

THE FULL TEXT OF THE PROPOSED RULE IS:

**64J-1.024 Disciplinary Guidelines, Penalty Ranges, Aggravating and Mitigating Circumstances.**

(1) The department is charged to take disciplinary action to protect the public from individuals and entities who do not meet the minimum requirements for licensure, permitting, or certification or who pose a danger to the public health and welfare. In discharging its duties, the department shall impose the following:

(a) Reprimand.

(b) Administrative fines, costs of continuing education and/or costs of professional treatment, and costs of prosecution as authorized by statute.

(c) Probation with the minimum conditions of not violating laws, rules, and orders of the department, and providing satisfactory reports to the department from employers and/or community supervision officers, or working only under direct supervision.

(d) Probation with the minimum conditions plus proof of completion of specified continuing education related to the violation for which discipline is imposed and/or the satisfactory completion of professional treatment.

(e) Suspension for a definite period of time.

(f) Suspension for a definite period of time followed by probation with minimum conditions plus proof of completion of specified continuing education related to the violation for which discipline is imposed and/or the satisfactory completion of professional treatment.

(g) Suspension stayed while the licensee or certificateholder complies with probationary conditions.

(h) Revocation of certification, licensure, or one or more permits.

(2) As used in this rule section, the following definitions apply:

(a) "Professional treatment" means evaluation, testing, treatment, and reporting by professionals licensed to evaluate, diagnose, and treat the condition or impairment at issue in the disciplinary proceeding.

(b) "Total fines" means the sum, as adjusted upon consideration of aggravating or mitigating factors, of the total fines imposed for each violation.

(c) "Discipline imposed" means the total fines together with any reprimand, referral, denial, suspension, or revocation.

(d) "Ethics course" means a course in health care ethics that requires in-person attendance, provides written proof of course completion, and is accredited by the Commission on Accreditation of Allied Health Education Programs or is offered by an accredited Florida college or university.

(e) "Revocation" means the nullification, withdrawal, or denial of a certification, license, or permit, whether upon initial application or application for renewal or recertification.

(3) Upon finding that a person has violated any of the following statutes or rules, the department will notify the violator and impose the corresponding penalty as set forth below. Except for 64J-1.024(1)(a), (c), F.A.C., each day that a violation continues is a separate violation subject to a separate fine.

(a) Criminal and Civil Proceedings.

	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
<u>i. Section 401.411(1)(b), F.S.: Being found guilty of, or pleading nolo contendere to, regardless of adjudication in any jurisdiction, a crime that relates to practice as an emergency medical technician or paramedic, or to practice in any other occupation, when operating under Part III Chapter 401 Florida Statutes.</u> <u>Section 401.411(1)(e), F.S.: The conviction in any court in any state or in any federal court of a felony, unless the person's civil rights have been restored.</u> <u>Section 456.072(1)(c), F.S.: Being convicted or found guilty of, or pleading nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.</u>	<u>Minimum – Reprimand, up to a \$500 fine and a 3-month probation with conditions.</u>  <u>Maximum – Reprimand, a \$500 fine and a 3-month suspension followed by a 3-month probation with conditions, up to revocation.</u>	<u>Minimum – A \$1,000 fine and a 3-month suspension followed by a 6-month probation with conditions, up to revocation.</u>  <u>Maximum – A \$1,000 fine and a 6-month suspension followed by a 6-month probation with conditions, up to revocation.</u>	<u>Minimum – A \$1,000 fine and a 12-month probation followed by a 12-month probation with conditions, up to revocation.</u>  <u>Maximum – A \$2,000 fine and a 12-month suspension followed by a 12-month probation with conditions, up to revocation.</u>

<p><u>Section 456.072(1)(ii), F.S.: Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to the Medicaid program.</u></p> <p><u>Section 456.076(1)(II), F.S.: Being convicted of, or pleading nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud.</u></p>			
<p><u>ii. Section 456.072(1)(x), F.S.: Failing to report to the board, or the department if there is no board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand.</u></p> <p><u>Maximum – Reprimand and a \$500 fine.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$500 fine.</u></p> <p><u>Maximum – A \$1,000 fine and proof of completion of an 8-hour ethics course not to be counted for biennial recertification.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$1,500 fine and proof of completion of an 8-hour ethics course not to be counted for biennial recertification.</u></p> <p><u>Maximum – A 6-month suspension and proof of completion of an 8-hour ethics course not to be counted for biennial recertification, up to revocation.</u></p>
<p><u>iii. Section 456.072(1)(g), F.S.: Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee.</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand and a \$500 fine.</u></p> <p><u>Maximum – Reprimand, a \$1,000 fine, and proof of completion of an 8-hour ethics course not to be counted for biennial recertification.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$1,500 fine and proof of completion of an 8-hour ethics course not to be counted for biennial recertification.</u></p> <p><u>Maximum – A \$1,500 fine, a 6-month suspension, and proof of completion of an 8-hour ethics course not to be counted for biennial recertification, up to revocation.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$3,000 fine, a 12-month suspension, and proof of completion of an 8-hour ethics course not to be counted for biennial recertification, up to revocation.</u></p> <p><u>Maximum – A \$3,000 fine and revocation.</u></p>

(b) Investigations, Inspections, Administrative and Regulatory Proceedings.

<p><u>i. Section 456.072(1)(q), F.S.: Violating a lawful order of the department or the board or failing to comply with a lawfully issued subpoena of the department.</u>  <u>Section 456.072(1)(k), F.S.: Failing to perform any statutory or legal obligation placed upon a licensee.</u>  <u>Section 456.072(1)(j), F.S.: Failing to remit the sum owed to the state for an overpayment from the Medicaid program pursuant to a final order, judgment, or stipulation or settlement.</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand.</u></p> <p><u>Maximum – Reprimand and a \$500 fine, up to revocation.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$1,000 fine and a 3-month suspension followed by a 3-month probation with conditions, up to revocation.</u></p> <p><u>Maximum – A \$2000 fine and 6-month suspension followed by a 6-month probation with conditions, and proof of completion of an 8-hour ethics course not to be counted for biennial recertification, up to revocation.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$3,000 fine, a 12-month suspension followed by a 12-month probation with conditions, and proof of completion of an 8-hour ethics course not to be counted for biennial recertification, up to revocation.</u></p> <p><u>Maximum – A \$3,000 fine and revocation.</u></p>
<p><u>ii. Section 456.072(1)(r), F.S.: Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand.</u></p> <p><u>Maximum – Reprimand and a \$500 fine, up to revocation.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$1,000 fine and a 3-month suspension followed by a 3-month probation with conditions, up to revocation.</u></p> <p><u>Maximum – A \$2,000 fine and 6-month suspension followed by a 6-month probation with conditions, and proof of completion of an 8-hour ethics course not to be counted for biennial recertification, up to revocation.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$3,000 fine, a 12-month suspension followed by a 12-month probation with conditions, and proof of completion of an 8-hour ethics course not to be counted for biennial recertification, up to revocation.</u></p> <p><u>Maximum – A \$3,000 fine and revocation.</u></p>
<p><u>iii. Section 456.072(1)(f), F.S.: Having a license or the authority to practice any regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law.</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand and action consistent with the disciplinary guidelines for the offense had it initially come before the Department prior</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – Probation with conditions until the discipline imposed by the licensing authority of the other jurisdiction is satisfied.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$1,000 fine and suspension until the discipline imposed by the licensing authority of the other jurisdiction is satisfied, followed by</u></p>

