sexual offender; failure to submit to the taking of a digitized photograph.

HB 843

2024

1738 | 944.607(12) | 3rd | Failure to report or
 providing false
 information about a sexual
 offender; harbor or
 conceal a sexual offender.

1739 | 944.607(13) | 3rd | Sexual offender; failure to
 report and reregister;
 failure to respond to address
 verification; providing false
 registration information.

1740 | 985.4815(10) | 3rd | Sexual offender; failure
 to submit to the taking
 of a digitized
 photograph.

1741 | 985.4815(12) | 3rd | Failure to report or
 providing false
 information about a
 sexual offender; harbor
 or conceal a sexual
 offender.

1742

HB 843

2024

985.4815(13)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

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Section 27. This act shall take effect December 31, 2024.