



## **Division of Medical Quality Assurance**

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*Governor*

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# **Annual Report**

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**Fiscal Year 1998 - 1999**

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### *Mission*

To protect and promote the health of all persons in Florida by diligently regulating health care practitioners and facilities.

### *Major Responsibilities*

The Division of Medical Quality Assurance (MQA) regulates over 650,000 health care practitioners. The public protection mission of the division is accomplished by reviewing credentials of applicants, issuing licenses, analyzing and investigating complaints and reports, inspecting facilities, assisting in the prosecution of practice act violations, combating unlicensed activity and providing credentialing and profiling information on licensees.

The regulatory mission of the division is carried out in partnership with regulatory boards, which consist of volunteer members appointed by the Governor and confirmed by the Senate. The division is responsible for the planning, development and coordination of programs and services for 22 regulatory boards, six councils and four professions directly administered by the Department of Health (DOH). The boards and councils are comprised of individuals licensed within that profession, as well as consumers. MQA and its boards promulgate rules to effectively regulate health care professionals.

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### *Division Organization*

The division consists of the division director's office and three bureaus which include:

**Bureau of Health Care Practitioner Regulation:** Responsible for the policy making and programmatic activities related to licensure and regulation of health care practitioners.

**Bureau of Management Services:** Provides centralized purchasing, travel, communication, information dissemination, public record request response and disciplinary tracking support to the board offices.

**Bureau of Operations:** Coordinates the issuance and renewal of licenses, receipt of revenue, testing services, unlicensed activity programs and the licensee credentialing and profiling activity.

## ***Major Accomplishments***

MQA had a milestone year of accomplishments in 1999 through the implementation of several innovative initiatives. Among the most significant accomplishments are those initiatives that have improved services to consumers and citizens as well as practitioners and new applicants for licensure.

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### ***Improved Services to Consumers and Citizens***

Several consumer-oriented programs were launched which enhanced the department's mission to "promote and protect the health of all people in Florida through the delivery of quality public health services and health care standards." MQA:

- Implemented a more aggressive unlicensed activity program, including the development of media campaigns to alert the public to the dangers of engaging the services of unlicensed individuals. In conjunction with this consumer protection initiative, a South Florida field office was set up to work closely with the state attorneys' offices to pursue the prosecution of individuals who provide unlicensed medical and allied health services.
  - Developed a web site that provides comprehensive information on the various services offered by MQA. Examples include general information on all regulated professions, how to file a complaint, renewal information, practitioner profiling, health care practitioner licensure lookup, and continuing education providers.
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### ***Improved Discipline Proceedings***

Collaboration between the Department of Health and the Agency for Health Care Administration during 1999 yielded major improvements in the health care disciplinary process. The following comparison of 1999 medical disciplinary activity to the previous year's efforts reflect the progress made:

- An increase (from 219 to over 330) in the number of administrative complaints filed.
- An increase (from 1,556 to 2,432) in the number of cases resolved by dismissal or letter of guidance.
- An increase (from 69 to over 140) in the number of physician disciplinary final orders filed.
- An increase (from 9 to 15) in the number of physician emergency suspension orders filed.
- A decrease (from 3,142 to 2,376) in the active caseload of investigations pending final action. This decrease is significant when considering that over 2,200 new physician cases were submitted to the medical section for final action during 1999.
- An increase (from over 2,200 to over 3,200) in the number of actions presented to the two medical probable cause panels in 1999.

### ***Improved Services to Practitioners, Applicants, and Licensees***

Employing strategies that maximize the effective use of technology enabled MQA to:

- Complete the two-year transition to an integrated licensure and disciplinary database system, which will streamline licensure procedures, facilitate imaging and scanning, and enhance reporting capabilities.
- Operationalize the legislative mandate to develop a practitioner credentialing system which will serve as a central repository for physician data and imaged documents. The new web-accessible database of core credentialing information on 60,000 Florida physicians is called CoreSTAT. This groundbreaking system will offer a great deal of flexibility in how practitioners provide and update their professional data. This system will significantly improve current procedures associated with the granting of practice privileges for physicians, as well as reduce costs and eliminate unnecessary paperwork.
- Implement a number of initiatives to streamline the licensure application and credentialing process, all of which are designed to ultimately reduce the amount of time it takes to determine licensure eligibility. For example, the newly automated licensure application process will enable individuals to access applications from the Internet rather than wait for the application to be sent through the mail. Those who do not have Internet capability can now request applications 7 days a week, 24 hours a day, and applications are mailed out the next business day. Other administrative procedures have been refined to eliminate unnecessary barriers throughout the licensure application and credentialing process. These efforts have reduced average processing time from 6 to 2 months. This has resulted in better customer satisfaction for applicants and health care entities.
- Implement a licensure advisory system, which is web-based, and guides applicants through a series of questions designed to help them determine if they qualify for licensure.
- Implement an automated board meeting agenda system, using the Board of Medicine as the prototype. This system allows board members to conduct their regulatory responsibilities by using laptop computers rather than relying on paper documents, providing for a more efficient and cost-effective process.

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During 1999, the health care practitioner regulation program evolved into a state-of-the-art service delivery system which revolutionized its core business processes to better serve consumers and practitioners. It has become a national model with a number of public/private and public/public partnerships that have resulted in a much more efficient regulatory structure.

division of

**M**edical  
**Q**uality  
**A**ssurance

# Organizational Chart

**Divison Director**

**Board and  
Council Members**

**Bureau of Health Care  
Practitioner Regulation**  
(Boards, Councils, and Professions)

**Bureau of  
Management  
Services**

**Bureau of  
Operations**

# BUREAU OF MANAGEMENT SERVICES

The mission of the Bureau of Management Services is to provide reliable and accurate information, support, and services to health care consumers, practitioners, facilities, and regulatory bodies.