<p><u>Section 456.072(1)(kk), F.S.: Being terminated from the state Medicaid program pursuant to s. 409.913, any other state Medicaid program, or the federal Medicare program, unless eligibility to participate in the program from which the practitioner was terminated has been restored.</u></p>	<p><u>to the action that was taken by the licensing authority of the other jurisdiction, with strong consideration of the penalty that was actually imposed by the licensing authority of the other jurisdiction.</u></p> <p><u>Maximum – Reprimand and probation with conditions until the discipline imposed by the licensing authority of the other jurisdiction is satisfied or, if the discipline imposed was satisfied prior to Department certification, a 3-month probation with conditions.</u></p>	<p><u>Maximum – A \$500 fine and suspension until the discipline imposed by the licensing authority of the other jurisdiction is satisfied followed by a 3-month probation with conditions.</u></p>	<p><u>a 6-month probation with conditions.</u></p> <p><u>Maximum – A \$5,000 fine and revocation.</u></p>
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(c) Unprofessional conduct.

<p><u>i. Section 401.411(1)(d), F.S.: Engaging in or attempting to engage in the possession, except in legitimate duties under the supervision of a licensed physician, or the sale or distribution of any controlled substance as set forth in chapter 893.</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand.</u></p> <p><u>Maximum – Reprimand, a \$500 fine, and proof of satisfactory completion of an impaired practitioner program or employee assistance program, as evidenced by the written statement of an evaluator, as defined by section 456.076(1)(b), F.S., up to revocation.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$1,000 fine and a 6-month suspension, up to revocation.</u></p> <p><u>Maximum – A \$1,000 fine, a 6-month suspension, and proof of satisfactory completion of an impaired practitioner program or employee assistance program, as evidenced by the written statement of an evaluator, as defined by section 456.076(1)(b), F.S., up to revocation.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$3,000 fine, a 12-month suspension, and proof of satisfactory completion of an impaired practitioner program or employee assistance program, as evidenced by the written statement of an evaluator, as defined by section 456.076(1)(b), F.S., up to revocation</u></p> <p><u>Maximum – A \$3,000 fine and revocation.</u></p>
<p><u>ii. Section 401.411(1)(g), F.S.: Unprofessional conduct, including, but not limited to, any departure from or failure to</u></p>	<p><u>First Offense</u></p> <p><u>Minimum –</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum –</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum –</u></p>

<p><u>conform to the minimal prevailing standards of acceptable practice under this part, including undertaking activities that the emergency medical technician, paramedic, health care professional, or other professional is not qualified by training or experience to perform. Section 456.072(1)(o), F.S.: Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform. Section 456.072(1)(p), F.S.: Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of the responsibilities knows, or has reason to know, the person is not qualified by training, experience, and authorization when required to perform them.</u></p>	<p><u>Reprimand and a \$250 fine.</u></p> <p><u>Maximum – Reprimand and a \$500 fine, up to revocation.</u></p>	<p><u>A \$1,000 fine and a 6-month suspension followed by a 3-month probation with conditions, up to revocation.</u></p> <p><u>Maximum – A \$1,000 fine and a 12-month suspension followed by a 12-month probation with conditions, up to revocation.</u></p>	<p><u>A \$1,000 fine and a 24-month suspension followed by a 24-month probation, up to revocation.</u></p> <p><u>Maximum – A \$3,000 fine and revocation.</u></p>
<p><u>iii. Section 401.411(1)(h), F.S.: Sexual misconduct with a patient, including inducing or attempting to induce the patient to engage, or engaging or attempting to engage the patient, in sexual activity. Section 456.072(1)(v), F.S.: Engaging or attempting to engage in sexual misconduct as defined and prohibited in s. 456.063(1). Sexual misconduct includes the oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object but does not include an act done for a bona fide medical purpose. The consent of the patient to an act of sexual misconduct may not be raised as a defense in a disciplinary action under this rule.</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand, a \$500 fine, and proof of completion of an 8-hour ethics course not to be counted for biennial recertification, up to revocation.</u></p> <p><u>Maximum – Reprimand, a \$1,000 fine, and proof of completion of an 8-hour ethics course not to be counted for biennial recertification, up to revocation.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$1,000 fine and a 3-month suspension followed by a 6-month probation with conditions to include, but not be limited to, proof of completion of an 8-hour ethics course not to be counted for biennial recertification, up to revocation.</u></p> <p><u>Maximum – A \$1,000 fine and a 6-month suspension followed by a 12-month probation with conditions to include, but not be limited to, proof of completion of an 8-hour ethics course not to be counted for biennial recertification, up to revocation.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$3,000 fine and a 12-month suspension followed by a 24-month probation with conditions to include, but not be limited to, proof of completion of a 16-hour ethics course not to be counted for biennial recertification, up to revocation.</u></p> <p><u>Maximum – A \$5,000 fine and permanent revocation.</u></p>

