

use of obesity drugs. (Section 459.0135, F.S. and Rule 64B15-14.004, F.A.C.)		
FIRST OFFENSE:	Reprimand and \$5,000.00 fine.	Suspension to be followed by probation and \$5,000.00 fine.
SECOND OFFENSE:	Probation and \$5,000.00 fine.	Revocation and \$10,000.00 fine.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Reprimand.	Suspension with a corrective action plan.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Suspension with a corrective action plan.	Revocation.
(45) Falsely advertising or holding oneself out as a board-certified specialist. (Section 459.015(1)(nn), F.S.)		
FIRST OFFENSE:	Reprimand and \$5,000.00 fine.	Probation and \$5,000.00 fine.
SECOND OFFENSE:	Suspension to be followed by probation and \$7,500.00 fine.	Revocation and \$10,000.00 fine.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Reprimand.	Suspension with a corrective action plan.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Suspension with a corrective action plan.	Revocation.
(46) Failing to provide patients with information about their patient rights and how to file a complaint. (Sections 456.072(1)(u) and 459.015(1)(oo), F.S.)		
FIRST OFFENSE:	Letter of concern.	Reprimand and \$1,000.00 fine.
SECOND OFFENSE:	Probation and \$2,000.00 fine.	Probation and \$5,000.00 fine.
THIRD OFFENSE:	Probation and \$7,500.00 fine.	Suspension to be followed by probation and \$10,000.00 fine.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Letter of concern.	Reprimand.
FOR TELEHEALTH REGISTRANTS SECOND OR SUBSEQUENT OFFENSE:	Reprimand.	Ten (10) day suspension with corrective action plan.
(47) Violating any provision of Chapter 456 or 459, F.S., or any rule adopted by the board or department. (Sections 456.072(1)(b), 456.072(1)(dd), and 459.015(1)(pp), F.S.)		
FIRST OFFENSE:	Denial or letter of concern and \$1,000.00 fine, demonstration of compliance with the rule, and completion of a laws and rules course.	Denial or revocation and \$5,000.00 fine.
SECOND OFFENSE:	Denial or reprimand, completion of laws and rules course, demonstration of compliance with the rule, probation and \$7,500.00 fine.	Denial or revocation and \$10,000.00 fine.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Denial or letter of concern and demonstration of compliance with the	Denial or revocation.

	rule.	
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Denial or suspension with a corrective action plan, a reprimand, and demonstration of compliance with the rule.	Denial or revocation.
(48) Using a Class III or a Class IV laser device without having complied with the rules adopted pursuant to Section 501.122(2), F.S. (Section 456.072(1)(d), F.S.)		
FIRST OFFENSE:	Reprimand and \$1,000.00 fine.	Probation and \$5,000.00 fine.
SECOND OFFENSE:	Suspension to be followed by probation and \$7,500.00 fine.	Revocation and \$10,000.00 fine.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Reprimand.	Suspension with a corrective action plan.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Suspension with a corrective action plan.	Revocation.
(49) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome. (Section 456.072(1)(e), F.S.)		
FIRST OFFENSE:	Reprimand and \$2,500.00 fine.	Probation and \$5,000.00 fine.
SECOND OFFENSE:	Suspension to be followed by probation and \$7,500.00 fine.	Revocation and \$10,000.00 fine.
FOR TELEHEALTH REGISTRANTS	Not applicable to telehealth registrants.	
(50) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee. (Section 456.072(1)(g), F.S.)		
FIRST OFFENSE:	Reprimand and \$5,000.00 fine.	Probation and \$10,000.00 fine.
SECOND OFFENSE:	Suspension to be followed by probation and \$7,500.00 fine.	Revocation and \$10,000.00 fine.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Reprimand.	Suspension with a corrective action plan.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Suspension with a corrective action plan.	Revocation.
(51) Failing to comply with the educational course requirements for domestic violence. (Section 456.072(1)(s), F.S.)		
FIRST OFFENSE:	Reprimand and \$2,500.00 fine.	Probation and \$5,000.00 fine.
SECOND OFFENSE:	Suspension to be followed by probation and \$7,500.00 fine.	Revocation and \$10,000.00 fine.
FOR TELEHEALTH REGISTRANTS	Not applicable to telehealth registrants.	
(52) Failing to comply with the requirements for profiling and credentialing.		

(Section 456.072(1)(w), F.S.)		
FIRST OFFENSE:	Letter of concern and \$2,500.00 fine.	Suspension to be followed by probation and \$5,000.00 fine.
SECOND OFFENSE:	Probation and \$5,000.00 fine.	Revocation and \$10,000.00 fine.
FOR TELEHEALTH REGISTRANTS	Not applicable to telehealth registrants.	
(53) Failing to report to the board in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to a crime in any jurisdiction. (Section 456.072(1)(x), F.S.)		
FIRST OFFENSE:	Reprimand, and an administrative fine of \$2,000.00.	Reprimand and an administrative fine of \$5,000.00 or denial of licensure.
SECOND OFFENSE:	Suspension to be followed by a period of probation and an administrative fine of \$5,000.00.	Revocation and an administrative fine of \$10,000.00 or denial of license.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Reprimand.	Reprimand or denial of licensure.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Suspension with a corrective action plan.	Revocation or denial of license.
(54) Using information about people involved in motor vehicle accidents which has been derived from accident reports made by law enforcement officers or persons involved in accidents pursuant to Section 316.066, F.S., or using information published in a newspaper or other news publication or through a radio or television broadcast that has used information gained from such reports, for the purposes of commercial or any other solicitation whatsoever of the people involved in such accidents. (Section 456.072(1)(y), F.S.)		
FIRST OFFENSE:	Letter of concern.	Reprimand and \$1,000.00 fine.
SECOND OFFENSE:	Probation and \$2,000.00 fine.	Probation and \$5,000.00 fine.
THIRD OFFENSE:	Probation and \$7,500.00 fine.	Suspension to be followed by probation and \$10,000.00 fine.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Letter of concern.	Reprimand.
FOR TELEHEALTH REGISTRANTS SECOND OR SUBSEQUENT OFFENSE:	Suspension with a corrective action plan.	Suspension.
(55) Testing positive for any drug on any confirmed preemployment or employer-ordered drug screening. (Section 456.072(1)(aa), F.S.)		
FIRST OFFENSE:	Probation and \$5,000.00 fine.	Suspension to be followed by probation and \$7,500.00 fine.