## *Major Responsibilities*

The Bureau is comprised of the office of the bureau chief and 4 units that provide administrative support to the board offices. The functions of the units include:

**Internal Services Unit:** coordinates the arrangements for board meetings, processes travel reimbursements for board members, prepares board newsletters, procures and processes payment for goods and services, and coordinates microfilming for the division.

**Client Services Unit:** processes final orders, reports disciplinary actions to data banks/national organizations, tracks respondents' actions to comply with board orders, responds to non-media public information requests, and provides written license certification.

**Communication Services Unit:** answers all incoming calls, responds to requests for general information and refers requests for more detailed information to subject matter experts; and mails application packets, laws, and rules.

**Central Records Unit/Deputy Clerk's Office:** files and indexes division orders (final orders, emergency suspension orders, administrative complaints, notice of appeals, etc.) as they relate to health care professions, processes public record requests from the general public and other state regulatory agencies as they relate to administrative actions, serves as official custodian for disciplinary records and prepares records on appeal.

Staff within the bureau chief's office coordinates the development and maintenance of the division's website and responses to e-mails from licensees, applicants and the general public.

## *Highlights*

- Responded to approximately 160,000 telephone requests for information.
- Established an application request tracking system.
- Responded to approximately 12, 838 requests for licensure applications.
- Completed meeting arrangements for approximately 180 board meetings and committee meetings.
- Developed a system to track and obtain the lowest quotes for purchases.
- Developed a system for delivery of goods.
- Developed and distributed 32 newsletters to approximately 700,000 healthcare practitioners and interested parties.
- Implemented a tracking system for filing/indexing legal documents, public record requests and appeals.
- Decreased the turn around time for processing public record requests from 4 weeks to 3 days, under normal circumstances.  
Processed 5,593 public record requests.
- Responded to 15,062 licensure certification requests.
- Processed and filed 1,249 final orders.
- Tracked 804 licensees for compliance with disciplinary sanctions.
- Initiated and completed the division's WebPages which included 354 pages.
- During July 1, 1998 - June 30, 1999 234,183 visits were made to the division's web site.
- Developed and implemented the E-DER (electronic disciplinary enforcement request) to speed-up and enhance communication with investigative field offices.
- Developed and implemented Health Integrity Practitioner Data Bank reporting procedures.

# BUREAU OF OPERATIONS

The mission of the Bureau of Operations is to protect the health of all persons in Florida by testing to insure competency, issuing licenses, combating unlicensed activity and informing the public about health care practitioner credentials.

## *Major Responsibilities*

The Bureau of Operations is responsible for the renewal and issuance of licenses, examination services, unlicensed activity, practitioner profiles and credentialing of allopathic physicians, osteopathic physicians, podiatric physicians, and chiropractic physicians, staffing of the impaired practitioners committee; and revenue functions.

The Bureau is comprised of the office of the bureau chief and three units:

**Testing Services:** plans, coordinates and directs examination development, scheduling, scoring, score reporting, and post-examination reviews. Through this unit, the department insures each examination used for licensure is valid, reliable, and adheres to generally accepted testing principles and practices. This unit is also responsible to ensuring the security of all licensure examinations administered by the department. The Testing Services Unit is divided into five areas: Psychometrics and Research, Examination Scheduling, Examination Administration, Scoring, and Business Operations.

**Licensure and Revenue Services:** plans, coordinates and directs all services and activities related to the issuance of practitioner licenses, including processing revenues for initial licensure, renewals, fines, etc; assisting licensees in the renewal process through telephone communications, and preparing; and maintaining licensure records.

**Profiling and Credentialing Services:** coordinates efforts to combat unlicensed practice including consumer education, investigation and prosecution of unlicensed individuals; manages the development and publication of practitioner profiles; provides primary staffing for the impaired practitioners committee; responsible for the implementation of a practitioner credentialing program which gathers, verifies, and provides core credentials data on allopathic physicians, osteopathic physicians, chiropractic physicians, and podiatric physicians.

## *Highlights*

- Issued 39,311 initial licenses and 194,924 renewal licenses.
- Responded to 45,147 telephone inquiries.
- Prepared and mailed 233,645 renewal notices.
- Processed 411,128 revenue transactions.
- Designed a website to provide consumers with access to extensive information about allopathic, osteopathic, podiatric and chiropractic physicians.
- Developed procedures for fingerprinting 56,000 - licensed practitioners prior to renewal.
- Designed CoreSTAT, an electronic database system to store data and document images for 56,000 plus allopathic, osteopathic, podiatric and chiropractic physicians.
- Established, in conjunction with the Department of Health's General Counsel's Office, a statewide unlicensed activity office in Ft. Lauderdale, which investigated 372 reports of unlicensed activity resulting in: 7 arrests; 48 cease and desist orders; and 13 pending court actions.
- Reactivated the Impaired Practitioners Committee to analyze program standardization, structure and legislative intent of the committee.
- Served 6,000 examination candidates.
- Produced and administered, in conjunction with the University of South Florida, the Florida Medical Licensure Examination to 323 candidates.



# BUREAU OF HEALTH CARE PRACTITIONER REGULATION

The mission of the Bureau of Health Care Practitioner Regulation is to protect health care consumers by establishing and enforcing health care standards, licensing qualified health care practitioners and facilities, and disseminating health care information to the public.