<p><u>iv. Section 401.411(1)(c), F.S.: Addiction to alcohol or any controlled substance.</u>  <u>Section 401.411(1)(k), F.S.: Practicing as an emergency medical technician, paramedic, health care professional, or other professional operating under this part without reasonable skill and without regard for the safety of the public by reason of illness, drunkenness, or the use of drugs, narcotics, or chemicals or any other substance or as a result of any mental or physical condition.</u>  <u>Section 456.072(1)(z), F.S.: Being unable to practice 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.</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand, a \$100 fine, and a 12-month probation with conditions, to include but not be limited to, proof of satisfactory completion of an impaired practitioner program or employee assistance program, as evidenced by the written statement of an evaluator, as defined by section 456.076(1)(b), F.S.</u></p> <p><u>Maximum – Reprimand, a \$500 fine, and a 6-month suspension, followed by a 12-month probation with conditions, to include but not be limited to, proof of satisfactory completion of an impaired practitioner program or employee assistance program, as evidenced by the written statement of an evaluator, as defined by section 456.076(1)(b), F.S.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$500 fine and a 6-month suspension, followed by a 24-month probation with conditions, to include but not be limited to, proof of satisfactory completion of an impaired practitioner program or employee assistance program, as evidenced by the written statement of an evaluator, as defined by section 456.076(1)(b), F.S.</u></p> <p><u>Maximum – A \$1,000 fine and a 12-month suspension, followed by a 24-month probation with conditions, to include but not be limited to, proof of satisfactory completion of an impaired practitioner program or employee assistance program, as evidenced by the written statement of an evaluator, as defined by section 456.076(1)(b), F.S., up to revocation.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$1,000 fine and a 24-month suspension, followed by a 36-month probation with conditions, to include but not be limited to, proof of satisfactory completion of an impaired practitioner program or employee assistance program, as evidenced by the written statement of an evaluator, as defined by section 456.076(1)(b), F.S., up to revocation.</u></p> <p><u>Maximum – A \$3,000 fine and revocation.</u></p>
<p><u>v. Section 456.072(1)(n), F.S.: Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party.</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand and proof of completion of an 8-hour ethics course not to be counted for biennial recertification.</u></p> <p><u>Maximum – Reprimand, a \$500 fine, and proof of completion of an 8-</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$1,000 fine, a 3-month suspension followed by a 3-month probation, and proof of completion of an 8-hour ethics course not to be counted for biennial recertification.</u></p> <p><u>Maximum –</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$3,000 fine and a 6-month suspension followed by a 6-month probation with conditions to include, but not be limited to, proof of completion of an 8-hour ethics course not to be counted for biennial</u></p>

	<u>hour ethics course not to be counted for biennial recertification.</u>	<u>A \$1,000 fine and a 6-month suspension followed by a 6-month probation with conditions to include, but not be limited to, proof of completion of an 8-hour ethics course not to be counted for biennial recertification.</u>	<u>recertification, up to revocation.</u>  <u>Maximum – A \$3,000 fine and revocation.</u>
<u>vi. Section 456.072(1)(aa), F.S.: Testing positive for any drug, as defined in s. 112.0455, on any confirmed preemployment or employer-ordered drug screening when the practitioner does not have a lawful prescription and legitimate medical reason for using the drug.</u>	<u>First Offense</u>  <u>Minimum – Reprimand.</u>  <u>Maximum— Reprimand and a \$250 fine.</u>	<u>Second Offense</u>  <u>Minimum – A \$500 fine and proof of completion of an 8-hour ethics course not to be counted for biennial recertification.</u>  <u>Maximum – A \$1,000 fine and a 3-month probation with conditions to include, but not be limited to, proof of completion of an 8-hour ethics course not to be counted for biennial recertification.</u>	<u>Third Offense</u>  <u>Minimum – A \$1,500 fine and a 6-month probation with conditions to include, but not be limited to, proof of completion of an 8-hour ethics course not to be counted for biennial recertification, up to revocation.</u>  <u>Maximum – A \$3,000 fine and a 12-month probation with conditions to include, but not be limited to, proof of completion of an 8-hour ethics course, up to revocation.</u>
<u>vii. Section 456.072(1)(hh), F.S.: Being terminated from an impaired practitioner program that is overseen by a consultant as described in s. 456.076, for failure to comply, without good cause, with the terms of the monitoring or participant contract entered into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program.</u>	<u>First Offense</u>  <u>Minimum – Reprimand, a \$100 fine, and a 12-month probation with conditions, up to revocation.</u>  <u>Maximum – Reprimand, a \$100 fine, and a 24-month probation with conditions, up to revocation.</u>	<u>Second Offense</u>  <u>Minimum – A \$200 fine and a 24-month probation with conditions, up to revocation.</u>  <u>Maximum – A \$500 fine and a 12-month suspension followed by a 24-month probation with conditions, up to revocation.</u>	<u>Third Offense</u>  <u>Minimum – A \$1,000 fine and a 24-month suspension followed by a 36-month probation with conditions, up to revocation.</u>  <u>Maximum – Revocation.</u>
<u>viii. Section 456.072(1)(l), F.S.: Making or filing a report which the licensee knows to</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>

<p><u>be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so.</u></p>	<p><u>Minimum – Reprimand, a \$500 fine, and proof of completion of an 8-hour ethics course not to be counted for biennial recertification.</u></p> <p><u>Maximum – Reprimand, a \$1,000 fine, and a 3-month probation with conditions to include, but not be limited to, proof of completion of an 8-hour ethics course not to be counted for biennial recertification.</u></p>	<p><u>Minimum – A \$1,000 fine and a 3-month probation with conditions to include, but not be limited to, proof of completion of an 8-hour ethics course not to be counted for biennial recertification.</u></p> <p><u>Maximum – A \$1,000 fine and a 3-month suspension followed by a 3-month probation with conditions to include, but not be limited to, proof of completion of an 8-hour ethics course not to be counted for biennial recertification, up to revocation.</u></p>	<p><u>Minimum – A \$1,500 fine and a 6-month suspension followed by a 12-month probation with conditions to include, but not be limited to, proof of completion of an 8-hour ethics course not to be counted for biennial recertification, up to revocation.</u></p> <p><u>Maximum – A \$2,000 fine and revocation.</u></p>
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(d) Communications with the department.

<p><u>i. Section 401.26(5)(a), F.S.: In order to renew a vehicle or aircraft permit issued pursuant to this part, the applicant must:</u>  <u>(a) Submit a renewal application. Such application must be received by the department not more than 90 days or less than 30 days prior to the expiration of the permit.</u>  <u>Section 401.321(3), F.S.: An application for a new license is required when:</u>  <u>(a) A majority of the ownership or a controlling interest of a service is transferred or assigned; and</u>  <u>(b) A lessee agrees to undertake or provide services to the extent that legal liability for the service rests with the lessee.</u>  <u>The application for a new license showing such change must be submitted so as to be received by the department at least 60 days prior to the date of the sale, transfer, assignment, or lease.</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand and up to a \$250 fine.</u></p> <p><u>Maximum – Reprimand and a \$250 fine or a \$50 fine for each day after the application was due to be received by the department, whichever is greater.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$500 fine or a \$150 fine for each day after the application was due to be received by the department, whichever is greater.</u></p> <p><u>Maximum – A \$700 fine or a \$250 fine for each day after the application was due to be received by the department, whichever is greater.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$1,000 fine or a \$500 fine for each day after the application was due to be received by the department, whichever is greater.</u></p> <p><u>Maximum – A \$1,500 fine or a \$1,000 fine for each day after the application was due to be received by the department, whichever is greater, up to revocation.</u></p>
<p><u>ii. Section 401.411(1)(f), F.S.: Knowingly making false or fraudulent claims; procuring, attempting to procure, or renewing a certificate, license, or permit</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand and proof</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum –</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum –</u></p>