SECOND OFFENSE:	Suspension to be followed by probation and \$7,500.00 fine.	Revocation and \$10,000.00 fine.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Suspension with a corrective action plan.	Suspension.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Suspension.	Revocation.
(56) Performing or attempting to perform health care services on the wrong patient, a wrong procedure, an unauthorized, unnecessary or unrelated procedure. (Section 456.072(1)(bb), F.S.)		
FIRST OFFENSE:	Denial or probation and \$5,000.00 fine.	Denial or revocation and \$10,000.00 fine.
SECOND OFFENSE:	Denial or suspension and \$10,000.00 fine.	Denial or revocation and \$10,000.00 fine.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Denial or suspension with a corrective action plan.	Denial or revocation.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Denial or suspension.	Denial or revocation.
(57) Leaving a foreign body in a patient such as a sponge, clamp, forceps, surgical needle or other paraphernalia. (Section 456.072(1)(cc), F.S.)		
FIRST OFFENSE:	Denial or probation and \$5,000.00 fine.	Denial or revocation and \$10,000.00 fine.
SECOND OFFENSE:	Denial or suspension and \$10,000.00 fine.	Denial or revocation and \$10,000.00 fine.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Denial or suspension with a corrective action plan.	Denial or revocation.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Denial or suspension.	Denial or revocation.
(58) Being terminated for cause, from a treatment program for impaired practitioners, as described in Section 456.076, F.S., for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug-treatment or alcohol-treatment program. (Section 456.072(1)(hh), F.S.)		
FIRST OFFENSE:	Suspension until licensee is able to demonstrate to the Board ability to practice with reasonable skill and safety to be followed by probation and \$2,500.00 fine.	Revocation and \$5,000.00 fine or denial of licensure.
SECOND OFFENSE:	Suspension until licensee is able to demonstrate to the Board ability to practice with reasonable skill and safety	Revocation and \$10,000.00 fine or denial of licensure.

	to be followed by probation and \$7,500.00 fine.	
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Suspension until licensee is able to demonstrate to the Board ability to practice with reasonable skill and safety to be followed by a corrective action plan.	Revocation or denial of licensure.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Reprimand and suspension until licensee is able to demonstrate to the Board ability to practice with reasonable skill and safety to be followed by a corrective action plan.	Revocation or denial of licensure.
(59) Engaging in a pattern of practice when prescribing medicinal drugs or controlled substances which demonstrates a lack of reasonable skill or safety to patients, a violation of any provision of Chapter 456, or Sections 893.055 and 893.0551, F.S., a violation of the applicable practice act, or a violation of any rules adopted under this chapter or the applicable practice act of the prescribing practitioner. (Section 456.072(1)(gg), F.S.)		
FIRST OFFENSE:	One year Probation and \$5,000.00 fine.	Revocation and \$10,000.00 fine or denial of licensure.
SECOND OFFENSE:	Suspension to be followed by probation and \$5,000.00 fine.	Revocation and \$10,000.00 fine or denial of licensure.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	One (1) month suspension with a corrective action plan.	Revocation or denial of licensure.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Ninety (90) day suspension with a corrective action plan.	Revocation or denial of licensure.
(60) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 USC s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s.1343, s. 1347, s. 1349, or s. 1518, or 42 USC ss. 1320a-7b, relating to the Medicaid program. (Section 456.072(1)(ii), F.S.)		
FIRST OFFENSE:	Revocation and a fine of \$10,000.00 or denial of application for licensure.	
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Revocation or denial of application for licensure.	
(61) Failing to remit the sum owed to the state for overpayment from the Medicaid program pursuant to a final order, judgment, or settlement.		

(Section 456.072(1)(jj), F.S.)		
FIRST OFFENSE:	Letter of concern and a fine of \$500.00.	Probation, and a fine of \$1,000.00.
SECOND OFFENSE:	Reprimand and a fine of \$500.00.	Revocation and a fine of \$1,000.00.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Letter of concern.	Suspension with a corrective action plan.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Reprimand	Revocation.
(62) Being terminated from the State Medicaid program or any other state Medicaid program, or the federal Medicare program. (Section 456.072(1)(kk), F.S.)		
FIRST OFFENSE:	Letter of concern and a fine of \$500.00.	Denial or suspension and a fine of \$1,000.00.
SECOND OFFENSE:	Reprimand and a fine of \$500.00.	Denial or revocation and a fine of \$1,000.00.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Letter of concern.	Denial or suspension.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Reprimand.	Denial or revocation.
(63) Being convicted of, or entering into a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, which relates to health care fraud. (Section 456.072(1)(ll), F.S.)		
FIRST OFFENSE:	Revocation and fine of \$10,000.00 or denial of application for licensure.	
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Revocation or denial of application.	
(64) A violation of Rule 64B15-14.0051, F.A.C.		
FIRST OFFENSE:	Probation for a term no less than two (2) years and a \$5,000.00 fine.	Revocation.
SECOND OFFENSE:	Suspension for a minimum of one (1) year to be followed by a term of probation and a \$10,000.00 fine.	Revocation.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Seven (7) day suspension with a corrective action plan.	Denial or revocation.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Suspension for a minimum of one year.	Denial or revocation.
(65) A violation of Rule 64B15-14.0052, F.A.C.		
FIRST OFFENSE:	Probation for a term no less than one (1) year and a \$5,000.00 fine.	Revocation.
SECOND OFFENSE:	Suspension for a minimum of six months to be followed by a term of probation and a \$10,000.00 fine.	Revocation.

FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Not applicable to telehealth registrants.	
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Not applicable to telehealth registrants.	
(66) Registration of pain clinic by a designated physician through misrepresentation or fraud. (Section 459.015(1)(tr)1., F.S.)		
(a) For registering a pain clinic through misrepresentation.		
FIRST OFFENSE:	Letter of concern and a \$10,000.00 fine.	Probation and a \$10,000.00 fine.
SECOND OFFENSE:	Probation and a \$10,000.00 fine.	Revocation and a \$10,000.00 fine.
FOR TELEHEALTH REGISTRANTS	Not applicable to telehealth registrants.	
(b) For registering a pain clinic through fraud.		
FIRST OFFENSE:	Revocation and a \$10,000.00 fine.	
FOR TELEHEALTH REGISTRANTS	Not applicable to telehealth registrants.	
(67) Procuring or attempting to procure, the registration of a pain management clinic for any other person by making or causing to be made, any false representation. (Section 459.015(1)(tr)2., F.S.)		
FIRST OFFENSE:	Revocation and a \$10,000.00 fine.	
FOR TELEHEALTH REGISTRANTS	Not applicable to telehealth registrants.	
(68) Failing to comply with any requirement of Chapter 499, F.S., the Florida Drug and Cosmetic Act; 21 U.S.C., ss. 301-392, the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq., the Drug Abuse Prevention Control Act; or Chapter 893, F.S., the Florida Comprehensive Drug Abuse Prevention and Control Act. (Section 459.015(1)(tr)3., F.S.)		
FIRST OFFENSE:	Letter of concern and a \$1,000.00 fine.	Probation and a \$5,000.00 fine.
SECOND OFFENSE:	Reprimand and a \$5,000.00 fine.	Suspension, followed by a period of probation, and a \$10,000.00 fine.
THIRD OFFENSE:	Reprimand and a \$7,500.00 fine.	Revocation and a \$10,000.00 fine.
FOR TELEHEALTH REGISTRANTS	Not applicable to telehealth registrants.	
(69) Being convicted of or found guilty of, regardless of adjudication to, a felony or any other crime involving moral turpitude, fraud, dishonesty, or deceit in any jurisdiction of the courts of this state, or any other state, or of the United States. (Section 459.015(1)(tr)4., F.S.)		
FIRST OFFENSE:	Probation and a \$1,000.00 fine; if fraud involved, probation and a \$10,000.00	Revocation and a \$10,000.00 fine or denial of licensure.

	fine.	
SECOND OFFENSE:	Suspension and a \$5,000.00 fine; if fraud involved, suspension followed by a period of probation and a \$10,000.00 fine.	Revocation and a \$10,000.00 fine or denial of licensure.
FOR TELEHEALTH REGISTRANTS	Not applicable to teleheath registrants.	
(70) Being convicted of, or disciplined by a regulatory agency of the Federal Government or a regulatory agency of another state for any offense that would constitute a violation of Chapter 459, F.S. (Section 459.015(1)(tr)5., F.S.)		
FIRST OFFENSE:	From imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida and a \$1,000.00 fine.	Suspension until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken, and a \$5,000.00 fine or denial of licensure.
SECOND OFFENSE:	From imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida and a \$5,000.00 fine.	Revocation and a \$10,000.00 fine or denial of licensure.
FOR TELEHEALTH REGISTRANTS	Not applicable to teleheath registrants.	
(71) Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime which relates to the practice of, or the ability to practice, a licensed health care profession. (Section 459.015(1)(tr)6., F.S.)		
FIRST OFFENSE:	Probation and a \$5,000.00 fine.	Revocation and a \$10,000.00 fine or denial of licensure.
SECOND OFFENSE:	Suspension and a \$5,000.00 fine.	Revocation and a \$10,000.00 fine or denial of licensure.
FOR TELEHEALTH REGISTRANTS	Not applicable to teleheath registrants.	
(72) Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime which relates to health care fraud. (Section 459.015(1)(tr)7., F.S.)		
(a) Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime relating to healthcare fraud in dollar amounts in excess of \$5,000.00.		
FIRST OFFENSE:	Revocation and a \$10,000.00 fine or denial of licensure.	
FOR TELEHEALTH REGISTRANTS	Not applicable to teleheath registrants.	
(b) Being convicted of, or entering a plea of guilty or nolo contendere to, regardless		

of adjudication, a crime relating to healthcare fraud in dollar amounts of \$5,000.00 or less.		
FIRST OFFENSE:	Suspension, followed by a period of probation, and a \$10,000.00 fine.	Revocation or denial of licensure, and a fine of \$10,000.00.
SECOND OFFENSE:	Revocation and a \$10,000.00 fine.	
FOR TELEHEALTH REGISTRANTS	Not applicable to teleheath registrants.	
(73) Dispensing any medicinal drug based upon a communication that purports to be a prescription as defined in Section 465.003(14) or 893.02, F.S., if the dispensing practitioner knows or has reason to believe that the purported prescription is not based upon a valid practitioner-patient relationship. (Section 459.015(1)(rr)8., F.S.)		
FIRST OFFENSE:	Reprimand and a \$5,000.00 fine.	Revocation and a \$10,000.00 fine or denial of licensure.
SECOND OFFENSE:	Probation and a \$5,000.00 fine.	Revocation and a \$10,000.00 fine or denial of licensure.
FOR TELEHEALTH REGISTRANTS	Not applicable to teleheath registrants.	
(74) Failing to timely notify the Board of the date of his or her termination from a pain management clinic as required by section 459.0137(2)(e), F.S. (Section 459.015(1)(rr)9., F.S.)		
FIRST OFFENSE:	Letter of concern and a \$1,000.00 fine.	Probation and a \$5,000.00 fine.
SECOND OFFENSE:	Reprimand and a \$5,000.00 fine.	Suspension, followed by a period of probation, and a \$10,000.00 fine.
THIRD OFFENSE:	Suspension, followed by a period of probation, and a \$7,500.00 fine.	Revocation and a \$10,000.00 fine.
FOR TELEHEALTH REGISTRANTS	Not applicable to teleheath registrants.	
(75) Failing to timely notify the Department of the theft of prescription blanks from a pain management clinic or a breach of an osteopathic physician's electronic prescribing software or other methods for prescribing within 24 hours as required by Section 459.0137(3), F.S. (Section 459.015(1)(ss), F.S.)		
FIRST OFFENSE:	Letter of concern and a \$1,000.00 fine.	Probation and a \$5,000.00 fine or denial of licensure.
SECOND OFFENSE:	Probation and a \$5,000.00 fine.	Suspension, followed by a period of probation, and a \$10,000.00 fine or denial of licensure.
THIRD OFFENSE:	Suspension, followed by a period of probation, and a \$7,500.00 fine.	Revocation and a \$10,000.00 fine or denial of licensure.
FOR TELEHEALTH REGISTRANTS	Not applicable to teleheath registrants.	
FIRST OFFENSE:		

