

STORAGE NAME: h1925.hcr
DATE: April 10, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
HEALTH CARE STANDARDS & REGULATORY REFORM
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 1925 (PCB HCR 97-01)

RELATING TO: Creates Administrative Authority of Department of Health for Medical Practitioners

SPONSOR(S): Committee on Health Care Standards & Regulatory Reform and Representatives Jones, Lippman and others

STATUTE(S) AFFECTED: Creates ss. 455.401 through 455.469, F.S., as Part II of Chapter 455, F.S. Sections 455.01 through 455.2775, F.S., are designated as Part I of Chapter 455, F.S. Sections 455.247, 455.2055, 455.2141, 455.2142, 455.2173, 455.222, 455.2224, 455.241, 455.2415, 455.2416, 455.244, 455.2455, and 455.2456, F.S. are transferred to Part II and renumbered. Transfers s. 455.2205, relating to Health Care, 455.24, 455.242, 455.243, and 455.245, F.S., relating to veterinary medicine. Sections 455.220 and 455.2226, F.S., are repealed. Amends s. 455.25, F.S., relating to disclosure of financial interest. Chapters 20, 120, 212, 215, 240, 310, 337, 381, 383, 395, 400, 402, 408, 415, 440, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 480, 481, 483, 484, 486, 489, 490, 491, 492, 627, 636, 641, 766, 937, F.S., are amended to correct cross references, terminology, and definitions.

COMPANION BILL(S): SB 1590(s)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) HEALTH CARE STANDARDS & REGULATORY REFORM YEAS 8 NAYS 0
- (2)
- (3)
- (4)
- (5)

I. SUMMARY:

The major effect of the bill is to create the administrative authority necessary for the Department of Health (DOH) to administer the 36 medical professions that will be transferred effective 7/1/97 as provided in HB 555 (ch. 96-403, Laws of Florida). It creates ss. 455.401 through 455.469, F.S., as Part II of Chapter 455, F.S, and only applies to the DOH. Most of these sections (sections 1-63) are copied from existing law in chapter 455, F.S., that are applicable to the Department of Business and Professional Regulation and/or the Agency for Health Care Administration. Section 64 of the proposed bill designates existing sections 455.01 through 455.2775, F.S., as Part I of Chapter 455, F.S, and only applies to DBPR and the non-medical boards they have responsibility to administer.

It provides clear authority to DOH to adopt policies and rules for the administration of all health care practitioners. DOH is granted clear authority to provide for computerized testing if feasible. DOH is required to contract with the AHCA for the complaint, investigation, and discipline of health care practitioners. The Secretary of DOH is required to appoint a task force to develop uniform procedures for the validation of health care practitioner credentials in Florida.

DOH is authorized to do criminal background checks (including fingerprint checks), and default on federal or state guaranteed loans or service-conditional scholarships is added as grounds for disciplinary action.

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The bill will have no fiscal impact on the state, local government, or private sector.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Section 20.165, F.S., created the Department of Business and Professional Regulation (DBPR), the various divisions, including the Division of Medical Quality Assurance with the various medical boards and professions. Chapter 92-33, L.O.F., transferred the various medical boards and professions from DBPR to the Agency for Health Care Administration (agency), Division of Health Quality Assurance, effective July 1, 1993. The July 1, 1993 date was delayed by the 1993 Legislature for one year (7/1/94). The actual transfer of most functions did not take place until approximately January 1, 1996. Some of the functions such as testing, license renewals, etc., still have not been transferred.

Section 20.42, F.S., created the Agency for Health Care Administration (AHCA) and the various divisions. The Division of Health Quality Assurance is responsible for health facility licensure and inspection and the various medical boards and professions listed in s. 20.42(2)2., F.S. However, AHCA has divided the medical professions into the Division of Medical Quality Assurance (MQA). Naturopathy and medical physicists were not originally included. Medical physicists regulated under part V of ch. 483, F.S., were first regulated by the Legislature in 1995, and naturopathy was not included due to an oversight because ch. 462, F.S., does not permit the state to license additional licensees under this chapter. Presently, there are approximately 13 active licensees.

In 1996, HB 555 (ch. 96-403, Laws of Florida), created the Department of Health and transferred a number of functions to this new agency. Among the functions transferred were all of the medical boards in the Division of Medical Quality Assurance of AHCA, and four other professions from the Department of Business and Professional Regulation. All transfers were by a type two transfer, and effective 7/1/97. The four professions were the Board of Massage, Athletic Trainers, the Board of Hearing Aid Specialists, and Health Care Service Pools. Effective 7/1/97, there will be 36 professions in the Division of Medical Quality Assurance of the Dept of Health (DOH). The law transferring all of the various medical boards from AHCA provided that DOH would contract with AHCA to perform the function of receiving complaints, investigations, and prosecutions.