<p><u>by fakery, fraudulent action, or misrepresentation.</u>  <u>Section 456.072(1)(h), F.S.: Attempting to obtain, obtaining, or renewing a license to practice a profession by bribery, by fraudulent misrepresentation, or through an error of the department or the board.</u>  <u>Section 456.072(1)(w), F.S.: Failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to timely provide updated information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application.</u></p>	<p><u>of completion of a 3-hour ethics course, not to count for certification or biennial recertification.</u></p> <p><u>Maximum – Reprimand and a 3-month probation with condition to include, but not be limited to, proof of completion of an 8-hour ethics course, not to count for certification or biennial recertification, up to revocation.</u></p>	<p><u>Reprimand and a 3-month probation with condition to include, but not be limited to, proof of completion of an 8-hour ethics course, not to count for certification or biennial recertification, up to revocation.</u></p> <p><u>Maximum – A \$1,000 fine and a 3-month suspension followed by a 3-month probation with conditions to include, but not be limited to, proof of completion of a 16-hour ethics course not to be counted for biennial recertification, up to revocation.</u></p>	<p><u>A \$1,000 fine and a 3-month suspension followed by a 3-month probation with conditions to include, but not be limited to, proof of completion of a 16-hour ethics course not to be counted for biennial recertification, up to revocation.</u></p> <p><u>Maximum – A \$5,000 fine and revocation.</u></p>
<p><u>iii. Section 401.411(1)(i), F.S.: The failure to give to the department, or its authorized representative, true information upon request regarding an alleged or confirmed violation of this part or rule of the department.</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand.</u></p> <p><u>Maximum – Reprimand, a \$500 fine, and proof of completion of a 3-hour ethics course not to count for biennial recertification, up to revocation.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$1,000 fine and a 3-month probation with conditions to include, but not be limited to, proof of completion of an 8-hour ethics course not to count for biennial recertification, up to revocation.</u></p> <p><u>Maximum – A \$1,000 fine and 6-month probation with conditions to include, but not be limited to, proof of completion of an 8-hour ethics course not to count for biennial recertification, up to revocation.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$1,500 fine and a 3-month suspension followed by a 6-month probation with conditions to include, but not be limited to, proof of completion of an 8-hour ethics course not to count for biennial recertification, up to revocation.</u></p> <p><u>Maximum – A \$2,000 fine and a 12-month suspension followed by a 24-month probation with conditions to include, but not be limited to, proof of completion of a 16-hour ethics course</u></p>

			<u>not to count for biennial recertification, up to revocation.</u>
<u>iv. Section 401.411(1)(l), F.S.: The failure to report to the department any person known to be in violation of this part. Section 456.072(1)(i), F.S.: Except as provided in s. 465.016, failing to report to the department any person who the licensee knows is in violation of this chapter, the chapter regulating the alleged violator, or the rules of the department or the board.</u>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand.</u></p> <p><u>Maximum – Reprimand, a \$500 fine, and proof of completion of a 3-hour ethics course not to count for biennial recertification, up to revocation.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$1,000 fine and a 3-month probation with conditions to include, but not be limited to, proof of completion of an 8-hour ethics course not to count for biennial recertification, up to revocation.</u></p> <p><u>Maximum – A \$1,000 fine and 6-month probation with conditions to include, but not be limited to, proof of completion of an 8-hour ethics course not to count for biennial recertification, up to revocation.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$1,500 fine and a 3-month suspension followed by a 6-month probation with conditions to include, but not be limited to, proof of completion of an 8-hour ethics course not to count for biennial recertification, up to revocation.</u></p> <p><u>Maximum – A \$2,000 fine and a 12-month suspension followed by a 24-month probation with conditions to include, but not be limited to, proof of completion of a 16-hour ethics course not to count for biennial recertification, up to revocation.</u></p>
<u>v. Rule 64J-1.008(3), F.A.C.: In the event an applicant or certified EMT changes the mailing address he or she has provided the department, the applicant or certified EMT shall notify the department within 10 days of the address change. Rule 64J-1.009(4), F.A.C.: In the event an applicant or certified paramedic changes the mailing address he or she has provided the department, the applicant or certified paramedic shall notify the department within 10 days of the address change.</u>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand.</u></p> <p><u>Maximum – Reprimand and a \$250 fine.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$250 fine.</u></p> <p><u>Maximum – A \$500 fine and proof of completion of a 3-hour ethics course not to count for biennial recertification.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$500 fine and proof of completion of a 3-hour ethics course not to count for biennial recertification.</u></p> <p><u>Maximum – A \$1,000 fine and a 3-month probation with conditions to include, but not be limited to, proof of completion of an 8-hour ethics course not to count for</u></p>

			<u>biennial recertification.</u>
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(e) Communications with the public.

<p><u>i. Section 401.411(1)(j), F.S.: Fraudulent or misleading advertising or advertising in an unauthorized category.</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand and a fine of up to \$250.</u></p> <p><u>Maximum – Reprimand and a \$500 fine.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$1,000 fine.</u></p> <p><u>Maximum – A \$2,000 fine, up to revocation.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$3,000 fine, up to revocation.</u></p> <p><u>Maximum – A \$5,000 fine and revocation.</u></p>
<p><u>ii. Section 401.251(4)(c), F.S.: Unless, in the opinion of the attending physician, the patient has an emergency medical condition as defined by s. 395.002, the service must provide each person using the service, before rendering the service, a written description of the services to be rendered and the cost of those services. Section 456.072(1)(u), F.S.: 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.</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand and a \$250 fine.</u></p> <p><u>Maximum – Reprimand and a \$500 fine.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$1,000 fine.</u></p> <p><u>Maximum – A \$2,000 fine, up to revocation.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$3,000 fine, up to revocation.</u></p> <p><u>Maximum – A \$5,000 fine and revocation.</u></p>
<p><u>iii. Section 456.072(1)(a), F.S.: Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee’s profession. Section 456.072(1)(m), F.S.: Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand and proof of completion of an 8-hour ethics course not to be counted for biennial recertification.</u></p> <p><u>Maximum – Reprimand, a \$500 fine, and proof of completion of an 8-hour ethics course not to be counted for biennial recertification.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$1,000 fine, a 3-month suspension followed by a 3-month probation, and proof of completion of an 8-hour ethics course not to be counted for biennial recertification.</u></p> <p><u>Maximum – A \$1,000 fine and a 6-month suspension followed by a 6-month probation with conditions to include, but not be limited to, proof of completion of an 8-hour ethics course not to be counted for biennial recertification.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$3,000 fine and a 6-month suspension followed by a 6-month probation with conditions to include, but not be limited to, proof of completion of an 8-hour ethics course not to be counted for biennial recertification, up to revocation.</u></p> <p><u>Maximum – A \$3,000 fine and revocation.</u></p>