## *Major Responsibilities*

The Bureau of Health Care Practitioner Regulation is responsible for the policy making and programmatic activities related to licensure of health care practitioners. The board staff provides administrative support to the designated boards who review cases relating to licensure and disciplinary action against health care practitioners and determine probable cause in disciplinary actions. The seven board offices evaluate applications for licensure and examination, conduct board meetings, administer policy, issue final disciplinary orders, review and approve continuing education providers, and audit licensure compliance for continuing education.

The Bureau is comprised of a bureau chief and seven offices under the supervision of board executive directors.

The regulated professions are grouped in the following board offices:

- Acupuncture, dentistry, massage therapy, osteopathic medicine, midwifery.
- Athletic training; clinical social work, marriage and family therapy, mental health counseling; opticianry, hearing aid specialists; speech-language pathology and audiology.
- Chiropractic medicine, clinical laboratory personnel, medical physicists, podiatric medicine, optometry, orthotists and prosthetists.
- Dietetics and nutrition practice; electrology, occupational therapy, physical therapy; psychology, school psychology and respiratory therapy.
- Medicine and physician assistants and naturopathy.
- Nursing.
- Pharmacy, nursing home administrators, certified nursing assistants.

## *Highlights*

### **Athletic Training**

- Effective October 1, 1999 the Council of Athletic Training became the Board of Athletic Training, with membership increasing from 7 Council members to 9 Board members.
- The profession has grown tremendously in the few years of regulation. Originally, it was anticipated there would be only 500 licensees. At the end of this fiscal year, there are over 900 licensees.
- There has been no disciplinary action taken against any licensed athletic trainer.

## **Certified Nursing Assistants**

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- Issued 10, 773 original certificates.
- Granted 234 exemptions for certification.
- Denied 22 request for exemptions for certification.
- Issued 85 findings of not disqualified.

## **Chiropractic Medicine**

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- Clarified rules regarding professional advertising in an effort to control any misleading information being presented to the residents of Florida.
- Candidate Training Program was repealed during the 1999 Legislative Session.

## **Clinical Laboratory Personnel**

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- Simplified and clarified rules regarding qualification, examination and licensure.
- Accepted several national examinations for licensure Effective July 1, 1999.
- Instituted Licensure Advisory System to allow potential applicants to pre-determine if they qualify for licensure prior to making applications to the board.
- Required Clinical Laboratory Directors to be nationally certified as of July 1, 1999.
- Conducted four full board and two Probable Cause Panel Committee meetings.

## **Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

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- Proposed a 1-year grandfathering period for the statutory changes previously set to take place in 2001 for marriage & family therapy and mental health counseling licensure applicants.
- Applicants applying for licensure by endorsement, without having taken a substantially equivalent examination will now be able to qualify for licensure by endorsement, without documenting the required post-masters supervision.
- The Board of Clinical Social Workers, Marriage Family Therapy and Mental Health Counselors was given the authority to change the laws and rules examination to a continuing education course to be offered by a board approved provider.
- Published spring and fall newsletters to educate practitioners on potential legislative and rule changes as well as disciplinary actions taken by the board.
- Focused on developing an on-line licensure advisory system to assist potential applicants in determining whether they meet the statutory requirements for licensure.
- Conducted 4 full board and 2 Probable Cause Panel meetings during the fiscal year.

## Hearing Aid Specialists

- Approved a rule to allow the purchaser of a hearing aid to cancel the purchase for a valid reason within 30 days of the receipt of the hearing aid.
- Sought and obtained legislation to increase the penalty from a misdemeanor to a felony of the third degree for unlicensed activity.
- Sought and obtained legislation to include that within 30 days after the return or attempted return of the hearing aid, the seller shall refund all monies to the purchaser.
- Conducted 3 full board meetings and 3 Probable Cause Meetings.

## Massage Therapy

- Licensed 2,196 massage therapists and 827 massage establishments.
- Held a joint meeting with the Board of Cosmetology on the removal of exemptions from Chapter 480.034, F.S., and coordinating the dissemination of information.
- Published two newsletters to keep licensees, schools and other interested parties informed of the latest changes affecting requirements and procedures.
- Board members attended national meetings with other state regulatory agencies.
- Board members addressed the Agency for Health Care Administration (AHCA) Investigative Services' staff to clarify statutes and rules.

## Medical Physicists

- Established the "physicist in training" classification.

## Medicine

- Proposed and achieved requirements for registration and inspection of physician offices where surgery is performed.
- Proposed and achieved requirements for reporting adverse incidents occurring in physician offices.
- Proposed and achieved increased fining authority for meaningful penalties.
- Proposed and achieved expanded subpoena authority for investigation of fraud.
- Supported new legislation enhancing end-of-life care.
- Supported new legislation enhancing accountability of nursing home medical directors.
- Initiated substantial revisions to Standard of Care for Office Surgery Rules.
- Initiated new Office Incident Reporting rule.
- Initiated new Surgical Office Registration, Inspection/Accreditation rule.
- Initiated new Approval of Accrediting Organizations rule.
- Initiated new Practice Guidelines for Pain Management.
- Initiated new rule requiring renewal of specialty board approval.
- Initiated revisions to Disciplinary Guidelines, including increased penalties, and zero tolerance for sexual misconduct.
- Adopted rule to encourage Continuing Medical Education for End-of-Life Care.
- Updated Physician Assistant Formulary.