FOR TELEHEALTH REGISTRANTS SECOND OR SUBSEQUENT OFFENSE:	Not applicable to telehealth registrants.	
(76) Promoting or advertising through any communication media the use, sale, or dispensing of any controlled substance appearing on any schedule in Chapter 893, F.S. (Section 459.015(1)(tt), F.S.)		
FIRST OFFENSE:	Letter of concern and a \$1,000.00 fine.	1 year suspension, followed by a period of probation, and a \$5,000.00 fine.
SECOND OFFENSE:	Reprimand and a \$5,000.00 fine.	1 year suspension, followed by a period of probation, and a \$10,000.00 fine.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Letter of concern.	1 year suspension with a corrective action plan.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Reprimand.	1 year suspension with a corrective action plan.
(77) Failure to comply with the controlled substance prescribing requirements of Section 456.44, F.S. (Section 456.072(1)(mm), F.S.)		
FIRST OFFENSE:	Suspension of license for a period of six (6) months followed by a period of probation and an administrative fine in the amount of \$10,000.00.	Revocation and an administrative fine in the amount of \$10,000.00 or denial of licensure.
SECOND OFFENSE:	Suspension of license for a period of one (1) year followed by a period of probation and an administrative fine in the amount of \$10,000.00.	Revocation and an administrative fine in the amount of \$10,000.00 or denial of licensure.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Suspension of license for a period of six (6) months with a corrective action plan.	Revocation or denial of licensure.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Suspension of license for a period of one (1) year with a corrective action plan.	Revocation or denial of licensure.
(78) Providing false or deceptive expert witness testimony related to the practice of medicine. (Section 459.015(1)(qq), F.S.)		
FIRST OFFENSE:	Reprimand and an administrative fine of \$5,000.00; if false representation, a reprimand and a \$10,000.00 fine.	Revocation and an administrative fine of \$10,000.00 or denial of licensure.
SECOND OFFENSE:	Suspension and an administrative fine of \$7,500.00; if false representation, suspension and a \$10,000.00 fine.	Revocation and an administrative fine of \$10,000.00 or denial of licensure.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Reprimand.	Revocation or denial of licensure.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Suspension.	Revocation or denial of licensure.

(79) Failure to comply with the requirements of Section 390.0111(3), F.S., regarding termination of pregnancies. (Section 456.072(1)(k), F.S.)		
FIRST OFFENSE:	Letter of concern and an administrative fine of \$1,000.00.	A period of probation and an administrative fine in the amount of \$2,500.00.
SECOND OFFENSE:	Reprimand and an administrative fine of \$2,500.00.	Suspension followed by a period of probation and an administrative fine in the amount of \$5,000.00.
THIRD OFFENSE:	Reprimand and an administrative fine of \$5,000.00.	Revocation and an administrative fine in the amount of \$10,000.00.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Letter of concern.	Suspension with a corrective action plan.
FOR TELEHEALTH REGISTRANTS SECOND OR SUBSEQUENT OFFENSE:	Reprimand.	Revocation.
(80) Dispensing a controlled substance listed in Schedule II or Schedule III in violation of Section 465.0276, F.S. (Section 459.015)(1)(uu), F.S.)		
FIRST OFFENSE:	Probation and an administrative fine of \$5,000.00.	Revocation and an administrative fine of \$10,000.00 or denial of licensure.
SECOND OFFENSE:	Suspension followed by a period of probation and an administrative fine of \$5,000.00.	Revocation and an administrative fine of \$10,000.00 or denial of licensure.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	One (1) month suspension with a corrective action plan.	Revocation or denial of licensure.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Six (6) month suspension with a corrective action plan.	Revocation or denial of licensure.
(81) Willfully failing to comply with Section 627.64194 or 641.513, F.S. with such frequency as to indicate a general business practice. (Sections 459.015(1)(vv), and 456.072(1)(oo), F.S.)		
FIRST OFFENSE:	Letter of concern and an administrative fine of \$1,000.00.	Reprimand and an administrative fine of \$5,000.00.
SECOND OFFENSE:	Reprimand and an administrative fine of \$5,000.00.	Revocation and an administrative fine of \$10,000.00.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Letter of concern.	Reprimand.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Reprimand.	Revocation.
(82) Issuing a physician certification as defined in Section 381.986, F.S., in a manner out of compliance with the		

requirements of that section and the rules adopted thereunder. (Section 459.015(1)(ww), F.S.)		
FIRST OFFENSE:	Denial or probation and an administrative fine of \$1,000.00.	Denial or revocation and an administrative fine of \$5,000.00.
SECOND OFFENSE:	Denial or suspension and an administrative fine of \$5,000.00.	Denial or revocation and an administrative fine of \$10,000.00.
FOR TELEHEALTH REGISTRANTS	Not applicable to telehealth registrants.	
(83) Failure to consult the prescription drug monitoring system, as required by Section 893.055(8), F.S. (Section 459.015(1)(g), F.S.)		
FIRST OFFENSE:	Letter of concern and an administrative fine of \$1,000.00.	Reprimand and an administrative fine of \$2,500.00.
SECOND OFFENSE:	Reprimand and an administrative fine of \$2,500.00.	Suspension and an administrative fine of \$5,000.00.
THIRD OFFENSE:	Suspension and an administrative fine of \$5,000.00.	Revocation and an administrative fine in the amount of \$10,000.00.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Letter of concern.	Reprimand.
FOR TELEHEALTH REGISTRANTS SECOND OR SUBSEQUENT OFFENSE:	Reprimand.	Revocation.
(84) Failure to report adverse incidents in planned out-of-hospital births by Section 459.015(1)(g), F.S. (Section 459.015(1)(g), F.S.)		
FIRST OFFENSE:	Letter of concern and an administrative fine of \$1,000.00.	Reprimand and an administrative fine of \$2,500.00.
SECOND OFFENSE:	Reprimand and an administrative fine of \$2,500.00.	Suspension and an administrative fine of \$5,000.00.
THIRD OFFENSE:	Suspension and an administrative fine of \$5,000.00.	Revocation and an administrative fine in the amount of \$10,000.00.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Letter of concern.	Reprimand.
FOR TELEHEALTH REGISTRANTS SECOND OR SUBSEQUENT OFFENSE:	Reprimand.	Revocation.
(85) Performing a liposuction procedure in which more than 1,000 cubic centimeters of supernatant fat is removed, a Level II office surgery, or a Level III office surgery in an office that is not registered with the department pursuant to Section 458.328 or 459.0138, F.S. (Section 459.015(1)(xx), F.S.)		
FIRST OFFENSE:	Twelve (12) months probation and an administrative fine of \$5,000.00 per day.	Revocation and an administrative fine of \$5,000.00 per day, or denial of licensure.