<p><u>iv. Section 456.072(1)(t), F.S.: 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.</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand.</u></p> <p><u>Maximum – Reprimand and a \$250 fine.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$250 fine.</u></p> <p><u>Maximum – A \$500 fine and proof of completion of a 3-hour ethics course not to count for biennial recertification.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$500 fine and proof of completion of a 3-hour ethics course not to count for biennial recertification.</u></p> <p><u>Maximum – A \$1,000 fine and a 3-month probation with conditions to include, but not be limited to, proof of completion of an 8-hour ethics course not to count for biennial recertification.</u></p>
<p><u>v. Section 456.072(1)(y), F.S.: 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 under s. 316.066, 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 the accidents.</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand and proof of completion of an 8-hour ethics course not to be counted for biennial recertification.</u></p> <p><u>Maximum – Reprimand, a \$500 fine, and proof of completion of an 8-hour ethics course not to be counted for biennial recertification.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$1,000 fine, a 3-month suspension followed by a 3-month probation, and proof of completion of an 8-hour ethics course not to be counted for biennial recertification.</u></p> <p><u>Maximum – A \$1,000 fine and a 6-month suspension followed by a 6-month probation with conditions to include, but not be limited to, proof of completion of an 8-hour ethics course not to be counted for biennial recertification.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$3,000 fine and a 6-month suspension followed by a 6-month probation with conditions to include, but not be limited to, proof of completion of an 8-hour ethics course not to be counted for biennial recertification, up to revocation.</u></p> <p><u>Maximum – A \$3,000 fine and revocation.</u></p>

(f) Personnel, vehicles, aircraft, and equipment.

<p><u>i. Section 401.25(7)(a), (b), F.S.: Each permitted basic life support ambulance not specifically exempted from this part, when transporting a person who is sick, injured, wounded, incapacitated, or helpless, must</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand and a \$500 fine.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – The lesser of a \$1,000 fine or a \$500</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – The lesser of a \$2,000 fine or a</u></p>
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<p>be occupied by at least two persons: one patient attendant who is a certified emergency medical technician, certified paramedic, or licensed physician; and one ambulance driver who meets the requirements of s. 401.281. Each permitted advanced life support ambulance not specifically exempted from this part, when transporting a person who is sick, injured, wounded, incapacitated, or helpless, must be occupied by at least two persons: one who is a certified paramedic or licensed physician; and one who is a certified emergency medical technician, certified paramedic, or licensed physician who also meets the requirements of s. 401.281 for drivers.</p>	<p><u>Maximum – Reprimand and a \$500 fine or a \$250 fine for each day of the violation, whichever is greater.</u></p>	<p><u>fine for each day of the violation.</u></p> <p><u>Maximum – A \$1,500 fine or a \$1,000 fine for each day of the violation, whichever is greater, up to revocation.</u></p>	<p><u>\$1,000 fine for each day of the violation, up to revocation.</u></p> <p><u>Maximum – A \$3,000 fine or a \$1,000 fine for each day of the violation, whichever is greater, and revocation.</u></p>
<p>ii. Section 401.251(4)(b), F.S.: If the air ambulance service uses rotary-winged aircraft in conjunction with another emergency medical service, the air ambulance service must meet the provisions of this section and must meet separate basic life support and advanced life support requirements unique to air ambulance operations as is required by rules of the department. Such service is subject to the provisions of s. 401.25 relating to a certificate of public convenience and necessity; however, a service may operate in any county under the terms of mutual aid agreements.</p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand, up to revocation.</u></p> <p><u>Maximum – Reprimand and a \$500 fine or a \$250 fine for each day of the violation, whichever is greater, up to revocation.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$1,000 fine or a \$500 fine for each day of the violation, whichever is greater, up to revocation.</u></p> <p><u>Maximum – A \$1,500 fine or a \$1,000 fine for each day of the violation, whichever is greater, up to revocation.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$2,000 fine or a \$1,000 fine for each day of the violation, whichever is greater, up to revocation.</u></p> <p><u>Maximum – A \$3,000 fine or a \$1,000 fine for each day of the violation, whichever is greater, and revocation.</u></p>
<p>iii. Section 401.252, F.S.: (1) A licensed basic or advanced life support ambulance service may conduct interfacility transfers in a permitted ambulance, using a registered nurse in place of an emergency medical technician or paramedic, if:</p> <p>(a) The registered nurse holds a current certificate of successful course completion in advanced cardiac life support;</p> <p>(b) The physician in charge has granted permission for such a transfer, has designated the level of service required for such transfer, and has deemed the patient to be in such a condition appropriate to this type of ambulance staffing; and</p> <p>(c) The registered nurse operates within the scope of part I of chapter 464.</p> <p>(2) A licensed basic or advanced life support service may conduct interfacility transfers in a permitted ambulance if the</p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand and up to a \$250 fine.</u></p> <p><u>Maximum – Reprimand and a \$500 fine or a \$250 fine for each day of the violation, whichever is lesser.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$1,000 fine or a \$500 fine for each day of the violation, whichever is greater.</u></p> <p><u>Maximum – A \$1,500 fine or a \$1,000 fine for each day of the violation, whichever is greater, up to revocation.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$2,000 fine or a \$1,000 fine for each day of the violation, whichever is greater, up to revocation.</u></p> <p><u>Maximum – A \$3,000 fine or a \$1,000 fine for each day of the violation, whichever is greater, and revocation.</u></p>

<p>patient's treating physician certifies that the transfer is medically appropriate and the physician provides reasonable transfer orders. An interfacility transfer must be conducted in a permitted ambulance if it is determined that the patient needs, or is likely to need, medical attention during transport. If the emergency medical technician or paramedic believes the level of patient care required during the transfer is beyond his or her capability, the medical director, or his or her designee, must be contacted for clearance prior to conducting the transfer. If necessary, the medical director, or his or her designee, shall attempt to contact the treating physician for consultation to determine the appropriateness of the transfer.</p> <p>(3) <u>Infants less than 28 days old or infants weighing less than 5 kilograms, who require critical care interfacility transport to a neonatal intensive care unit, shall be transported in a permitted advanced life support or basic life support transport ambulance, or in a permitted advanced life support or basic life support ambulance that is recognized by the department as meeting designated criteria for neonatal interfacility critical care transport.</u></p>			
<p>iv. Section 401.281(1), F.S.: Each licensee is responsible for assuring that its vehicles are driven only by trained, experienced, and otherwise qualified personnel. The licensee must, at a minimum, document that each of its drivers:</p> <p>(a) <u>Is at least 18 years of age;</u></p> <p>(b) <u>Certifies under oath that he or she is not addicted to alcohol or any controlled substance;</u></p> <p>(c) <u>Certifies under oath that he or she is free from any physical or mental defect or disease that might impair his or her ability to drive an ambulance;</u></p> <p>(d) <u>Upon initial designation as a driver, has not, within the past 3 years, been convicted of driving under the influence of alcohol or controlled substances and has not had a driver license suspended under the point system provided for in chapter 322;</u></p> <p>(e) <u>Possesses a valid driver license issued under chapter 322, is trained in the safe operation of emergency vehicles, and</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand and a \$500 fine.</u></p> <p><u>Maximum – Reprimand and a \$500 fine or a \$250 fine for each day of the violation, whichever is greater.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$1,000 fine or a \$500 fine for each day of the violation, whichever is greater, up to revocation.</u></p> <p><u>Maximum – A \$1,500 fine or a \$1,000 fine for each day of the violation, whichever is greater, up to revocation.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$2,000 fine or a \$1,000 fine for each day of the violation, whichever is greater, up to revocation.</u></p> <p><u>Maximum – A \$3,000 fine or a \$1,000 fine for each day of the violation, whichever is greater, and revocation.</u></p>