- Updated Physician Assistant Performance and Supervision Rules.
- Chaired the Department of Health Task Force on Telehealth.
- Participated in Florida's End-of-Life Care Legislative Panel.
- Centennial Celebration of the Florida Board of Medicine.
- Developed television and radio public service announcements urging consumers to be aware of unlicensed physicians in partnership with the Florida Medical Association.
- Co-Sponsored and conducted Medical Records and Telemedicine Seminar in partnership with the Florida Bar.
- Conducted a state symposium on Disruptive Physicians.
- Continued monitoring the Florida Medical Licensing and Florida Physician Assistant Examinations.

## **Nursing**

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- Expanded tracking system to monitor nurses on probation to include all nurses who have been brought before one of the three probable cause panels.
- Evaluation of data revealed the board is consistent in the penalties imposed for similar violations of the practice act.
- Conducted a pilot pre-renewal audit of over 6000 nurses followed by a small post-renewal method for all upcoming audits.
- Established Task Force for Continuing Competency to develop a system to provide evidence that nurses continue to be competent to practice.
- Initiated request for proposals for unlicensed activity program.
- Board voted to pursue an Attorney General's opinion seeking clarification regarding the ability of advanced registered nurse practitioners (ARNP's) to prescribe controlled substances under current statutory language.
- Board voted to establish rule language that would permit ARNP's to prescribe Schedule II through V controlled substances under protocol after the ARNP had completed a course on dangerous drugs.
- Amended Section 464.003, F.S., to require individuals who had taken and failed the licensure examination three or more times to complete a Board-approved remedial course.
- Amended statute so that "nurse" can only be used by a person licensed pursuant to Chapter 464.
- Conducted 6 board meetings.
- Approved 40 registered and 45 licensed practical nursing programs.

## **Nursing Home Administrators**

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- Accepted a national computer based examination with the National Association of Boards of Examiners (NAB).
- Conducted four board meetings.
- Licensed 103 new nursing home administrators.

## **Opticianry**

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- Reduced the licensure fee from \$280 to \$200.

## **Optometry**

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- Conducted an in-depth review of the state licensure examination.

## **Pharmacy**

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- Adopted quality improvement rules for institutional pharmacies.
- Conducted six (6) full board meetings.

## **Physician Assistants**

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- Developed recommendations and adopted rule amendments regarding scope of practice.

## **Speech-Language Pathology and Audiology**

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- Amended Part I of Chapter 468, Florida Statutes, to require a bachelors degree for speech-language pathologists assistants effective July 1, 1999.
- Focused on developing uniform licensure requirements through the elimination of the exemption for speech-language pathologist and audiologist in public school settings from the requirements in Part I of Chapter 468, Florida Statutes.
- Conducted 4 full board meetings, 3 probable Cause Panel Meetings and 7 telephone conference calls.



## SUMMARY STATUTORY AND RULE CHANGES

Profession	STATUTORY CHANGES	RULE CHANGES
<b>Clinical Laboratory Personnel</b>		64B3-2.003 Definitions. 64B3-5.002 Supervisor Qualifications and Responsibilities. 64B3-5.003 Technologist Qualifications. 64B3-5.004 Technician General Qualifications. 64B3-5.007 Director Limitations, Qualifications and Responsibilities. 64B3-7.001 Licensure Examinations. 64B3-7.006 Examination Review Procedures. 64B3-9.001 Application Fees. 64B3-9.002 Initial Licensure Fees.
<b>Dentistry</b>		64B5-7.001 Requirements for Approval and Operation of Internship and Residency Programs. 64B5-7.003 Change in Permit Requirements for Dental Interns, Residents and Institutional Dentists. 64B5-7.0035 Practicing in State and County Government Facilities. 64B5-7.005 Teaching Permits. 64B5-12.013 Continuing Education Requirements. Standards for Board Approval. 64B5-12.0185 Pro Bono Programs. 64B5-14.003 Clarifies the issuance of Parental and Pediatric Conscious Sedation Permits. 64B5-15.017 Fees for Pediatric Conscious Sedation. 64B5-15.018 Initial Permit Fees for Pediatric Conscious Sedation. 64B5-15.019 Renewal Fees for Pediatric Conscious Sedation. 64B5-16.006 Changes in rule specifying Remedial Tasks Delegable to a Dental Hygienist. 64B5-16.008 Relates to Emergency Remedial Task. 64B5-17.011 Addresses the issue of the dentist's liability with regard to actions of a dental hygienist supervised by said dentist.

Profession	STATUTORY CHANGES	RULE CHANGES
<b>Dietetics and Nutrition Practice</b>	468.505 Exemptions; exceptions. 468.506 Dietetics and Nutrition Practice Council. 468.507 Authority to adopt rules. 468.513 Dietitian/nutritionist; licensure by endorsement. 468.518 Grounds for disciplinary action.	64B8-41.001 Fees (Amended) 64B8-44.003 Disciplinary Guidelines (Amended)
<b>Electrolysis</b>	478.43 Board of Medicine; powers and duties	64B8-51.006 Rule Governing Licensure and Inspection of Electrology Facilities. 64B8-53.003 Required Equipment for Electrolysis Training Programs. 64B8-55.001 Disciplinary Guidelines. 64B8-55.002 Citations.
<b>Massage Therapy</b>		

