

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 818

INTRODUCER: Health Policy Committee and Senator Latvala and others

SUBJECT: Instruction on Human Trafficking

DATE: February 16, 2016 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Stovall	HP	Fav/CS
2.	Brown	Pigott	AHS	Recommend: Favorable
3.	Pace	Hrdlicka	FP	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 818 adds human trafficking to the required continuing medical education (CE) requirements for allopathic and osteopath physicians, physician assistants, anesthesiology assistants, nurses, dentists, dental hygienists, dental lab personnel, psychologists, social workers, mental health counselors, and marriage and family therapists. Such licensees must complete two hours of CE courses on domestic violence *and human trafficking*, approved by the respective board, every third biennial re-licensure or recertification cycle.

The Department of Health (DOH) indicates that the cost of implementing the bill can be absorbed within existing resources.

II. Present Situation:

Currently, all licensed allopathic and osteopath physicians, physician assistants, anesthesiology assistants, nurses, dentists, dental hygienists, dental lab personnel, psychologists, social workers, mental health counselors, and marriage and family therapists are required to complete 2 hours of CE on domestic violence¹ as part of relicensure or recertification every third biennium, or every 6 years. Each appropriate board must approve the domestic violence CE course.

¹ Section 741.28, F.S. defines “domestic violence” as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.

The CE course must consist of:

- Data and information on the number of patients in that professional's practice who are likely to be victims of domestic violence;
- The number who are likely to be perpetrators of domestic violence;
- Screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence; and
- Instruction on how to provide patients with information on resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services.²

Licenses and certificate holders must submit confirmation of having completed the CE course when submitting fees for every third biennial renewal. The form of the CE confirmation is left to the discretion of the respective board.³

Each licensing board may approve equivalent courses to satisfy the CE requirements and may include the hour required for completion of the CE course in the total CE hours required for the profession, unless the CE requirement for the profession is less than 30 hours biennially. A person holding two or more licenses satisfies the CE requirements for each license upon proof of completion of one, 2-hour CE course.⁴

Failure to comply with the CE requirements is grounds for disciplinary action by the board of each respective practice act.⁵ Licensees are required to complete the CE course as part of any discipline imposed.

Florida law defines "human trafficking" as transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person.⁶

Currently there is no requirement, under any of the practice acts, to complete a CE course on human trafficking.

According to the DOH there are 48,941 allopathic physicians,⁷ 6,216 osteopathic physicians,⁸ 6,744 physician assistants, 197 anesthesiologist assistants, 304,566 nurses,⁹ 10,981 dentists,

² Section 456.031, F.S.

³ See DOH, *Continuing Education – CE*, available at: <http://www.floridahealth.gov/licensing-and-regulation/ce.html> (last visited Feb. 12, 2016). Currently, the DOH requires all licensees to report CEs at the time of licensure renewal through the department's electronic tracking system. A licensee is only able to renew a license if the licensee's CE records are complete.

⁴ Section 456.031(1)(c) and (d), F.S.

⁵ Section 456.031(1), F.S.

⁶ Section 787.06(2)(d), F.S.

⁷ The 48,941 active allopathic physicians include: 48,182 medical doctors, 226 house physicians, 146 limited license physicians, 335 critical need physicians, 8 medical expert physicians, 1 Mayo Clinic limited license physician, 40 medical faculty physicians, 2 public health physicians, and 1 public psychiatry physician.

⁸ The 6,216 osteopathic physicians include: 5,264 osteopathic physicians, 5 osteopathic limited license physicians, 1 osteopathic expert physicians, and 946 osteopathic training registrations.

⁹ The 304,566 nurses include: 18,250 advanced registered nurse practitioners (ARNPs), 26 ARNP/Certified Nurse Specialists, 131 clinical nurse specialists, 217,315 registered nurses, and 68,844 licensed practical nurses.

11,589 dental hygienists, 1,023 dental lab personnel, 5,086 psychologists, 7,971 social workers, 9,054 mental health counselors, and 1,667 marriage and family therapists holding active licenses in Florida.¹⁰

III. Effect of Proposed Changes:

The bill amends s. 456.031, F.S., to require licensed allopathic and osteopath physicians, physician assistants, anesthesiology assistants, nurses, dentists, dental hygienists, dental lab personnel, psychologists, social workers, mental health counselors, and marriage and family therapists to complete two hours of CE on domestic violence *and human trafficking* as part of every third biennial relicensure or recertification. The course content for the domestic violence CE course and the requirements for CE courses remain unchanged.

The bill requires the human trafficking CE course to consist of:

- Data and information on the types and extent of labor and sex trafficking;
- Factors that place a person at greater risk of being a trafficking victim;
- Patient safety and security;
- Management of medical records of patients who are trafficking victims;
- Public and private social services available for rescue, food, clothing, and shelter referrals;
- Hotlines for reporting human trafficking maintained by the National Human Trafficking Resource Center and the U.S. Department of Homeland Security;
- Validated assessment tools for the identification of trafficking victims;
- General indicators that a person may be a victim of human trafficking;
- Procedures for sharing information related to human trafficking with a patient; and
- Referral options for legal and social services as appropriate.

The bill is effective on July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁰ DOH, Annual Report and Long Range Plan Fiscal Year 2014-2015, *Table 1: Summary of Licensed Practitioners*, p. 10-13, available at: <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/documents/annual-report-1415.pdf> (last visited Feb. 12, 2016).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Licenses listed in s. 456.031, F.S., are currently required to complete a two-hour course on domestic violence every 6 years. Under the bill, they may incur additional costs to satisfy the requirement after human trafficking is added to the required subject matter, if the cost of the course is increased.

C. Government Sector Impact:

The boards will incur costs for rulemaking. The DOH and boards will incur costs for handling complaints and discipline. The DOH has indicated that these costs can be absorbed within existing resources.¹¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 456.031 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Health Policy on January 26, 2016:**

The committee substitute deletes the creation of new s. 456.0315, F.S., on CEs for human trafficking. It amends existing s. 456.031, F.S., on domestic violence CEs, and adds human trafficking to the required domestic violence CE, making the required course a 2-hour course on both domestic violence and human trafficking due every third biennium. It also increases the number of professions required to take the CEs to all those listed in s. 456.031, F.S.

¹¹ See DOH, *Senate Bill 818 Analysis*, p. 4, (Nov. 16, 2015) (on file with the Senate Committee on Health Policy).

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