<p><u>has completed an emergency vehicle operator's course or the reasonable equivalent as approved by the department; however, this paragraph applies only to a driver of a land vehicle;</u>  <u>(f) Possesses a valid American Red Cross or National Safety Council standard first aid course card or its equivalent; and</u>  <u>(g) Possesses a valid American Red Cross or American Heart Association cardiopulmonary resuscitation card.</u></p>			
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(g) Records.

<p><u>i. Section 401.2701(4), F.S.: Approved emergency medical services training programs must maintain records and reports that must be made available to the department, upon written request.</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand.</u></p> <p><u>Maximum – Reprimand and a \$250 fine.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$500 fine or a \$250 fine for each day after the date that the record must be created or made available for inspection by the department, as applicable, whichever is greater.</u></p> <p><u>Maximum – A \$1,000 fine or a \$500 fine for each day after the date that the record must be created or made available for inspection by the department, as applicable, whichever is greater, up to revocation.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$1,500 fine or a \$1,000 fine for each day after the date that the record must be created or made available for inspection by the department, as applicable, whichever is greater, up to revocation.</u></p> <p><u>Maximum – A \$2,000 fine or a \$1,000 fine for each day after the date that the record must be created or made available for inspection by the department, as applicable, whichever is greater, and revocation.</u></p>
<p><u>ii. Section 401.30(1), F.S.: Each licensee must maintain accurate records of emergency calls on forms that contain such information as is required by the department. These records must be available for inspection by the department at any reasonable time, and copies thereof must be furnished to the department upon request.</u>  <u>Rule 64J-1.014(1), (5), (8), (10)-(13), F.A.C.: Providers must create and maintain patient care records, maintain records for five years, maintain a biohazardous waste handling, storage, and</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand and a \$250 fine.</u></p> <p><u>Maximum – Reprimand and a \$500 fine or a \$250 fine for each day after the date that the record must be created or made available for</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$1,000 fine or a \$500 fine for each day after the date that the record must be created or made available for inspection by the department, as applicable, whichever is greater.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$1,500 fine or a \$1,000 fine for each day after the date that the record must be created or made available for inspection by the department, as applicable, whichever is greater, up to revocation.</u></p>

<p><u>disposal plan, maintain documentation describing the service rendered to the patient and cost, document cabin altitude hourly, if applicable, and submit electronic or paper patient care records to the Department.</u></p>	<p><u>inspection by the department, as applicable, whichever is greater.</u></p>	<p><u>Maximum – A \$1,000 fine or a \$500 fine for each day after the date that the record must be created or made available for inspection by the department, as applicable, whichever is greater, up to revocation.</u></p>	<p><u>Maximum – A \$2,000 fine or a \$1,000 fine for each day after the date that the record must be created or made available for inspection by the department, as applicable, whichever is greater, and revocation.</u></p>
<p><u>iii. Section 401.30(2), F.S.: Each licensee must provide the receiving hospital with a copy of an individual patient care record for each patient who is transported to the hospital.</u>  <u>Rule 64J-1.014(7), F.A.C.: Medication errors and reactions en route shall be reported to the physician who ordered the medication, the receiving physician, and the ALS medical director.</u>  <u>Rule 64J-1.014(14), F.A.C.: A patient care record as defined in subsection 64J-1.001(18), F.A.C., or an electronic patient care record containing the same information shall be made available by the EMS provider to the receiving hospital upon request within 48 hours of the time the vehicle is originally dispatched in response to the request for emergency medical assistance.</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand and a \$250 fine.</u></p> <p><u>Maximum – Reprimand and a \$500 fine or a \$250 fine for each day after the date that the record must be provided to the receiving facility, whichever is greater.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$1,000 fine or a \$500 fine for each day after the date that the record must be provided to the receiving facility, whichever is greater.</u></p> <p><u>Maximum – A \$1,500 fine or a \$1,000 fine for each day after the date that the record must be provided to the receiving facility, whichever is greater, up to revocation.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$2,000 fine or a \$1,000 fine for each day after the date that the record must be provided to the receiving facility, whichever is greater, up to revocation.</u></p> <p><u>Maximum – A \$3,000 fine or a \$1,000 fine for each day after the date that the record must be provided to the receiving facility, whichever is greater, and revocation.</u></p>

(h) Unlicensed, unpermitted, and uncertified activity.

<p><u>i. Section 401.25(1), F.S.: Every person, firm, corporation, association, or governmental entity owning or acting as agent for the owner of any business or service which furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to engage in the business or service of providing prehospital or interfacility advanced life support services or basic life support transportation services must be licensed as a basic life support service or an advanced life support service, whichever is applicable, before offering such service to the public.</u>  <u>Section 401.251(1), F.S.: Each person, firm, corporation, association, or governmental entity that owns or acts as</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand and a \$1,000 fine or a \$500 fine for each day of the violation, whichever is greater, up to revocation.</u></p> <p><u>Maximum – Reprimand and a \$1,500 fine or a \$1,000 fine for each day of the violation, whichever is greater, up to revocation</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$2,000 fine or a \$1,000 fine for each day of the violation, whichever is greater, up to revocation.</u></p> <p><u>Maximum – A \$5,000 fine or a \$1,000 fine for each day of the violation, whichever is greater, up to revocation.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$5,000 fine or a \$1,000 fine for each day of the violation, whichever is greater, and revocation.</u></p> <p><u>Maximum – A \$10,000 fine or a \$1,000 fine for each day of the violation, whichever is greater, and revocation.</u></p>
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<p><u>an agent for the owner of any business or service that furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to engage in the business or service of transporting by air ambulance persons who require or are likely to require medical attention during transport must be licensed as an air ambulance service, before offering such service.</u>  <u>Section 456.072(1)(j), F.S.: Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board.</u></p>			
<p><u>ii. Section 401.26(1), F.S.: Every licensee shall possess a valid permit for each transport vehicle, advanced life support nontransport vehicle, and aircraft in use. The licensee shall provide documentation that each vehicle for which a permit is sought meets the appropriate requirements for a basic life support or advanced life support service vehicle, whichever is applicable, as specified by rule of the department.</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand and a \$250 fine, up to revocation.</u></p> <p><u>Maximum – Reprimand and a \$500 fine or a \$250 fine for each day of the violation, whichever is greater, up to revocation.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$1,000 fine or a \$500 fine for each day of the violation, whichever is greater, up to revocation.</u></p> <p><u>Maximum – A \$1,500 fine or a \$1,000 fine for each day of the violation, whichever is greater, up to revocation.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$2,000 fine or a \$1,000 fine for each day of the violation, whichever is greater, up to revocation.</u></p> <p><u>Maximum – A \$3,000 fine or a \$1,000 fine for each day of the violation, whichever is greater, and revocation.</u></p>

