

**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.)

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

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BILL: SB 496  
INTRODUCER: Senators Brandes and Passidomo  
SUBJECT: Medical Faculty Certification  
DATE: March 13, 2017

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Stovall	HP	<b>Pre-meeting</b>
2.			ED	
3.			RC	

**I. Summary:**

SB 496 expands the criteria under which the Department of Health (DOH) may issue a medical faculty certificate to include a medical physician who has been offered, and accepted, a full time faculty position at a specialty-licensed children’s hospital, affiliated with any accredited medical school, and its affiliated clinics. Current law authorizes a medical faculty certificate to be issued to a non-Florida licensed physician to practice in conjunction with his or her faculty position at an accredited medical school and its affiliated clinical facilities or teaching hospitals in Florida. The bill adds the Johns Hopkins All Children’s Hospital (All Children’s Hospital), in St. Petersburg, Florida, to the list of programs of medicine for which a medical faculty certificate may be issued to a full time faculty appointee.

The bill has an effective date of July 1, 2017.

**II. Present Situation:**

**Medical Faculty Certificates**

To become a licensed medical doctor in Florida an individual generally has two paths to licensure: licensure by examination,<sup>1</sup> or licensure by endorsement.<sup>2</sup> However, s. 458.3145, F.S.,

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<sup>1</sup> See s. 458.311, F.S., and Florida Board of Medicine, *Medical Doctor - Unrestricted*, available at <http://flboardofmedicine.gov/licensing/medical-doctor-unrestricted> (last visited Mar. 2, 2017). Medical licensure by examination is the most frequent method of obtaining a Florida medical license. Licensure by examination requires an applicant, who has passed all parts of a national medical examination (NBME, FLEX, or USMLE), and does not hold a valid medical license in any state, to among other things, meet certain educational and training requirements, demonstrate competency in English if instruction at the medical school was not in English, have completed an approved residency program, and pass certain background screening requirements.

<sup>2</sup> See s. 458.313, F.S., and Board of Medicine, *Medical Doctor - Unrestricted*, available at <http://flboardofmedicine.gov/licensing/medical-doctor-unrestricted>, (last visited Mar. 2, 2017). Medical licensure by endorsement requirements include, among other things, be a graduate from a qualifying medical school, completed certain residency requirements, have passed a qualifying examination, and is licensed in another jurisdiction to practice medicine.

provides another limited path to practice in Florida by teaching in a program of medicine. Under s. 458.3145, F.S., the DOH is authorized to issue a medical faculty certificate to a qualified medical physician to practice in conjunction with his or her full time faculty position at a medical school, if the physician has been offered, and accepted, a full time faculty appointment to teach at the following programs in medical schools with campuses in Florida:

- University of Florida;
- University of Miami;
- University of South Florida;
- Florida State University;
- Florida International University;
- University of Central Florida;
- Mayo Medical School at the Mayo Clinic in Jacksonville, Florida; or
- The Florida Atlantic University.<sup>3,4</sup>

A medical faculty certificate authorizes the holder to practice medicine only in conjunction with his or her faculty position at an accredited medical school, and its affiliated clinical facilities or teaching hospitals that are registered with the Board of Medicine as sites at which certificate holders will be practicing. The medical faculty certificate is valid until the earlier of termination of the physician's relationship with the medical school, or after a period of 24 months. The certificate is renewable, and may be extended for 2 years, if the physician provides a certification from the dean of the medical school that the physician is a distinguished medical scholar and an outstanding practicing physician. The maximum number of extended medical faculty certificate holders is limited to 30 persons per each medical school, with the exception of the Mayo medical school located at the Mayo Clinic in Jacksonville, Florida, which is limited to 10 certificate holders.<sup>5</sup>

A physician holding an unrestricted Florida medical license is not required to obtain a medical faculty certificate to hold a medical faculty teaching position. Additionally, an individual may teach at any Florida medical school, without a Florida medical license or medical faculty certificate, if offered a position, including the medical schools listed in s. 458.3145, F.S., if the person does not practice medicine. Practicing medicine in Florida is defined as the diagnosis, treatment, operation, or prescription for any human disease, pain, injury, deformity, or other physical or mental condition.<sup>6</sup>

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<sup>3</sup> Section 458.3145(1)(i), F.S.

<sup>4</sup> Section 458.3145(1), F.S., also requires applicants for a *medical faculty certificate* to meet the following additional requirements: 1) Be a graduate of an accredited medical school or its equivalent, or a foreign medical school listed with the World Health Organization; 2) Hold a valid, current license to practice medicine in another jurisdiction; 4) Have completed the application and paid a fee; 5) Have completed an approved residency or fellowship of at least 1 year or has received training which has been determined by the board to be equivalent to the 1-year residency requirement; 6) Are at least 21 years of age; 7) Are of good moral character; 8) Have not committed any act in this or any other jurisdiction which would constitute the basis for disciplinary action; and 9) For those applicants who graduated after October 1, 1992, to have completed before entering medical school, the equivalent of two academic years of pre-professional, postsecondary education, which includes courses in anatomy, biology, and chemistry<sup>4</sup>.