<b>Medicine</b>		64B8-4.026 Restricted Licensure (458.3115, F.S.) (new) 64B8-4.027 Restricted Licensure (458.3124, F.S.) 64B8-30.012 Physician Assistant Performance 64B8-30.008 Physician Assistant Formulary 64B8-2.001, Definitions 64B8-5.002, Examination (458.3115,F.S.) (new) 64B8-6.008, Unlicensed Physician 64B8-13.005 Continuing Education
<b>Nursing</b>		64B9-3.003 Practice of Nursing by Applicant for Licensure by Examination. 64B9-7.001 Fees. 64B9-8.006 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.
<b>Occupational Therapy</b>	64B11-2.005 Temporary Permit to Practice Occupational Therapy 64B11-2.008 Fees; Initial License 64B11-3.003 Temporary Permit to Practice as an Occupational Therapy Assistant 64B11-3.006 Fees; Initial License 64B11-4.0025 Probable Cause Determination 64B11-4.0035 Payment of Fine 64B11-4.006 Mediation 64B11-6.001 Continuing Education and Provider Approval	64B8-51.006 Rule Governing Licensure and Inspection of Electrology Facilities. 64B8-53.003 Required Equipment for Electrolysis Training Programs. 64B8-55.001 Disciplinary Guidelines. 64B8-55.002 Citations.
<b>Orthotists and Prosthetists</b>	468.801 Board of Orthotists and Prosthetists; appointment; membership; terms; headquarters. 468.802 Authority to adopt rules 468.811 Disciplinary Proceedings	64B14-1.001 Other Business Involving the Board. 64B14-2.001 Licensure without Examination Fees. 64B14-2.002 Biennial Renewal Fee. 64B14-2.005 Change of Status Fee. 64B14-2.010 Continuing Education Fees. 64B14-2.014 Fees for Licensure by Examination. 64B14-4.003 Documentation of Eligibility for Licensure. 64B14-4.004 Examination Requirements for Licensure Candidates Pursuant to Section 468.805(3). 64B14-4.200 Provisional License. 64B14-5.001 Licensure Renewal. 64B14-5.002 Continuing Education Requirement. 64B14-7.001 Standards of Practice. 64B14-7.002 Patient Records. 64B14-7.003 Disciplinary Guidelines. 64B14-7.004 Citations. 64B14-7.005 Notice of Noncompliance.



Profession	STATUTORY CHANGES	RULE CHANGES	
Pharmacy		64B16-26 64B16-28 64B16-30	Pharmacists' Licensure. General Requirements – Permits. Disciplinary Guidelines.
Physical Therapy	486.021 Definitions. 486.023 Board of Physical Therapy Practice. Powers and duties of the Board of Physical Therapy Practice.	64B17-2.001 64B17-2.003 64B17-3.001 64B17-4.005	Application Fees for Physical Therapists. (Amended) Application Fees for Physical Therapist Assistant. (Amended) Licensure as a Physical Therapist by Examination. (Amended) Current Applications Required. (New)
Podiatric Medicine	461.001 Legislative findings, intent, scope. 461.002 Exceptions. 461.003 Definitions. : 461.04 Board of Podiatric Medicine; membership; appointment; terms. 461.005 Rulemaking authority. 461.006 Licensure by examination. 461.007 Renewal of license. 461.009 Itemized patient billing. 461.012 Violations and penalties. 461.13 Grounds for disciplinary action; action by the board; investigations by department. 461.134 Prescription or Administration of dimethyl sulfocide (DMSO); written release and information requirements. 461.014 Residency. 461.14 Saving clauses. 461.018 Limited scope of practice; area of need	64B18-11.001 64B18-11.002 64B18-11.003 64B18-11.004  64B18-13.009  64B18-14.006 64B18-14.009  64B18-15.002 64B18-17.003 64B18-18.006	Application for Licensure. Examination for Licensure. Reexamination. Examination Inspection and Review Procedure. Exemption of Spouse of Member of Armed Forces from License Renewal requirements. Casting Feet. Minor Violations; Notices of Noncompliance Costs of Reproducing Medical Records. Continuing Education. License to Practice Without Supervision.

<b>Profession</b>	<b>STATUTORY CHANGES</b>	<b>RULE CHANGES</b>
<b>Psychology</b>	490.004 Board of Psychology. 490.005 Licensure by examination. 490.00515 Exemptions from public records and meetings requirements. 490.009 Discipline. 490.012 Violations; penalties; injunction. 490.0145 The practice of juvenile sexual offender therapy. 490.015 Duties of the department.	64B19-11.001 Examination. 64B19-11.0035 Licensure by Examination: Proof Satisfactory to the Board for the Purpose of Determining Eligibility for Examination. 64B19-12.002 Application and Examination Fee for Licensure by Examination; Review Fee. 64B19-12.003 Reexamination Fee. 64B19-12.005 Biennial Active Renewal Fee. 64B19-12.009 Continuing Education Provider Fees 64B19-17.0025 Payment of Fine. 64B19-18.0025 Qualifications to Practice Juvenile Sexual Offender Therapy. 64B19-19.0025 Standards for Records.
<b>Respiratory Therapy</b>	468.364 Fees; establishment; Disposition. 468.365 Disciplinary grounds and actions.	64B8-70.002 Organization. (Amended) 64B8-70.009 Address of Licensee. (Amended) 64B8-72.002 Certification by Examination. (Amended) 64B8-72.003 Licensure Without Examination. (Repealed) 64B8-74.0015 Payment of Fine. (New) 64B8-75.001 Continuing Education Requirement. (Amended) 64B8-75.0041 Provider Approval and Renewal Procedures. (Amended)

# THE AGENCY FOR HEALTH CARE ADMINISTRATION

## ***Enforcement Activity***

The Division of Medical Quality Assurance contracts with the Agency for Health Care Administration to coordinate and implement the enforcement activities related to the discipline of health care practitioners. Specifically these functions include:

**Consumer Services:** provides consumer education, initial intake and analysis of complaints received regarding the regulated professions, desk investigations of minor violations, issues and tracks citations and notices of non-compliance for minor infractions of applicable laws.