SECOND OFFENSE:	Twelve (12) months suspension followed by a term of probation and permanent restriction from performing office surgery and an administrative fine of \$5,000.00 per day.	Revocation and an administrative fine of \$5,000.00 per day.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Not applicable to telehealth registrants.	
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Not applicable to telehealth registrants.	
(86) 1. Violating any provision of Chapters 459 and 456, F.S., or any rules adopted pursuant thereto. (Section 459.015,(1)(pp), F.S.)		
FIRST OFFENSE:	Reprimand and an administrative fine of \$1,000.00.	Denial or revocation.
SECOND OFFENSE:	Probation and an administration fine of \$5,000.00.	Denial or revocation.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Reprimand.	Denial or revocation.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Suspension with a corrective action plan.	Denial or revocation.
2. Performing a pelvic examination on a patient without the written consent of the patient or the patient's legal representative executed specific to, and expressly identifying, the pelvic examination. (Sections 459.015(1)(pp), 456.51, F.S.)		
FIRST OFFENSE:	Letter of concern and an administrative fine of \$1,000.00.	Denial or reprimand and an administrative fine of \$2,500.00.
SECOND OFFENSE:	Reprimand and an administrative fine of \$2,500.00.	Denial or probation and an administrative fine of \$5,000.00.
THIRD OFFENSE:	Probation and an administrative fine of \$5,000.00.	Denial or revocation and an administrative fine of \$10,000.00.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Letter of concern.	Denial or suspension with a correction action plan.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Minimum six (6) months suspension with a corrective action plan	Denial or revocation.
(87) Intentionally implanting a patient or causing a patient to be implanted with a human embryo without the recipient's consent to the use of that human embryo, or inseminating a patient or causing a patient to be inseminated with the human reproductive material, as defined in Section 784.086, F.S., of a donor without the recipient's consent to the use of human reproductive material from that donor.		

(Section 456.072(1)(qq), F.S.		
FIRST OFFENSE:	Six (6) months probation and an administrative fine of \$5,000.00.	Denial or one (1) year suspension and an administrative fine of \$10,000.00.
SECOND OFFENSE:	One (1) year suspension and an administrative fine of \$7,500.00.	Denial or revocation.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Six (6) months suspension with a corrective action plan.	Denial or one (1) year suspension with a corrective action plan.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	One (1) year suspension with a corrective action plan.	Denial or revocation.
(88) Implanting a patient or causing a patient to be implanted with a human embryo created with the human reproductive material, as defined in Section 784.086, F.S., of the licensee, or inseminating a patient or causing a patient to be inseminated with the human reproductive material of the licensee. (Section 459.015(1)(yy), F.S.)		
FIRST OFFENSE:	Revocation and an administrative fine of \$10,000.00.	
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Denial or revocation.	
(89) Prescribing controlled substances in violation of Section 456.47(2)(c), F.S. (Section 456.47(2)(c), F.S.)		
FIRST OFFENSE:	Reprimand and a \$5,000.00 fine.	Revocation.
SECOND OFFENSE:	Suspension and a \$10,000.00 fine.	Revocation or denial of licensure.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Reprimand.	Revocation.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Suspension with a corrective action plan.	Revocation or denial of licensure.
(90) Providing information indicating that a person has a disability or supporting a person's need for an emotional support animal under Section 760.27, F.S. without personal knowledge of the person's disability or disability-related need for the specific emotional support animal. (Section 456.072(1)(pp))		
FIRST OFFENSE:	Letter of concern and a fine of \$500.00.	Probation and a fine of \$1,000.00
SECOND OFFENSE:	Reprimand and a fine of \$500.00.	Revocation and a fine of \$1,000.00.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Letter of Concern.	Suspension with a corrective action plan.
(91) Failure to display hyperlink on telehealth registrant's website. (Section 456.47(4)(c), F.S.)		
FIRST OFFENSE:	Not applicable to physicians licensed under Chapter 459, F.S.	

FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Letter of concern.	Suspension with a corrective action plan.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Reprimand.	Revocation.
(92) Opening an office in Florida or providing in-person healthcare services to patients in Florida. (Section 456.47(4)(f), F.S.) FIRST OFFENSE:	Not applicable to physicians licensed under Chapter 459, F.S.	
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Suspension with a corrective action plan.	Revocation or denial of licensure.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Revocation or denial of licensure.	
(93) Failure to report disciplinary action by another jurisdiction including pending disciplinary action. (Section 456.47(4)(d), F.S.) FIRST OFFENSE:	Not applicable to physicians licensed under Chapter 459, F.S.	
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Reprimand	Revocation or denial of licensure.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Suspension with a corrective action plan.	Revocation or denial of licensure.
(94) Failure to comply with parental consent requirements of Section 1014.06, F.S. (Section 456.072(1)(tr), F.S.) FIRST OFFENSE:	Letter of concern and a \$1,000.00 fine.	Six (6) months probation and a \$2,500.00 fine, or denial of licensure.
SECOND OFFENSE:	Reprimand and a \$2,500.00 fine.	One (1) year probation and a \$5,000.00 fine.
THIRD OFFENSE:	Six (6) month probation and a \$5,000.00 fine.	Revocation and a \$10,000.00 fine, or denial of licensure.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Reprimand.	One (1) year suspension.
FOR TELEHEALTH REGISTRANTS SECOND OR SUBSEQUENT OFFENSE:	Six (6) month suspension with a corrective action plan.	Revocation, or denial of licensure.
(95) Being convicted or found guilty of, entering a plea, or committing or attempting, soliciting, or conspiring to commit an act that would constitute a violation of any of the offenses listed in Section 456.074(5), F.S. or similar offense in another jurisdiction. (Section 456.072(1)(ss), F.S.) FIRST OFFENSE:	Revocation and \$1,000.00 fine, or denial of licensure.	Revocation and \$5,000.00 fine, or denial of licensure.

