

THE FLORIDA BOARD OF MEDICINE

ANNUAL REGULATORY PLAN 2018-19

This Annual Regulatory Plan is being filed and published pursuant to section 120.74, *Florida Statutes*. The Plan covers the period beginning October 1, 2018 and ending September 30, 2019.

PART ONE LAWS ENACTED OR AMENDED

Part One of the Plan addresses each law enacted or amended during the 2018 Legislative Session which creates or modifies the duties or authority of the Board of Medicine. §120.74(1)(a), Fla. Stat.

Law Enacted or Modified on or after Oct. 1, 2017	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. 2018-13, Laws of Fla., Effective July 1, 2018 (HB 21)	§456.0131	<u>64B8-13.005, F.A.C.</u> (Continuing Education for Biennial Renewal) <u>64B8-13.008, F.A.C.</u> (Requirement for Continuing Education Course on Prescribing Controlled Substances)	Yes Yes	6-28-18 4-23-18	7-16-18; Effective: 9-10-18 5-9-18 Effective: 7-15-18	

	§456.44	<u>64B8-9.013, F.A.C.</u> (Standards for the Prescribing of Controlled Substances for the Treatment of Acute Pain)	Yes	Anticipated Mid-October, 2018	Anticipated Late-October, 2018	
	§456.072	<u>64B8-8.001, F.A.C.</u> (Disciplinary Guidelines)	Yes	6-21-18	7-9-18 Effective: 8-28-18	
	§456.072	<u>64B8-8.017, F.A.C.</u> (Citations)	Yes	6-21-18	7-9-18 Effective: 8-28-18	
Ch. 2018-13, Laws of Fla., Effective March 19, 2018 (SB 510)	§456.0495	<u>64B8-8.001, F.A.C.</u> (Disciplinary Guidelines)	Yes	6-21-18	7-9-18 Effective: 8-28-18	
Ch. 2018-13, Laws of Fla., Effective July 1, 2018 (HB 21)	§456.072	<u>64B8-30.015, F.A.C.</u> (Disciplinary Guidelines)	Yes	9-7-17		
	§456.072	<u>64B8-30.014, F.A.C.</u> (Citation Authority)	Yes	9-7-18		

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, 2019 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, 2019. §120.74(1)(b), Fla. Stat.

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
64B8-8.002, F.A.C. (Time for Payment of Civil Penalties or Administrative Fines.	§456.072, 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	§§456.072 and 458.331, F.S.	

Guidelines)		Clarify, Simplify, Increase Efficiency
64B8-9.009, F.A.C., (Standard of Care for Office Surgery)	§§458.331, and 458.351, F.S.	Clarify
64B8-41.001, F.A.C. (Fees)	§468.508, F.S., (Fees)	Reduction of endorsement fee, temporary reduction of renewal fee.
64B8-42.001, F.A.C. (Licensure by Endorsement)	§468.509, F.S., (Dietitian/nutritionist; requirements for licensure.)	Reflect changes to application
64B8-42.002, F.A.C. (Licensure by examination.)	§468.509, F.S., (Dietitian/nutritionist; requirements for licensure.)	Include alternate methods towards licensure.
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 licensure)	Increase Licensure Examination Providers

<p>64B8-51.006, F.A.C. (Rule Governing Licensure and Inspection of Electrology Facilities)</p>	<p>§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)</p>	<p>Clarify; Increase Efficiency</p>
<p>64B8-52.003, F.A.C. (Procedure for Approval of Attendance at Continuing Education Courses)</p>	<p>§456.013, F.S., (Department; general licensing provisions) §456.033, F.S., (Requirement for instruction for certain licensees on HIV and AIDS) §478.43(4), F.S., (Board of Medicine; powers and duties) §478.50(2), (4)(a), (b), F.S., (Renewal of license; delinquent status; address notification; continuing education requirements)</p>	<p>Update, Clarify</p>
<p>64B8-53.001, F.A.C. (General Requirements for Pre-licensure Electrolysis Training Programs)</p>	<p>§478.43(4), F.S., (Board of Medicine; powers and duties) §478.45(1)(e), F.S., (Requirements for licensure) §478.50(4)(b), F.S., (Renewal of</p>	<p>Update, Clarify</p>

	license; delinquent status; address notification; continuing education requirements)	
64B8-53.002, F.A.C. (Curriculum Standards for Electrolysis Training Programs)	§478.43(4), F.S., (Board of Medicine; powers and duties) §478.45(1)(e), F.S., (Requirements for licensure) §478.50(4)(b), F.S., (Renewal of license; delinquent status; address notification; continuing education requirements)	Update, Clarify
64B8-53.003, F.A.C. (Required Equipment for Electrolysis Training Programs)	§478.43(4), F.S., (Board of Medicine; powers and duties) §478.45(1)(e), F.S., (Requirements for licensure) §478.50(4)(b), F.S., (Renewal of license; delinquent status; address notification; continuing education requirements)	Update, Clarify
64B8-55.001, F.A.C. (Disciplinary Guidelines)	§456.072, F.S., (Grounds for discipline; penalties; enforcement) §456.073, F.S., (Disciplinary proceedings) §456.079, F.S., (Disciplinary guidelines) §478.52(4), F.S., (Disciplinary proceedings)	Update, Clarify
64B8-55.002, F.A.C. (Citations)	§456.072(3), (4), F.S., (Grounds for discipline; penalties; enforcement) §456.077(1), (2), F.S., (Authority to issue citations) §478.51, F.S., (Electrology facilities; requisites; facility licensure;	Update, Clarify

	inspection) §478.52, F.S., (Disciplinary proceedings)	
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

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(c), Fla. Stat.

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

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

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, 2018.

/S/ Jorge J. Lopez, M.D.
Electronic Signature
Jorge J. Lopez, M.D.
Chair of the Board of Medicine

September 6, 2018
Date Signed

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

September 6, 2018
Date Signed