**Investigative Services:** conducts confidential interviews, collects documents and evidence, conducts inspections, serves subpoenas and official orders, prepares investigative reports.

**Prosecutorial Services:** reviews legally sufficient cases from intake through due process prosecution, expedites as a priority those complaints that pose an immediate danger to the health and safety of the public.

## ***Highlights***

- The number of expert witnesses has been increased to review completed investigations prior to presentation to the probable cause panels.
- The agency continues to monitor the compliance of the statutory mandate to complete the analysis, investigation and recommendation of probable cause within six months of receipt of a complaint. The agency has an average compliance rate of 89% for complaints received since implementation of the mandate on July 1, 1997.
- The agency is continuing its quality improvement initiatives through established process action teams. The teams conducted an initial analysis of the health care practitioner enforcement process and made recommendations for improvement opportunities. The teams are continuing to conduct analysis, identify improvements, and implement and monitor the progress of the improvements. Listed below are improvements that were implemented in the last fiscal year.
  1. Revision of the Uniform Complaint Form to elicit more information initially from the complainant.
  2. Established a system for immediate identification of internally generated complaints.
  3. Use of in-house experts to review complaints with allegations of substandard care.
  4. Direct transfer of completed investigations to the Office of the General Counsel, Medical and Allied Health sections.
  5. Identification and retrieval of abstract records pertinent to alleged violations.
  6. Development and use of a questionnaire to compare allegations of misfiled pharmaceuticals. In addition to use in the investigations, the questionnaire will be used both by the Florida Board of Pharmacy and on the national level for establishment of standards and development of legislation.
  7. Creation of a Quality Control Matrix for random audits of work products.

**Table I**  
**Summary of Active and Inactive Licensees**  
**July 1, 1998 – June 30, 1999**

<b>Professions</b>	<b>Active</b>	<b>In-active</b>	<b>Totals</b>
<b>Acupuncture</b>	986	51	1,037
<b>Athletic Training</b>	856	21	877
<b>Certified Nursing Assistants</b>	222,075	0	222,075
<b>Certified Social Workers</b>	4	0	4
<b>Chiropractic Medicine</b>	4,960	421	5,381
<b>Clinical Laboratory Personnel</b>	13,844	1,573	15,417
<b>Clinical Social Workers</b>	6,127	103	6,230
<b>Dental Labs</b>	1,112	0	1,112
<b>Dentistry</b>	19,019	331	19,350
<b>Dietetics and Nutrition</b>	2,994	107	3,101
	575	8	583
	318	0	318
	160	0	160
	721	5	726
<b>Marriage and Family Therapy</b>	1,520	47	1,567
<b>Massage Establishment</b>	3,399	0	3,399
<b>Masage Therapy</b>	19,116	709	19,825
<b>Medical Physicists</b>	330	0	330
<b>Medicine</b>	47,609	970	48,579
<b>Mental Health Counseling</b>	6,586	122	6,708
<b>Midwifery</b>	77	5	82
	10	0	10
	217,179	4,261	221,440
<b>Nursing Home Administrators</b>	1,637	51	1,688
<b>Occupational Therapy</b>	4,638	66	4,704
<b>Optical Establishment</b>	814	0	814
<b>Opticianry</b>	3,164	121	3,285
	2,711	58	2,769
<b>Optometry Branch Office</b>	415	0	415
<b>Orthotists Prosthetists</b>	405	0	405
<b>Osteopathic Medicine</b>	3,766	316	4,082
<b>Pharmacy</b>	27,498	387	27,885
<b>Physical Therapy</b>	13,042	304	13,346
<b>Podiatric Medicine</b>	1,622	101	1,723
<b>Psychology</b>	3,187	191	3,378
<b>Respiratory Therapy</b>	9,095	172	9,267
<b>School Psychology</b>	528	29	557
<b>Speech-Language Pathology and Audiology</b>	5,267	95	5371
<b>Total</b>	<b>647,375</b>	<b>10,625</b>	<b>658,000</b>