SECOND OFFENSE:	Revocation and \$5,000.00 fine, or denial of licensure.	Revocation and \$10,000.00 fine, or denial of licensure.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Revocation, or denial of licensure.	
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Revocation, or denial of licensure.	
(96) Failing to identify through written notice, which may include the wearing of a name tag, or orally to a patient, the type of license under which the practitioner is practicing. (Section 456.072(1)(t), F.S.)		
FIRST OFFENSE:	Letter of concern and an administrative fine of \$1,000.00.	One (1) year suspension to be followed by a period of probation and an administrative fine of \$5,000.00.
SECOND OFFENSE:	Reprimand and an administrative fine of \$5,000.00.	One (1) year suspension to be followed by a period of probation and an administrative fine of \$10,000.00.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Reprimand.	One (1) year suspension with a corrective action plan.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Suspension with a corrective action plan.	Revocation.
(97) With respect to making a personal injury protection claim as required by Section 627.736, F.S., intentionally submitting a claim, statement, or bill that has been “upcoded” as defined in Section 627.732, F.S. (Section 456.072(1)(ee), F.S.)		
FIRST OFFENSE:	One (1) year probation and a \$10,000.00 fine, or denial of the license.	Revocation and a \$10,000.00 fine, or denial of the license.
SECOND OFFENSE:	Suspension, to be followed by a period of probation, and a \$10,000.00 fine.	Revocation and a \$10,000.00 fine.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Reprimand, or denial of the license.	Revocation, or denial of the license.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Suspension.	Revocation.
(98) With respect to making personal injury protection claim as required by Section 627.736, F.S., intentionally submitting a claim, statement, or bill for payment of services that were not rendered. (Section 456.072(1)(ff), F.S.)		
FIRST OFFENSE:	One (1) year probation and a \$10,000.00 fine, or denial of the license.	Revocation and a \$10,000.00 fine, or denial of the license.
SECOND OFFENSE:	Suspension, to be followed by a period	Revocation and a \$10,000.00 fine.

	of probation, and a \$10,000.00 fine.	
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Reprimand, or denial of the license.	Revocation, or denial of the license.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Suspension.	Revocation.
(99) Violating Section 790.338(5), F.S. (Section 456.072(1)(nn), F.S.)		
FIRST OFFENSE:	Letter of concern and a \$1,000.00 fine.	Probation and \$5,000.00 fine
SECOND OFFENSE:	Probation and a \$5,000.00 fine.	Suspension and a \$10,000.00 fine.
FOR TELEHEALTH REGISTRANTS FIRST OFFENSE:	Letter of concern, or denial of the license.	Suspension with a corrective action plan, or denial of the license.
FOR TELEHEALTH REGISTRANTS SECOND OFFENSE:	Suspension with a corrective action plan.	Revocation.

Rulemaking Authority 456.079, 456.47(7), 459.015(5), 459.0138 FS. Law Implemented 381.986(3)(a), 456.072, 456.079, 456.47, 456.50, 459.015, 459.0138 FS. History—New 9-30-87, Amended 10-28-91, 1-12-93, Formerly 21R-19.002, 61F9-19.002, 59W-19.002, Amended 2-2-98, 2-11-01, 6-7-01, 2-26-02, 12-7-05, 11-14-06, 11-27-06, 5-10-10, 7-27-10, 11-10-11, 3-27-12, 7-3-12, 1-1-15, 11-27-16, 4-30-18, 8-9-18, 11-19-19, 2-12-20, 11-24-20, 4-18-21, 11-21-21, 3-22-23.

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The 2022 Florida Statutes (including 2022 Special Session A and 2023 Special Session B)

[Title XXXII](#)[Chapter 458](#)[View Entire Chapter](#)

REGULATION OF PROFESSIONS AND OCCUPATIONS

MEDICAL PRACTICE

458.331 Grounds for disciplinary action; action by the board and department.—

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

(a) Attempting to obtain, obtaining, or renewing a license to practice medicine by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions. The licensing authority's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, shall be construed as action against the physician's license.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of medicine or to the ability to practice medicine.

(d) False, deceptive, or misleading advertising.

(e) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department or the board. However, a person who the licensee knows is unable to practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material, or as a result of a mental or physical condition, may be reported to a consultant operating an impaired practitioner program as described in s. [456.076](#) rather than to the department.

(f) Aiding, assisting, procuring, or advising any unlicensed person to practice medicine contrary to this chapter or to a rule of the department or the board.

(g) Failing to perform any statutory or legal obligation placed upon a licensed physician.

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

(i) Paying or receiving any commission, bonus, kickback, or rebate, or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent a physician from receiving a fee for professional consultation services.

(j) Exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his or her physician.

(k) Making deceptive, untrue, or fraudulent representations in or related to the practice of medicine or employing a trick or scheme in the practice of medicine.

(l) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. A solicitation is any communication which directly or implicitly requests an immediate oral response from the recipient.

(m) Failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed physician or the physician extender and supervising physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

(n) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party, which shall include, but not be limited to, the promoting or selling of services, goods, appliances, or drugs.

(o) Promoting or advertising on any prescription form of a community pharmacy unless the form shall also state "This prescription may be filled at any pharmacy of your choice."

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

(q) Prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the physician's professional practice, without regard to his or her intent.

(r) Prescribing, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893 by the physician to himself or herself, except one prescribed, dispensed, or administered to the physician by another practitioner authorized to prescribe, dispense, or administer medicinal drugs.

(s) Being unable to practice medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon a finding of the State Surgeon General or the State Surgeon General's designee that probable cause exists to believe that the licensee is unable to practice medicine because of the reasons stated in this paragraph, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The licensee against whom the petition is filed may not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice of medicine with reasonable skill and safety to patients.

(t) Notwithstanding s. 456.072(2) but as specified in s. 456.50(2):

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

2. Committing gross medical malpractice.

3. Committing repeated medical malpractice as defined in s. 456.50. A person found by the board to have committed repeated medical malpractice based on s. 456.50 may not be licensed or continue to be licensed by this state to provide health care services as a medical doctor in this state.

Nothing in this paragraph shall be construed to require that a physician be incompetent to practice medicine in order to be disciplined pursuant to this paragraph. A recommended order by an administrative law judge or a final order of the board finding a violation under this paragraph shall specify whether the licensee was found to have committed "gross medical malpractice," "repeated medical malpractice," or "medical malpractice," or any combination thereof, and any publication by the board must so specify.

(u) Performing any procedure or prescribing any therapy which, by the prevailing standards of medical practice in the community, would constitute experimentation on a human subject, without first obtaining full, informed, and written consent.

(v) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform. The board may establish by rule standards of practice and standards of care for particular practice settings, including, but not limited to, education and training, equipment and supplies, medications including anesthetics, assistance of and delegation to other personnel, transfer agreements, sterilization, records, performance of complex or multiple procedures, informed consent, and policy and procedure manuals.

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

(x) Violating a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

(y) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services.

(z) Procuring, or aiding or abetting in the procuring of, an unlawful termination of pregnancy.

(aa) Presigning blank prescription forms.