<sup>5</sup> Section 458.3145, F.S.

<sup>6</sup> Section 458.305(1)(d), F.S.

As of the date of this analysis, there are 52 physicians holding medical faculty certificates in Florida, with 12 of those residing out-of-state.<sup>7</sup>

### **Florida Medical Schools and Graduate Medical Education Programs**

Medical education programs in the U.S. are approved and recognized by the U.S. Office of Education. The U.S. Office of Education does not accredit medical educational programs; medical education programs are accredited by the Liaison Committee on Medical Education (LCME) and the World Foundation for Medical Education (WFME). LCME accreditation is a voluntary, peer-reviewed process of quality assurance that determines whether a U.S. or Canadian medical education program meets established standards.<sup>8</sup>

Florida has eight LCME accredited allopathic medical schools operating within its borders and they are all listed in s. 458.3145, F.S.

To obtain an unrestricted Florida allopathic medical license a medical school graduate must do, among other things, at least a 1 year of residency.<sup>9</sup> The Accreditation Council for Graduate Medical Education (ACGME) sets the standards for U.S. graduate medical education programs (internships, residencies and fellowships) and the institutions that sponsor them. ACGME accreditation provides assurance that a sponsoring institution or program meets the quality standards of the specialty or subspecialty practice(s) for which it prepares its graduates.<sup>10</sup>

A graduate of a U.S. or Canadian medical school, approved and recognized by the U.S. Office of Education, who obtains an internship, residency or house physician<sup>11</sup> position in a Florida ACGME approved program, and does not hold a current, active Florida medical license, will begin their graduate medical education as an unlicensed physician.<sup>12</sup> These unlicensed physicians must register with the DOH,<sup>13</sup> and after one year of residency may apply for an unrestricted Florida medical license.<sup>14</sup> During this first year these unlicensed physicians work under a Florida licensed supervising physician or a physician holding a medical faculty certificate who also holds a full time faculty position with a Florida medical school.<sup>15</sup>

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<sup>7</sup> Florida Dep't of Health, Division of Medical Quality Assurance, *Annual Report and Long Range Plan Fiscal Year 2015-2016*, p. 10, available at: <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/documents/annual-report-1516.pdf>, (last visited Feb. 7, 2017).

<sup>8</sup> See U.S. Department of Education, *Overview of Accreditation in the United States* (last modified March 8, 2017) available at <https://www2.ed.gov/admins/finaid/accred/accreditation.html>, (last visited Mar. 6, 2017).

<sup>9</sup> See footnote 1.

<sup>10</sup> Accreditation Council for Graduate Medical Education, *What We Do*, available at <http://www.acgme.org/What-We-Do/Overview>, (last visited Mar. 2, 2017).

<sup>11</sup> A house physician is a person who holds a degree as a medical doctor, or its equivalent, but who does not have and has never had a license to practice medicine in Florida and is employed and paid by a hospital. Chapter 64B8-6.006 (F.A.C.).

<sup>12</sup> An unlicensed physician is a person holding a degree as a medical doctor or its equivalent, but not licensed by the Board of Medicine. For the purpose of administering this rule chapter, such unlicensed physicians shall embrace and include resident physicians, assistant resident physicians, house physicians, interns, or fellows in fellowship training which leads to subspecialty board certification or in fellowship training in a teaching hospital in this state as defined in s. 408.07(45) or s. 395.805(2), F.S., as these terms are hereinafter defined. See s. 458.345, F.S., and Chapter 64B8-6 (F.A.C.).

<sup>13</sup> Section 458.345, F.S.

<sup>14</sup> Section 458.311 and 458.313, F.S.

<sup>15</sup> Section 458.3145, F.S.

According to the ACGME, during the 2016-2017 academic year, Florida had 4,186 total medical residents, in 195 medical and surgical residency programs, in 52 sponsoring institutions.<sup>16</sup> Eleven of the 195 ACGME accredited residency programs provided 479 approved pediatric residencies, which included 36 at All Children's Hospital.<sup>17</sup> Nine of the 11 ACGME accredited pediatric residency programs in Florida are affiliated with Class II Specialty Hospitals for Children, which includes All Children's Hospital.<sup>18</sup>

All Children's Hospital is not a Florida campus for Johns Hopkins School of Medicine, but a Florida non-profit hospital corporation, that is 100 percent owned by The Johns Hopkins Health System Corporation,<sup>19</sup> a private, multinational non-profit corporation incorporated in Maryland. All Children's Hospital operates a pediatric residency program as a joint venture with Johns Hopkins Medicine (JHM). It is the only JHM affiliated hospital outside of the Baltimore/Washington D.C. metro area.<sup>20</sup> JHM and All Children's Hospital received approval from the ACGME to establish a pediatric residency program at All Children's Hospital July 1, 2013, and the first class of resident physicians entered the program in July 2014.<sup>21</sup>

<sup>16</sup> Graduate Medical Education Totals by State, Academic Year 2016-2017, available at <https://apps.acgme.org/ads/Public/Reports/ReportRun?ReportId=13&CurrentYear=2016&AcademicYearId=2016>, (last visited Mar. 2, 2017).