(i) Emergency Medical Technician and paramedic training programs.

<p><u>i. Section 401.2701(5), F.S.: Each approved program must notify the department within 30 days after any change in the professional or employment status of faculty.</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand and a fine of up to \$250.</u></p> <p><u>Maximum – Reprimand and a \$500 fine.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$1,000 fine.</u></p> <p><u>Maximum – A \$2,000 fine, up to revocation.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$3,000 fine, up to revocation.</u></p> <p><u>Maximum – A \$5,000 fine and revocation.</u></p>
<p><u>ii. Section 401.2701(5), F.S.: Each approved program must require its students to pass a comprehensive final written and practical examination evaluating the skills described in the current United States Department of Transportation EMT-Basic or EMT-Paramedic National Standard Curriculum</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand, a \$1,000 fine, and administration of the exam at the program’s sole expense to all</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$2,500 fine and administration of the exam at the program’s sole expense to all students who were</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$7,000 fine and administration of the exam at the program’s sole expense to all students who were</u></p>

<p><u>or the National EMS Education Standards and approved by the department.</u></p>	<p><u>students who were not required to pass the exam.</u></p> <p><u>Maximum – Reprimand, a \$2,000 fine, and administration of the exam at the program’s sole expense to all students who were not required to pass the exam, up to revocation.</u></p>	<p><u>not required to pass the exam, up to revocation.</u></p> <p><u>Maximum – A \$5,000 fine and administration of the exam at the program’s sole expense to all students who were not required to pass the exam, up to revocation.</u></p>	<p><u>not required to pass the exam, up to revocation.</u></p> <p><u>Maximum – A \$10,000 fine, administration of the exam at the program’s sole expense to all students who were not required to pass the exam, and revocation.</u></p>
<p><u>iii. Section 401.2701(5), F.S.: Each approved program must issue a certificate of completion to program graduates within 14 days after completion.</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand and a \$250 fine for each student of each graduating class who is not issued a certificate within 14 days after graduation for each day beyond the 14 days that the certificate is not issued.</u></p> <p><u>Maximum – Reprimand and a \$500 fine for each student of each graduating class who is not issued a certificate within 14 days after graduation for each day beyond the 14 days that the certificate is not issued.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$500 fine for each student of one graduating class who is not issued a certificate within 14 days after graduation for each day beyond the 14 days that the certificate is not issued, and a six-month suspension.</u></p> <p><u>Maximum – A \$1,000 fine for each student of each graduating class who is not issued a certificate within 14 days after graduation for each day beyond the 14 days that the certificate is not issued.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$2,000 fine for each student of one graduating class who is not issued a certificate within 14 days after graduation for each day beyond the 14 days that the certificate is not issued, up to revocation.</u></p> <p><u>Maximum – A \$3,000 fine for each student of each graduating class who is not issued a certificate within 14 days after graduation for each day beyond the 14 days that the certificate is not issued, and revocation.</u></p>
<p><u>iv. Rule 64J-1.020(1)(a), F.A.C.: Failure to prohibit students from being subject to call while participating in class, clinical, or field sessions.</u> <u>Rule 64J-1.020(1)(b), F.A.C.: Approved programs shall not use students to meet staffing requirements.</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand and a \$250 fine per student who was subject to call while participating in class, clinical, or field sessions, or was used to meet staffing requirements.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – A \$500 fine per student, per day that the student was subject to call while participating in class, clinical, or field sessions, or was used to meet staffing requirements.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$3,000 fine or a \$1,000 fine per student, per day that the student was subject to call while participating in class, clinical, or field sessions, or was used to meet staffing requirements.</u></p>

	<p><u>Maximum – Reprimand and a \$250 fine per student, per day that the student was subject to call while participating in class, clinical, or field sessions, or was used to meet staffing requirements.</u></p>	<p><u>Maximum – A \$500 fine per student, per day that the student was subject to call while participating in class, clinical, or field sessions, or was used to meet staffing requirements, up to revocation.</u></p>	<p><u>requirements, whichever is greater, up to revocation.</u></p> <p><u>Maximum – A \$5,000 fine or a \$1,000 fine per student, per day that the student was subject to call while participating in class, clinical, or field sessions, or was used to meet staffing requirements, whichever is greater, and revocation.</u></p>
<p><u>v. Rule 64J-1.020(1)(b), F.A.C.: Failure to ensure that each EMT and paramedic student functions under the direct supervision of an EMS preceptor. Failure to prevent any student from being in the patient compartment alone during patient transport.</u> <u>Rule 64J-1.020(6), F.A.C.: Student-to-Instructor ratios shall not exceed 6:1 during the skills laboratory phase of the program.</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand and a \$500 fine.</u></p> <p><u>Maximum – Reprimand and a \$500 fine or a \$250 fine for each day of the violation, whichever is greater.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – The lesser of a \$1,000 fine or a \$500 fine for each day of the violation.</u></p> <p><u>Maximum – A \$1,500 fine or a \$1,000 fine for each day of the violation, whichever is greater, up to revocation.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – The lesser of a \$2,000 fine or a \$1,000 fine for each day of the violation, up to revocation.</u></p> <p><u>Maximum – A \$3,000 fine or a \$1,000 fine for each day of the violation, whichever is greater, and revocation.</u></p>
<p><u>vi. Rule 64J-1.020(1)(e), F.A.C.: Course directors shall submit a roster of students eligible to take the state certification examination to the department within 14 days after course completion but not before course completion. This roster shall be signed by the program director.</u></p>	<p><u>First Offense</u></p> <p><u>Minimum – Reprimand.</u></p> <p><u>Maximum – Reprimand and a \$250 fine.</u></p>	<p><u>Second Offense</u></p> <p><u>Minimum – The lesser of a \$500 fine or a \$250 fine for each day beyond 14 days after course completion that the roster is not submitted.</u></p> <p><u>Maximum – A \$500 fine or a \$250 fine for each day beyond 14 days after course completion that the roster is not submitted, whichever is greater, up to revocation.</u></p>	<p><u>Third Offense</u></p> <p><u>Minimum – A \$1,000 fine or a \$500 fine for each day beyond 14 days after course completion that the roster is not submitted, whichever is greater, up to revocation.</u></p> <p><u>Maximum – A \$2,000 fine or a \$1,000 fine for each day beyond 14 days after course completion that the roster is not submitted, whichever</u></p>