(bb) Prescribing any medicinal drug appearing on Schedule II in chapter 893 by the physician for office use.

(cc) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any drug which is a Schedule II amphetamine or a Schedule II sympathomimetic amine drug or any compound thereof, pursuant to chapter 893, to or for any person except for:

1. The treatment of narcolepsy; hyperkinesia; behavioral syndrome characterized by the developmentally inappropriate symptoms of moderate to severe distractibility, short attention span, hyperactivity, emotional lability, and impulsivity; or drug-induced brain dysfunction;

2. The differential diagnostic psychiatric evaluation of depression or the treatment of depression shown to be refractory to other therapeutic modalities; or

3. The clinical investigation of the effects of such drugs or compounds when an investigative protocol therefor is submitted to, reviewed, and approved by the board before such investigation is begun.

(dd) Failing to supervise adequately the activities of those physician assistants, paramedics, emergency medical technicians, advanced practice registered nurses, or anesthesiologist assistants acting under the supervision of the physician.

(ee) Prescribing, ordering, dispensing, administering, supplying, selling, or giving growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), or other hormones for the purpose of muscle building or to enhance athletic performance. For the purposes of this subsection, the term "muscle building" does not include the treatment of injured muscle. A prescription written for the drug products listed above may be dispensed by the pharmacist with the presumption that the prescription is for legitimate medical use.

(ff) Prescribing, ordering, dispensing, administering, supplying, selling, or giving amygdalin (laetrile) to any person.

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

(hh) Improperly interfering with an investigation or with any disciplinary proceeding.

(ii) Failing to report to the department any licensee under this chapter or under chapter 459 who the physician or physician assistant knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the physician or physician assistant also provides services.

(jj) Being found by any court in this state to have provided corroborating written medical expert opinion attached to any statutorily required notice of claim or intent or to any statutorily required response rejecting a claim, without reasonable investigation.

(kk) Failing to report to the board, in writing, within 30 days if action as defined in paragraph (b) has been taken against one's license to practice medicine in another state, territory, or country.

(ll) Advertising or holding oneself out as a board-certified specialist, if not qualified under s. 458.3312, in violation of this chapter.

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

(nn) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(oo) Providing deceptive or fraudulent expert witness testimony related to the practice of medicine.

(pp) Applicable to a licensee who serves as the designated physician of a pain-management clinic as defined in s. 458.3265 or s. 459.0137:

1. Registering a pain-management clinic through misrepresentation or fraud;
2. Procuring, or attempting to procure, the registration of a pain-management clinic for any other person by making, or causing to be made, any false representation;
3. Failing to comply with any requirement of chapter 499, the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq., the Drug Abuse Prevention and Control Act; or chapter 893, the Florida Comprehensive Drug Abuse Prevention and Control Act;
4. Being convicted or found guilty of, regardless of adjudication to, a felony or any other crime involving moral turpitude, fraud, dishonesty, or deceit in any jurisdiction of the courts of this state, of any other state, or of the United States;
5. Being convicted of, or disciplined by a regulatory agency of the Federal Government or a regulatory agency of another state for, any offense that would constitute a violation of this chapter;
6. Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction of the courts of this state, of any other state, or of the United States which relates to the practice of, or the ability to practice, a licensed health care profession;
7. Being convicted of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction of the courts of this state, of any other state, or of the United States which relates to health care fraud;
8. Dispensing any medicinal drug based upon a communication that purports to be a prescription as defined in s. 465.003 or s. 893.02 if the dispensing practitioner knows or has reason to believe that the purported prescription is not based upon a valid practitioner-patient relationship; or
9. Failing to timely notify the board of the date of his or her termination from a pain-management clinic as required by s. 458.3265(3).

(qq) Failing to timely notify the department of the theft of prescription blanks from a pain-management clinic or a breach of a physician's electronic prescribing software within 24 hours as required by s. 458.3265(3).

(rr) Promoting or advertising through any communication media the use, sale, or dispensing of any controlled substance appearing on any schedule in chapter 893.

(ss) Dispensing a controlled substance listed in Schedule II or Schedule III in violation of s. 465.0276.

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

¹(uu) Issuing a physician certification, as defined in s. 381.986, in a manner out of compliance with the requirements of that section and rules adopted thereunder.

(vv) Performing a liposuction procedure in which more than 1,000 cubic centimeters of supernatant fat is removed, a Level II office surgery, or a Level III office surgery in an office that is not registered with the department pursuant to s. 458.328 or s. 459.0138.

(ww) Implanting a patient or causing a patient to be implanted with a human embryo created with the human reproductive material, as defined in s. 784.086, of the licensee, or inseminating a patient or causing a patient to be inseminated with the human reproductive material of the licensee.

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the physician. All costs associated with compliance with orders issued under this subsection are the obligation of the physician.

(3) In any administrative action against a physician which does not involve revocation or suspension of license, the division shall have the burden, by the greater weight of the evidence, to establish the existence of grounds for disciplinary action. The division shall establish grounds for revocation or suspension of license by clear and convincing evidence.

(4) The board shall not reinstate the license of a physician, or cause a license to be issued to a person it deems or has deemed unqualified, until such time as it is satisfied that he or she has complied with all the terms and conditions set forth in the final order and that such person is capable of safely engaging in the practice of medicine. However, the board may not issue a license to, or reinstate the license of, any medical doctor found by the board to have committed repeated medical malpractice based on s. 456.50, regardless of the extent to which the licensee or prospective licensee has complied with all terms and conditions set forth in the final order and is capable of safely engaging in the practice of medicine.

(5) The board shall by rule establish guidelines for the disposition of disciplinary cases involving specific types of violations. Such guidelines may include minimum and maximum fines, periods of supervision or probation, or conditions of probation or reissuance of a license. "Gross medical malpractice," "repeated medical malpractice," and "medical malpractice," under paragraph (1)(t) shall each be considered distinct types of violations requiring specific individual guidelines.

(6) Upon the department's receipt from an insurer or self-insurer of a report of a closed claim against a physician pursuant to s. 627.912 or from a health care practitioner of a report pursuant to s. 456.049, or upon the receipt from a claimant of a presuit notice against a physician pursuant to s. 766.106, the department shall review each report and determine whether it potentially involved conduct by a licensee that is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply. However, if it is reported that a physician has had three or more claims with indemnities exceeding \$50,000 each within the previous 5-year period, the department shall investigate the occurrences upon which the claims were based and determine if action by the department against the physician is warranted.