GENERAL BPR/AHCA/DOH ADMINISTRATION - CHAPTER 455, Florida Statutes

No provision was made in chapter 455, F.S., for certain functions necessary for the administration of the various medical boards by DOH. Functions relating to rulemaking authority and emergency suspension of medical professionals determined to be a danger to the general public if allowed to continue practicing. Chapter 455, F.S., currently provides administrative authority for most functions to either the DBPR, the AHCA or both. In many instances however, authority granted to the DBPR is either not granted the AHCA or it is unclear as to whether the AHCA has the authority. Chapter 455, F.S., must be amended to clarify that these areas relate to the medical boards and grant the necessary authority to the new DOH to administer the medical boards.

Section 381.81(2), F.S., of the Minority Health Improvement Act provides the definition of "health profession." All of the medical professions are included in the definition with the exception of naturopathy and medical physicists and the four professions (Board of Massage, Athletic Trainers, the Board of Hearing Aid Specialists, and Health Care Services Pools) being transferred effective 7/1/97.

"Health care practitioner" is defined in the definitions included in s. 455.01(4), F.S. All of the medical professions currently located in MQA are include in the definition with the exception of

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midwifery (ch. 467), nursing home administrator (part II of ch. 468), clinical laboratory personnel, and medical physicists (parts IV and V of ch. 483, F.S., respectively). Also, the four professions being transferred to MQA effective 7/1/97 are not included. The four professions are the Board of Massage (ch. 480), Athletic Trainers (part XIV of ch. 468), the Board of Hearing Aid Specialists (part II of ch. 484), and Health Care Service Pools (ch. 402.48).

Section 455.02, F.S., provides for licensees that are spouses of members of the armed forces in good standing with the boards listed in s. 20.165, F.S., to be exempt from licensure renewal. This only lists non-medical boards at the present time. Because of the transfer, all medical boards are listed in 20.42, F.S.

Currently, all committees appointed by any board must be composed of serving board members except as otherwise provided in this chapter (455.207, F.S.) or applicable practice act.

Section 455.214, F.S., provides that a recipient of a limited license may practice only in the employ of public institutions or agencies which meet the requirements of s. 501(c)(3) of the Internal Revenue Code and which provides professional liability coverage for acts of omissions of the limited licensee. The services are to be provided to the indigent, underserved, or critical need populations of the state. To receive a limited license, an applicant must be retired from the applicable profession.

It is not currently clear that ss. 455.219 and 455.2281, F.S., relating to finances, long-range planning, disposition of funds and unlicensed activity fees, applies to both medical and non-medical boards.

The department and each appropriate board within the Division of Medical Quality Assurance (agency) have the authority to establish procedures to handle, counsel, and provide other services to licensees with hepatitis B or AIDS within their respective boards (455.2224, F.S.). There is no specific recommendation to be followed by the boards in developing such procedures.

Section 455.24, F.S., provides guidelines for the advertisement by a health care provider of free or discounted services. It allows the public 72 hours to request a refund or refuse payment for any additional services provided as a result of accepting the free or discounted services. It lists the covered health care providers but does not list all of the professions. It applies to written advertisements and does not cover audio or video advertisements.

Section 455.25, F.S., provides for disclosure of a financial interest by entities and physicians who refer a patient to an entity in which the physician or other health care provider is an investor. The financial interest must be disclosed, and the names and addresses of alternative sources of such items or services must be provided.

Chapter 455, F.S., currently includes provision for health care practitioners to give copies of records to patients, but is unclear about ownership of records, especially for group practices and staff-model health maintenance organizations (HMOs).

B. EFFECT OF PROPOSED CHANGES:

The major effect of the bill is to create the administration authority necessary for the Department of Health (DOH) to administer the 36 medical professions that will be transferred effective 7/1/97 as provided in HB 555 (ch. 96-403, Laws of Florida).

It creates ss. 455.401 through 455.469, F.S., as Part II of Chapter 455, F.S, and only applies to the DOH(Sections 1-64). Most of these sections are copied from existing law in chapter 455, F.S., that is applicable to the Department of Business and Professional Regulation and/or the Agency for Health Care Administration.

However, ss. 455.247, 455.2055, 455.2141, 455.2142, 455.2173, 455.222, 455.2224, 455.241, 455.2415, 455.2416, 455.244, 455.2455, and 455.2456, F.S. are transferred to Part II and simply renumbered. Sections 455.2205, relating to Health Care Trust Fund, 455.24, 455.242, 455.243, and 455.245, F.S., relating to veterinary medicine, are amended and transferred. Sections 455.220 and 455.2226, F.S., are repealed.