<sup>17</sup> Accreditation Council for Graduate Medical Education, Advanced Program Search, *Florida, Pediatrics*, available at <https://apps.acgme.org/ads/Public/Programs/Search?stateId=10&specialtyId=65&city=> (last visited Mar. 2, 2017).

<sup>18</sup> The two ACGME accredited pediatric residencies, not children's hospitals are Broward Health Medical Center, Ft. Lauderdale, and Sacred Heart Hospital, Pensacola. Florida Agency for Healthcare Administration, Florida Health Finder, *Facility Locator* <http://www.floridahealthfinder.gov/facilitylocator/ListFacilities.aspx> (last visited Mar. 2, 2017).

<sup>19</sup> The Johns Hopkins Health System Corporation was created in 1986 by the Johns Hopkins Hospital board of trustees to serve as the parent corporation for its six hospitals. In 1997 Johns Hopkins Medicine (JHM) was created through a joint venture between The Johns Hopkins Health System Corporation and The Johns Hopkins University. JHM is an \$8 billion integrated global health care system. See Johns Hopkins Medicine, *About Johns Hopkins Medicine*, available at <http://www.hopkinsmedicine.org/about/index.html>, and *Governance and Leadership*, available at <http://www.hopkinsmedicine.org/about/governance> (last visited Feb. 7, 2017).

<sup>20</sup> Johns Hopkins Medicine, News and Publications, *All Children's Hospital Announces New Pediatric Residency Program*, (July 31, 2012) available at [http://www.hopkinsmedicine.org/news/media/releases/all\\_childrens\\_hospital\\_announces\\_new\\_pediatric\\_residency\\_program](http://www.hopkinsmedicine.org/news/media/releases/all_childrens_hospital_announces_new_pediatric_residency_program), (last visited Feb. 7, 2017). The JHM system offers patient care at the following six hospitals and other medical facilities:

- The Johns Hopkins Hospital, Baltimore, MD (including Brady Urological Institute, Johns Hopkins Children's Center, Kimmel Comprehensive Cancer Center and Wilmer Eye Institute);
- Johns Hopkins Bayview Medical Center, Inc., Baltimore, MD;
- Howard County General Hospital, Columbia, MD;
- Sibley Memorial Hospital, D.C.;
- Suburban Hospital, Bethesda, MD;
- The Johns Hopkins All Children's Hospital in St. Petersburg, FL;
- Johns Hopkins Community Physicians, MD and D.C.;
- The Johns Hopkins Home Care Group, MD and D.C.;
- Johns Hopkins Medicine International; and
- The Johns Hopkins University School of Medicine, Baltimore, MD.

See Johns Hopkins Medicine, *Patient Care Locations*, available at [http://www.hopkinsmedicine.org/patient\\_care/hospital\\_locations.html](http://www.hopkinsmedicine.org/patient_care/hospital_locations.html), (last visited Feb. 7, 2017).

<sup>21</sup> See footnote 22.

**III. Effect of Proposed Changes:**

SB 496 expands the criteria under which the DOH may issue medical faculty certificates to practice medicine in Florida to include out-of-state licensed physicians who have been offered, and accepted, a full time faculty position at a specialty-licensed children's hospital affiliated with any accredited medical school, and its affiliated clinics or teaching hospitals. A medical faculty certificate, issued by DOH under current s. 458.3145, F.S., authorizes the holder to practice only in conjunction with his or her medical school faculty position at its affiliated clinics and teaching hospitals in the state.

The bill adds to the list of Florida medical schools, a Florida hospital, Johns Hopkin All Children's Hospital in St. Petersburg, Florida, which is currently not a Florida medical school, or affiliated with a Florida medical school, but a specialty children's teaching hospital affiliated with an out-of-state accredited medical school. This bill would allow any physician to practice medicine in Florida at that hospital, without obtaining a Florida medical license, if the physician meets the criteria of s. 458.3145(1)(a) - (h), F.S., and has been offered, and accepted, a full time faculty appointment at All Children's Hospital in St. Petersburg, Florida.

The bill applies the cap of 30 medical faculty certificates that may be extended at each institution to All Children's Hospital.

The effective date of the bill is July 1, 2017.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

All Children's Hospital may be able to enhance its medical faculty by enabling non-Florida licensed physicians, who are equally qualified to both teach and practice medicine in conjunction with a faculty position.

C. **Government Sector Impact:**

SB 496 may increase the number of medical faculty certificates applied for in the state and may create an additional, although minimal, expense for the DOH.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

SB 496 opens the door to include additional hospitals affiliated with a non-Florida ACGME accredited medical school. Other hospitals or clinics affiliated with non-Florida ACGME medical schools may seek similar authorization in order to obtain medical faculty certificates for faculty who are not licensed to practice medicine in Florida.

**VIII. Statutes Affected:**

This bill substantially amends section 458.3145, Florida Statutes.

**IX. Additional Information:**

A. **Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. **Amendments:**

None.