			is greater, up to revocation.
<u>vii. Rule 64J-1.020(4), F.A.C.: Any changes to the training program as approved by the department shall be submitted to the department for review within 30 days of the change.</u>	<u>First Offense</u>  <u>Minimum – Reprimand.</u>  <u>Maximum – Reprimand and a \$250 fine.</u>	<u>Second Offense</u>  <u>Minimum – The lesser of a \$500 fine or a \$250 fine for each day that the change is not submitted beyond 30 days after the change.</u>  <u>Maximum – A \$500 fine or a \$250 fine for each day that the change is not submitted beyond 30 days after the change, whichever is greater.</u>	<u>Third Offense</u>  <u>Minimum – A \$1,000 fine or a \$500 fine for each day that the change is not submitted beyond 30 days after the change, whichever is greater.</u>  <u>Maximum – A \$2,000 fine or a \$1,000 fine for each day that the change is not submitted beyond 30 days after the change, whichever is greater, up to revocation.</u>
<u>viii. Rule 64J-1.020(5), F.A.C.: Approved training programs that wish to offer EMT or Paramedic training programs after their approval expiration date must apply to the department. . . . The application must be received by the department not less than 90 days before the training program approval expiration date and no earlier than 180 days prior to the approval expiration date.</u>	<u>First Offense</u>  <u>Minimum – Reprimand and a \$500 fine.</u>  <u>Maximum – Reprimand and a \$500 fine or a \$250 fine for each day of the violation, whichever is greater.</u>	<u>Second Offense</u>  <u>Minimum – The lesser of a \$1,000 fine or a \$500 fine for each day of the violation.</u>  <u>Maximum – A \$1,500 fine or a \$1,000 fine for each day of the violation, whichever is greater, up to revocation.</u>	<u>Third Offense</u>  <u>Minimum – The lesser of a \$2,000 fine or a \$1,000 fine for each day of the violation, up to revocation.</u>  <u>Maximum – A \$3,000 fine or a \$1,000 fine for each day of the violation, whichever is greater, and revocation.</u>
<u>ix. Rule 64J-1.020(6), (7), F.A.C.: Emergency Medical Technician program course length shall be a minimum of 300 hours; paramedic program course length shall be a minimum of 1,100 hours. Rule 64J-1.020(6), F.A.C.: EMT students shall not have less than five (5) patient contacts resulting in the student accompanying the patient to the hospital.</u>	<u>First Offense</u>  <u>Minimum – Reprimand and a \$1,000 fine or a \$500 fine for each day of the violation, whichever is greater, up to revocation.</u>  <u>Maximum – Reprimand and a \$1,500 fine or a \$1,000 fine for each day of the violation,</u>	<u>Second Offense</u>  <u>Minimum – A \$2,000 fine or a \$1,000 fine for each day of the violation, whichever is greater, up to revocation.</u>  <u>Maximum – A \$2,500 fine or a \$1,000 fine for each day of the violation, whichever is greater, up to revocation.</u>	<u>Third Offense</u>  <u>Minimum – A \$3,000 fine or a \$1,000 fine for each day of the violation, whichever is greater, up to revocation.</u>  <u>Maximum – A \$5,000 fine or a \$1,000 fine for each day of the violation, whichever is greater, and revocation.</u>

	<u>whichever is greater, up to revocation</u>		
<u>x. Rule 64J-1.020(9), F.A.C.: All equipment and supplies must be appropriate to the objective being taught, in good working order, and available in sufficient quantity for the students enrolled. There must be sufficient equipment so that not more than six students are required to learn on a single piece of equipment at any one time.</u>	<u>First Offense</u>  <u>Minimum – Reprimand and a \$500 fine.</u>  <u>Maximum – Reprimand and a \$500 fine or a \$250 fine for each day of the violation, whichever is greater.</u>	<u>Second Offense</u>  <u>Minimum – The lesser of a \$1,000 fine or a \$500 fine for each day of the violation.</u>  <u>Maximum – A \$1,500 fine or a \$1,000 fine for each day of the violation, whichever is greater, up to revocation.</u>	<u>Third Offense</u>  <u>Minimum – The lesser of a \$2,000 fine or a \$1,000 fine for each day of the violation, up to revocation.</u>  <u>Maximum – A \$3,000 fine or a \$1,000 fine for each day of the violation, whichever is greater, and revocation.</u>

(4)(a) The department will consider all aggravating and mitigating circumstances that are demonstrated by clear and convincing evidence submitted to the department prior to issuance of the final order of discipline imposed or, if a formal hearing is held, prior to the date designated in an order of the presiding officer. The department will not consider evidence of aggravating or mitigating circumstances that is submitted following a formal hearing.

(b) The department will consider, for purposes of aggravation and mitigation of the discipline imposed, clear and convincing evidence of circumstances that include, but are not limited to:

1. The danger to the public.
2. Previous disciplinary action against the licensee or certificateholder in this or any other jurisdiction.
3. The length of time the licensee or certificateholder has been in business or employed as an EMT or paramedic in this or any jurisdiction.
4. The actual damage, physical or otherwise, caused by the violation, and any attempts to mitigate or make restitution for such damage.
5. The deterrent effect of the penalty imposed.
6. Any efforts at rehabilitation or corrective action or refusal to take rehabilitative or corrective action.
7. The cost of professional treatment.
8. Financial hardship.
9. Prosecution costs and the expense of disciplinary proceedings.

Rulemaking Authority 395.405, 401.35, 456.004(5), 456.024(8), 456.036(16), 456.0361(3), 456.065(2)(b), 456.077(1), (2), 456.3078(1), 456.079, 456.47(7), 893.11, FS.

Law Implemented 395.4045, 401.25(3), 401.26(3), 401.27(8), 401.411, 401.465(2)(g), 456.013(3), 456.015(3), 456.024(3), (4), 456.036, 456.063(2), 456.0635(2), (3), 456.065, 456.072, 456.073, 456.076(8), (11), 893.11, FS.

History–New