Section 64 of the bill designates existing sections 455.01 through 455.2775, F.S., as Part I of Chapter 455, F.S, and only applies to DBPR and the non-medical boards they have responsibility to administer. Section 97 of the bill amends s. 455.25, F.S., relating to disclosure of a financial interest by entities and physicians who refer a patient to an entity in which the physician or other health care provider is an investor. The change deletes the requirement that entities must disclose ownership interests of physicians or other health care providers to the patients. It does not change the requirement for physicians and health care providers to provide the required financial information. Also, they must provide the names and addresses of alternative sources of such items or services.

Sections 65-261 of the bill contain numerous chapters that are amended to correct cross references, terminology, and definitions. Chapters included are: chapters 20, 120, 212, 215, 240, 310, 337, 381, 383, 395, 400, 402, 408, 415, 440, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 480, 481, 483, 484, 486, 489, 490, 491, 492, 627, 636, 641, 766, 937, F.S.

A few of the issues either added by the PCB or changes made are:

Provides clear authority to DOH to adopt policies and rules for the administration of the Division of Medical Quality Assurance (all health care practitioners). The Secretary of DOH is granted the authority for emergency suspension of health care practitioners deemed a threat to public safety. DOH is granted clear authority to provide for computerized testing whenever feasible.

Requires DOH to contract with AHCA for the complaint, investigation, and discipline of health care practitioners.

Ownership of records and responsibility for transferring custody of medical records to a different health care practitioner is clearly defined in the newly created s. 455. 454, F.S.

The Secretary of DOH is required to appoint a task force to develop uniform procedures to standardize the validation of health care practitioner credentials. Once credentials are validated, they would be accepted by all health care providers and facilities. The task force is composed of representatives from various health care practitioners and providers located in Florida.

It clarifies that DOH is required to do long-range planning (minimum of 5 years) and provide such reports and any updates to the Legislature and Governor each year.

To enhance criminal background investigations, DOH is authorized to do fingerprint checks through various law enforcement agencies.

Default on a federal or state guaranteed loan or service-conditional scholarship is added as grounds for disciplinary action.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

Not Applicable.

(2) what is the cost of such responsibility at the new level/agency?

Not Applicable.

(3) how is the new agency accountable to the people governed?

Not Applicable.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

Not Applicable.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Not Applicable.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Not Applicable.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

Not Applicable.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

Not Applicable.

- (2) Who makes the decisions?

Not Applicable.

- (3) Are private alternatives permitted?

Not Applicable.

- (4) Are families required to participate in a program?

Not Applicable.

- (5) Are families penalized for not participating in a program?

Not Applicable.

- b. Does the bill directly affect the legal rights and obligations between family members?

Not Applicable.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

Not Applicable.

(2) service providers?

Not Applicable.

(3) government employees/agencies?

Not Applicable

D. SECTION-BY-SECTION ANALYSIS:

Note - The bill creates ss. 455.401 through 455.469, F.S., as Part II of Chapter 455, F.S., which only applies to the DOH (Sections 1-64). Most of these sections are copied from existing law in chapter 455, F.S., that is applicable to the Department of Business and Professional Regulation and/or the Agency for Health Care Administration.

However, ss. 455.247, 455.2055, 455.2141, 455.2142, 455.2173, 455.222, 455.2224, 455.241, 455.2415, 455.2416, 455.244, 455.2455, and 455.2456, F.S. are transferred to Part II and simply renumbered. Sections 455.2205, relating to the Health Care Trust Fund, and 455.24, 455.242, 455.243, 455.245, F.S., relating to veterinary medicine, are transferred. Sections 455.220 and 455.2226, F.S., are repealed.

Section 1. Designates ss. 455.401 through 455.469, F.S., as Part II of chapter 455, F.S., and entitled "Department of Health: Regulation of Health Care Practitioners."

Section 2. Creates s. 455.401, F.S., and states it is the intent of the Legislature that all policy making and rulemaking authority relating to the regulation of health care practitioners and the Division of Medical Quality Assurance belongs to the Department of Health (DOH), including consumer complaint, investigative, and prosecutorial services. Based on existing law, the DOH contracts with the AHCA for consumer complaint, investigative, and prosecutorial services.

Section 3. Creates s. 455.402, F.S., to provide for definitions for regulation of health care practitioners.

Section 4. Creates s. 455.403, F.S., and provides that all provisions of Part II, apply to the regulation of health care practitioners under the jurisdiction of DOH.

Section 5. Creates s. 455.404, F.S., relating to members or spouses of members of the armed forces in good standing with their respective licensing board.

Section 6. Creates s. 455.405, F.S., providing a person may not be disqualified from licensure solely for lack of citizenship.