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

(8) If any physician regulated by the Division of Medical Quality Assurance is guilty of such unprofessional conduct, negligence, or mental or physical incapacity or impairment that the division determines that the physician is unable to practice with reasonable skill and safety and presents a danger

to patients, the division shall be authorized to maintain an action in circuit court enjoining such physician from providing medical services to the public until the physician demonstrates the ability to practice with reasonable skill and safety and without danger to patients.

(9) When an investigation of a physician is undertaken, the department shall promptly furnish to the physician or the physician's attorney a copy of the complaint or document which resulted in the initiation of the investigation. For purposes of this subsection, such documents include, but are not limited to: the pertinent portions of an annual report submitted to the department pursuant to s. 395.0197(6); a report of an adverse incident which is provided to the department pursuant to s. 395.0197; a report of peer review disciplinary action submitted to the department pursuant to s. 395.0193(4) or s. 458.337, providing that the investigations, proceedings, and records relating to such peer review disciplinary action shall continue to retain their privileged status even as to the licensee who is the subject of the investigation, as provided by ss. 395.0193(8) and 458.337(3); a report of a closed claim submitted pursuant to s. 627.912; a presuit notice submitted pursuant to s. 766.106(2); and a petition brought under the Florida Birth-Related Neurological Injury Compensation Plan, pursuant to s. 766.305(2). The physician may submit a written response to the information contained in the complaint or document which resulted in the initiation of the investigation within 45 days after service to the physician of the complaint or document. The physician's written response shall be considered by the probable cause panel.

(10) A probable cause panel convened to consider disciplinary action against a physician assistant alleged to have violated s. 456.072 or this section must include one physician assistant. The physician assistant must hold a valid license to practice as a physician assistant in this state and be appointed to the panel by the Council of Physician Assistants. The physician assistant may hear only cases involving disciplinary actions against a physician assistant. If the appointed physician assistant is not present at the disciplinary hearing, the panel may consider the matter and vote on the case in the absence of the physician assistant. The training requirements set forth in s. 458.307(4) do not apply to the appointed physician assistant. Rules need not be adopted to implement this subsection.

(11) The purpose of this section is to facilitate uniform discipline for those acts made punishable under this section and, to this end, a reference to this section constitutes a general reference under the doctrine of incorporation by reference.

History.—ss. 1, 8, ch. 79-302; s. 2, ch. 80-354; s. 297, ch. 81-259; ss. 2, 3, ch. 81-318; ss. 2, 4, ch. 82-32; s. 15, ch. 83-329; s. 1, ch. 85-6; s. 4, ch. 85-175; ss. 18, 25, 26, ch. 86-245; s. 25, ch. 88-1; s. 18, ch. 89-275; s. 16, ch. 89-283; ss. 11, 72, ch. 89-374; s. 2, ch. 90-44; s. 4, ch. 90-60; s. 26, ch. 90-228; s. 60, ch. 91-220; s. 4, ch. 91-429; s. 39, ch. 92-149; s. 1, ch. 92-178; s. 83, ch. 92-289; s. 218, ch. 96-410; s. 1090, ch. 97-103; s. 106, ch. 97-261; s. 23, ch. 97-264; s. 37, ch. 98-89; s. 46, ch. 98-166; s. 222, ch. 99-8; s. 99, ch. 99-397; s. 105, ch. 2000-160; ss. 21, 76, ch. 2001-277; s. 25, ch. 2003-416; s. 2, ch. 2004-303; s. 3, ch. 2005-240; s. 3, ch. 2005-266; s. 1, ch. 2006-242; s. 73, ch. 2008-6; s. 6, ch. 2010-211; s. 6, ch. 2011-141; s. 2, ch. 2011-233; s. 2, ch. 2013-166; s. 17, ch. 2016-145; s. 9, ch. 2016-222; s. 22, ch. 2016-224; s. 8, ch. 2017-41; ss. 1, 4, ch. 2017-232; s. 14, ch. 2018-13; s. 50, ch. 2018-106; s. 6, ch. 2019-112; s. 4, ch. 2019-130; s. 4, ch. 2020-31; s. 14, ch. 2022-35.

¹**Note.**—Section 1, ch. 2017-232, provides that “[i]t is the intent of the Legislature to implement s. 29, Article X of the State Constitution by creating a unified regulatory structure. If s. 29, Article X of the State Constitution is amended or a constitutional amendment related to cannabis or marijuana is adopted, this act shall expire 6 months after the effective date of such amendment.” If such amendment or adoption takes place, paragraph (1)(uu), as created by s. 4, ch. 2017-232, is repealed.

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Title XXXII REGULATION OF PROFESSIONS AND OCCUPATIONS

Chapter 459 OSTEOPATHIC MEDICINE

SECTION 015 Grounds for disciplinary action; action by the board and department.

459.015 Grounds for disciplinary action; action by the board and department.—

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

- (a) Attempting to obtain, obtaining, or renewing a license to practice osteopathic medicine or a certificate issued under this chapter by bribery, by fraudulent misrepresentations, or through an error of the department or the board.
- (b) Having a license or the authority to practice osteopathic medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions. The licensing authority's acceptance of a physician's relinquishment of license, stipulation, consent order, or other settlement offered in response to or in anticipation of the filing of administrative charges against the physician shall be construed as action against the physician's license.
- (c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of osteopathic medicine or to the ability to practice osteopathic medicine. A plea of nolo contendere shall create a rebuttable presumption of guilt to the underlying criminal charges.
- (d) False, deceptive, or misleading advertising.
- (e) Failing to report to the department or the department's impaired professional consultant any person who the licensee or certificateholder knows is in violation of this chapter or of the rules of the department or the board. However, a person who the licensee knows is unable to practice osteopathic medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material, or as a result of a mental or physical condition, may be reported to a consultant operating an impaired practitioner program as described in s. [456.076](#) rather than to the department.
- (f) Aiding, assisting, procuring, or advising any unlicensed person to practice osteopathic medicine contrary to this chapter or to a rule of the department or the board.
- (g) Failing to perform any statutory or legal obligation placed upon a licensed osteopathic physician.
- (h) Giving false testimony in the course of any legal or administrative proceedings relating to the practice of medicine or the delivery of health care services.
- (i) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a licensed osteopathic physician.
- (j) Paying or receiving any commission, bonus, kickback, or rebate, or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, agency, person, partnership, firm, corporation, or other business entity, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent an osteopathic physician from receiving a fee for professional consultation services.

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