**Table II**  
**Summary of Complaints**

Profession	Statutory Reports	Complaints	Legally	Unlicensed	Investigations	Probable	No Probable	Complaints	Non-Disciplinary
			Sufficient	Complaints	Completed	Cause Found	Cause Found	Filed	Actions
Acupuncture	0	22	11	0	0	8	4	5	4
Athletic Training	0	2	4	2	2	4	0	0	0
Certified Nursing Assistant	0	19	0	0	0	0	0	0	0
Certified Social Workers	0	0	0	0	0	0	0	0	0
Chiropractic Medicine	74	288	154	2	75	78	72	48	7
Clinical Laboratory Personnel	10	75	48	0	18	10	0	0	0
Clinical Social Workers	2	42	20	6	30	6	12	6	6
Dental Laboratories	0	22	21 ***	***	***	***	***	***	***
Dentistry	229	804	394	57	303	125	225	160	12
Dietetics and Nutrition	0	29	26	18	27	9	6	8	0
Electrolysis	0	19	12	4	29	9	32	4	0
Health Care Services Pools	0	0	0	0	0	0	0	0	0
Hearing Aid Specialists	0	386	207	1	180	49	125	22	0
Marriage and Family Therapy	1	15	12	2	15	8	11	6	11
Massage Therapy*	0	389	233	45	262	114	58	121	0
Medical Physicists	1	0	0	0	0	0	0	0	0
Medicine	4,722	4,574	2,711	80	1,927	260	2,353	288	4
Mental Health Counseling	1	75	46	18	54	14	32	10	24
Midwifery	2	13	8	2	7	1	9	0	0
Naturopathy	0	1	3	1	1	0	0	0	0
Nursing	377	1,540	1,191	17	1,498	1,247	996	1,122	80
Nursing Home Administrator	5	180	91	1	98	17	76	12	0
Occupational Therapy	1	8	2	1	3	3	5	3	0
Opticianry	1	51	30	12	21	11	12	46	10
Optometry	4	84	31	2	30	9	9	30	0
Orthotists & Prosthetists	0	61	42	34	30	0	0	0	0
Osteopathic Medicine	306	297	221	1	208	34	70	0	0
Pharmacy*	6	736	498	20	495	264	134	198	10
Physical Therapy	8	48	14	0	20	20	9	23	0
Podiatric Medicine	89	74	30	2	22	18	34	23	0
Psychology	1	143	96	15	82	18	42	10	0
Respiratory Therapy	6	39	22	2	28	33	40	28	0
School Psychology	0	2	0	0	0	0	0	0	0
Speech-Language Pathology	0	41	22	5	13	0	5	11	0
<b>Totals</b>	<b>5,846</b>	<b>10,079</b>	<b>6,200</b>	<b>350</b>	<b>5,488</b>	<b>2,361</b>	<b>4,372</b>	<b>2,183</b>	<b>248</b>
Referred Non-jurisdictional		629	2,737						
Total Complaints Received		6,475	12,816						

\*Includes Licensed Facilities

\*\*Disciplinary actions reported may not reflect the number of administrative complaints filed as more than one disciplinary action may have been received.

**Table III**  
Disposition of Administrative Complaints

Profession	Disciplinary Actions*					
	Voluntary Revocation	Surrender	Suspension	Probation	Limitations Obligations	Fines and Reprimands
Acupuncture	0	1	0	0	0	0
Athletic Training	0	0	0	0	0	0
Certified Nursing Assistant	0	0	0	0	0	0
Certified Social Workers	0	1	1	1	1	1
Chiropractic Medicine	2	1	15	14	42	50
Clinical Laboratory Person	0	0	0	0	0	1
CSW/MFT/MHC**	1	1	1	4	4	9
Dentistry	4	8	8	14	72	79
Dietetics and Nutrition	1	2	0	0	4	4
Electrolysis	0	0	0	0	1	1
Health Care Service Pools	0	0	0	0	0	0
Hearing Aid Specialists	0	0	0	0	0	0
Massage Therapy***	6	2	4	0	22	30
Medical Physicists	0	0	0	0	0	0
Medicine	12	18	15	29	80	95
Midwifery	0	0	0	0	0	0
Naturopathy	0	0	0	0	0	0
Nursing	48	53	294	41	281	584
Nursing Home Administrat	0	2	0	1	0	1
Occupational Therapy	0	0	1	0	0	0
Opticianary	0	0	0	3	1	6
Optometry	0	2	0	3	7	13
Orthotists & Prosthetists	0	0	0	0	0	0
Osteopathic Medicine	1	0	2	4	13	23
Pharmacy***	1	4	2	13	30	89
Physical Therapy Practice	1	2	3	2	2	37
Podiatric Medicine	1	1	0	1	5	5
Psychology	0	0	1	0	4	3
Respiratory Therapy	5	4	4	4	2	5
School Psychology	0	0	0	0	0	0
Speech-Language Pathology	0	1	0	2	0	2
<b>Totals</b>	<b>83</b>	<b>103</b>	<b>351</b>	<b>136</b>	<b>571</b>	<b>1,038</b>

\*Disciplinary actions reported may not reflect the number of administrative complaints filed.

as more than one disciplinary action may have been imposed in a case.

\*\*Clinical Social Worker, Marriage and Family therapy and Mental Health Counseling (CSW/MFT/MHC)

\*\*\*Includes Facilities

**Table IV**  
**Summary of Fines and Costs**  
**July 1, 1998 – June 30, 1999**

Profession/Facility	Fines Imposed			Cost Imposed		
	Number of Fines	Money Imp.	Money Received	Number of Costs	Money Imp.	Money Received
Acupuncture						
Certified Nursing Assistant						
Chiropractic Medicine	29	48,700.00	34,780.00	26	44,630.78	23,036.78
Clinical Laboratory Personnel						
Dental Labs			800.00			
Dentistry	51	98,050.00	76,575.00	31	26,677.04	26,023.01
Dietetics and Nutrition Practice						
Electrolysis						
Hearing Aid Specialists						
Marriage and Family Therapy						
Massage Therapy	30	21,375.00	2,659.19	25	6,527.75	517.35
Medicine	76	276,950.00	121,827.43	3	2,871.19	1,326.00
Mental Health Counseling						
Midwifery						
Nursing		152,555.50	32,600		143,213.68	32,766.36
Nursing Home Administrators	1	1,575.00				
Occupational Therapy						
Optician			500			
Optometry	4	11,750.00	4,500.00	4	1,516.05	574.81
Osteopathic Medicine	19	37,750.00	24,586.00	3	1,650.00	750.00
Pharmacy						
Podiatric Medicine	4	2,250.00	4,250.00	3	2,198.30	1,198.27
Psychology	1	1,000.00		1	2,000.00	
Physical Therapy						121.83
Respiratory Therapy	3	1,250.00	700			
School Psychology						
Speech-Language, Pathology and Audiology	1	21,375.00	2,659.19	25	6,527.75	517.43
<b>Total</b>	<b>218</b>	<b>499,575.00</b>	<b>272,177.62</b>	<b>96</b>	<b>88,071.11</b>	<b>53,548.05</b>

