

THE FLORIDA BOARD OF MEDICINE

ANNUAL REGULATORY PLAN 2017-18

This Annual Regulatory Plan is being filed and published pursuant to section 120.74, *Florida Statutes* (2017). The Plan covers the period beginning October 1, 2017 and ending September 30, 2018.

PART ONE LAWS ENACTED OR AMENDED

Part One of the Plan addresses each law enacted or amended during the 2017 Legislative Session which creates or modifies the duties or authority of the Board of Medicine. §120.74(1)(a), Fla. Stat. (2017).

Law Enacted or Modified on or after Oct. 1, 2016	Florida Statute (modified or created)	Rule (impacted)	Must Agency Adopt Rules?	If Rulemaking Necessary, Notice of Development Published in Florida Administrative Register?	Expected Publication Date for Notice of Proposed Rulemaking	If Rulemaking Not Necessary, Explain
Ch. 2017-50, §3, Laws of Fla., Effective 5-31-17 (HB 229)	§456.0635, F.S., (Healthcare Fraud; disqualification for license, certificate, or registration)	64B8-4.009, F.A.C. (Applications) 64B8-30.003 (PA Licensure) 64B8-31.003 (AA Licensure)	No	Not applicable	Not applicable	Although rulemaking is not required, certain questions on the licensure applications may be clarified and the Board anticipates opening rule development for 64B8-4.009, 64B8-30.003, and 64B8-31.003, F.A.C., to address this and other application issues prior to the end of 2017. Rule 64B8-51.001, F.A.C., has been opened

		64B8-51.001, F.A.C. (Manner of Application)				for Rule Development.
Ch. 2017-41, §§3 and 4, Laws of Fla., Effective 6-23-17 (SB 8-A)	§381.986, F.S., (Medical use of marijuana)	64B8-9.018, F.A.C., (Mandatory Standardized Informed Consent for Medical Marijuana; Required Documentation for Comparable Medical Conditions)	Yes	64B8ER17-1	64B8ER17-1	The Board intends to file emergency rules regarding the mandatory consent form and required documentation for comparable medical conditions. Rule development for the listed nonemergency rules is expected to be published by November 1, 2017.
		64B8-8.001, F.A.C., (Disciplinary Guidelines)	Yes	64B8ER17-2	64B8ER17-2,	
Ch. 2017-50, §3, Laws of Fla., Effective 7-1-17	§458.3145, F.S. (Medical Faculty Certificate)	64B8-4.009, F.A.C., (Applications)	Yes	8-24-17	9-11-17	

PART TWO
LAWS EXPECTED TO BE IMPLEMENTED THROUGH RULEMAKING

Part Two of this plan addresses those laws which the Board of Medicine intends to implement through rulemaking by July 1, 2018 that are otherwise not covered pursuant to Part One of this Plan. This Part does not include emergency rulemaking or any other rulemaking that may become necessary that was not evident to the Board at the time of the submission of this plan. Additionally, the listing of a law to be implemented does not mean the rule will necessarily be adopted or effective by July 1, 2018. §120.74(1)(b), Fla. Stat. (2017).

Rule Number And Title	Law Expected to Be Implemented Through Rulemaking	Intent of Rulemaking
64B8-4.009, F.A.C. (Applications)	§§456.013, 458.311, 458.313, 458.3137, 458.3145, 458.315, 458.3151, 458.317, and 458.345, F.S.	Clarify, Simplify, Increase Efficiency
64B8-30.003, F.A.C., (PA licensure)	§§456.013, and 458.347, F.S.	Clarify, Simplify, Increase Efficiency
64B8-31.003, F.A.C., (AA licensure)	§§456.013, and 458.3475, F.S.	Clarify, Simplify, Increase Efficiency
64B8-8.001, F.A.C., (Disciplinary Guidelines)	§§456.072 and 458.331, F.S.	Clarify, Simplify, Increase Efficiency

64B8-9.009, F.A.C., (Standard of Care for Office Surgery)	§§458.331, and 458.351, F.S.	Clarify
64B8-42.002, F.A.C. (Licensure by examination.)	§468.509, F.S., (Dietitian/nutritionist; requirements for licensure.)	Include alternate methods towards licensure.
64B8-45.002, F.A.C. (Continuing Education Approval.)	§456.013, F.S. (Department, general licensing provisions.)	Include date for continuing education approval by third parties.
64B8-44.0055 (Notice of Non- Compliance – Minor Violations)	§456.073(3), F.S. (Disciplinary proceedings)	Establish minor violation offenses.
64B8-51.001, F.A.C. (Manner of Application)	§456.013, F.S., (Department; general licensing provisions) §456.0635, F.S., (Health care fraud; disqualification for license, certificate, or registration.) §478.45, F.S., (Requirements for licensure) §478.46, F.S., (Temporary permits) §478.47, F.S., (Licensure by endorsement) §478.55, F.S., (Fees; facility; disposition)	Clarify, Increase Efficiency; Streamline Application
64B8-51.002, F.A.C. (Licensure by Examination)	§456.017, F.S., (Examinations) §456.0635, F.S., (Health care fraud; disqualification for license, certificate, or registration) §478.45, F.S., (Requirements for	Increase Licensure Examination Providers

	licensure)	
64B8-51.006, F.A.C. (Rule Governing Licensure and Inspection of Electrology Facilities)	§456.037, F.S., (Business establishments; requirements for active status licenses; delinquency; discipline; applicability) §456.0635, F.S., (Health care fraud; disqualification for license, certificate, or registration) §478.43, F.S., (Board of Medicine; powers and duties) §478.49, F.S., (License required) §478.51, F.S., (Electrology facilities; requisites; facility licensure; inspection) §478.55, F.S., (Fees; facility; disposition)	Clarify; Increase Efficiency
64B8-56.002, F.A.C. (Equipment and Devices; Protocols for Laser and Light-Based Devices)	§458.331, F.S., (Grounds for Disciplinary Action; action by the board and department.) §458.348, F.S., (Formal supervisory relationships, standing orders, and established protocols; notice; standards) §478.42, F.S., (Definitions) §478.43, F.S., (Board of Medicine; powers and duties)	Clarify
64B8-55.005, F.A.C. (Notice of Noncompliance; Rules Designated as Minor Violations for First Time Offense)	§120.695, F.S., (Notice of noncompliance; designation of minor violation of rules) §456.073, F.S., (Disciplinary Proceedings)	Increase Efficiency, Reduce Regulatory Costs

PART THREE
UPDATES TO PRIOR YEAR'S PLAN

Part Three of the Plan addresses whether there are any updates to the prior year's regulatory plan. §120.74(1)(c), Fla. Stat. (2017).

- There are not any updates to the prior year's annual regulatory plan.

PART FOUR
CERTIFICATION PURSUANT TO §120.74(1)(d), Fla. Stat. (2017)

The undersigned hereby certify that they have reviewed this Annual Regulatory Plan and that the Board of Medicine regularly reviews all of its rules to determine if the rules remain consistent with the Board's rulemaking authority and the laws being implemented, with the most comprehensive enhanced review having been completed on the 30th day of June, 2015 with continuing board review through August, 2017.

/S/ Magdalena Averhoff, M.D.
Electronic Signature
Magdalena Averhoff, M.D.
Chair of the Board of Medicine

9-7-17
Date Signed

/S/ Edward A. Tellechea, Esq.
Electronic Signature
Edward A. Tellechea
Chief Assistant Attorney General
Counsel to the Board of Medicine

9-7-17
Date Signed