**Table V**  
**Revenue/Expenditures/Cash Balances**  
**July 1, 1998 – June 30, 1999**

Profession	Beginning		Ending		Unlicensed	
	Cash Balance	Revenue	Expenditures	Cash Balance	Activity	Cash
Acupuncture	638,069	310,432	388,397	560,103		31,108
Athletic Training	185,622	46,362	74,385	157,599		5,413
Chiropractic Medicine	895,627	530,983	1,575,677	-149,068		102,516
Clinical Laboratory Personnel	229,785	454,886	1,325,804	-641,133		1,026
Certified Nursing Assistant	-419,145	90,288	235,051	-563,908		-7,357
Certified Social Workers	-117,478	2,611	3,718	-118,585		-6,541
Clinical Social Work, Marriage and Family Therapy, Mental Health Counseling	431,610	1,985,902	1,785,591	631,921		164,049
Dentistry	2,876,876	810,220	3,254,905	432,191		380,305
Dental Labs	528,637	125,383	48,006	606,014		43,257
Dietetics and Nutrition	441,101	225,953	273,158	393,896		63,550
Electrolysis	-329,856	32,858	253,020	-550,018		3,656
Health Care Service Pools	27,283	47,092	48,344	26,031		-2,943
Hearing Aid Specialists	-116,395	307,991	545,247	-353,650		-412
Massage Therapy	1,737,837	2,483,349	1,827,106	2,394,080		172,618
Medical Physicists	39,472	93,146	70,390	62,228		-2,461
Medicine	26,261,263	4,838,148	13,523,473	17,575,938		1,836,007
Midwifery	-443,554	17,171	105,557	-531,940		-10,384
Naturopathy	-213,091	256	13,401	-226,237		-8,829
Nursing	11,061,845	11,161,594	10,315,993	11,907,447		3,997,196
Nursing Home Administrators	344,823	223,435	557,232	11,026		38,732
Occupational Therapy	612,177	463,594	321,613	754,158		123,088
Opticianry	1,211,776	562,843	545,553	1,229,066		103,582
Optometry	302,763	975,438	706,895	571,306		37,170
Orthotists & Prosthetics	72,682	60,627	222,191	-88,881		2,442
Osteopathic Medical Examiners	2,079,953	360,783	1,061,641	1,379,095		144,934
Pharmacy	3,501,995	3,593,638	3,278,810	3,816,823		590,385
Physician Assistants		5,125		5,125		245
Physical Therapy	1,377,296	1,138,194	715,040	1,800,450		289,616
Podiatric Medicine	137,729	63,972	352,294	-150,592		23,039
Psychology	704,287	291,766	887,176	108,877		70,727
Respiratory Therapy	-85,352	835,189	578,215	171,623		150,704
School Psychology	14,555	56,975	55,939	15,591		3,073
Speech-Language Pathology and Audiology	1,595,761	275,712	358,824	1,512,649		154,017
NICA - Medical	89,338	416,022	479,753	25,607		3,112
NICA - Osteopathic	60,738	11,857	10,000	62,595		2,116
<b>Total</b>	<b>55,736,029</b>	<b>32,899,795</b>	<b>45,798,399</b>	<b>42,837,426</b>		<b>8,498,757</b>



**Table VI**  
**Summary Examination Statistics**  
**July 1, 1998 – June 30, 1999**

Profession	Scheduled	Examined	Passed	% Passed	Failed	% Failed
Acupuncture	155	145	97	66.9	48	33.03
Chiropractic Medicine	335	324	214	66.05	110	33.95
Chiropractic Certificate	58	56	37	66.71	19	33.93
Clinical Laboratory Personnel*	1202	1120	NA	NA	NA	NA
Clinical Social Workers	569	535	456	85.23	79	14.77
Certified Master Social Work	1	1	1	100	0	0
Dentistry	427	348	284	81.61	93	32.75
Dental Hygiene	587	541	452	83.55	89	16.45
Dietetics and Nutrition	54	53	31	58.49	22	70.97
Electrolysis	40	36	28	77.78	8	22.22
Hearing Aid Specialists	53	49	33	67.3	16	32.7
Marriage and Family Therapy	140	136	85	62.5	51	37.5
Massage - Colonics	28	28	28	100	0	0
Medical USMLE STEP 3	506	503	400	79.52	103	20.48
FL Medical Licensure Exam	332	288	13	4.51	275	95.49
Mental Health Counseling	811	779	548	70.35	231	42.15
Midwifery	6	6	6	100	0	0
Nursing Home Administrators	137	123	81	64.29	42	33.33
Opticianry	177	172	119	69.19	53	44.54
Optometry	183	181	100	55.25	76	41.99
Osteopathic Medicine	1	1	1	100	0	0
Psychology	432	422	303	71.8	94	22.27
Respiratory Therapy	313	294	205	69.73	89	30.27
<b>Totals</b>	<b>6,547</b>	<b>6,141</b>	<b>3,522</b>	<b>57.35%</b>	<b>1,498</b>	<b>24.39%</b>