- Section 7. Creates s. 455.406, F.S., providing qualification of immigrants for examination to practice a licensed profession.
- Section 8. Creates s. 455.407, F.S., providing for sale of services and information by the department.
- Section 9. Creates s. 455.408, F.S., to provide it is legislative intent that professions be regulated only for the preservation the health, safety, and welfare of the public and not to unreasonably restrict competition. Polices adopted by the department shall ensure expenditures are made in the most cost-effective manner to maximize competition and public access to meetings.
- Section 10. Creates s. 455.409, F.S., to provide the powers and duties of the DOH. In addition, it provides for the Secretary of DOH to appoint a task force to develop uniform procedures to standardize the validation of health care practitioner credentials. Once credentials are validated, they would be accepted by all health care providers and facilities. The task force is composed of representatives from various health care practitioners and providers located in Florida.
- Section 11. Creates s. 455.511, F.S., to require long-range policy planning with reports to the Governor and Legislature by DOH.
- Section 12. Creates s. 455.412, F.S., to provide for contacting the boards through the department.
- Section 13. Renumbers s. 455.2055, F.S., as s. 455.413, F.S. It relates to board membership appointments. It provides for consumer membership on the various boards.
- Section 14. Creates s. 455.414, F.S., relating to board members who are physicians required by 458.307(2)(a), F.S., to be on the faculty of a medical school or staff of a teaching hospital in this state.
- Section 15. Creates s. 455.415, F.S., providing for board organization, meetings, compensation, and travel expenses.
- Section 16. Creates s. 455.416, F.S., provides authority for publication of a newsletter relative to actions of the department or boards or any other information of interest to the public.
- Section 17. Creates s. 455.417, F.S., relative to accountability and liability of board members.
- Section 18. Creates s. 455.418, F.S., relative to board rules, final agency action, and challenges by the Secretary of any rule or proposed rule of a board.
- Section 19. Creates s. 455.419, F.S., relative to demonstration of competency in lieu of a specific number of clock-hour requirements for initial licensure.

- Section 20. Creates s. 455.421, F.S., relative to educational programs and institutions accredited by an agency that no longer performs an accrediting function.
- Section 21. Creates s. 455.422, F.S., relative to consultation with postsecondary education boards prior to adoption of changes to training requirements.
- Section 22. Renumbers s. 455.2141, F.S., as s. 455.423, F.S., dealing with general licensing provisions. Provides for a criminal background check (including fingerprinting) by a law enforcement agency of an initial applicant for licensure. Provides for an extension of the due date if it falls on a Saturday, Sunday, or a legal holiday.
- Section 23. Creates s. 455.424, F.S., relative to the issuance of limited licenses to health care practitioners to serve the indigent when they are planning to retire. This section does not apply to chapter 458 and 459 licensees.
- Section 24. Renumbers s. 455.2142, F.S., as s. 455.425, F.S., dealing with sexual misconduct.
- Section 25. Renumbers s. 455.2173, F.S., as s. 455.426, F.S., dealing with examinations and makes a number changes relative to security, national examinations, and contract vendors.
- Section 26. Creates s. 455.427, F.S., authorizing the DOH to use a professional testing service to prepare, administer, grade, and evaluate any computerized examination when the service is approved by the board, or the department when there is no board.
- Section 27. Creates s. 455.428, F.S., providing a penalty for theft or reproduction of an examination.
- Section 28. Creates s. 455.429, F.S., providing special conditions for licensure and examination of certain foreign-trained professionals who successfully completed prior to 1980, certain courses of study.
- Section 29. Creates s. 455.431, F.S., providing an exemption from Florida licensure for certain out-of-state/foreign professionals who are employed or designated in a professional capacity by a sports entity visiting the state for a specific sporting event.
- Section 30. Creates s. 455.432, F.S., relating to fees, receipts, disposition, and periodic management reports. It states that it is legislative intent that no profession operate with a negative cash balance. Each profession shall ensure that fees are adequate to cover all costs and maintain a reasonable cash balance.
- Section 31. Creates s. 455.433, F.S., relating to legal and investigative services. A board shall contract through the DOH contract procedures for board counsel from the Department of Legal Affairs.

Section 32. Renumbers s. 455.222, F.S., as 455.434, F.S., dealing with the requirement for instruction on domestic violence.

Section 33. Renumbers s. 455.2224, F.S., as 455.435, F.S., dealing with hepatitis B or human immunodeficiency carriers.

Section 34. Creates s. 455.436, F.S., providing for licensees of certain chapters to complete a continuing education course on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure.

Section 35. Creates s. 455.438, F.S., providing for power t administer oaths, take depositions, and issue subpoenas.

Section 36. Creates s. 455.439, providing for mediation of certain designated offenses where harm is economic in nature or can be remedied by the licensee.

Section 37. Creates s. 455.441, F.S., providing authority to issue citations for certain minor violations. If the licensee objects, the procedures established in s. 455.442, F.S., must be used.

Section 38. Creates s. 455.442, F.S., providing for disciplinary proceedings to be followed for receiving , investigating and prosecuting potential violations.

Section 39. Creates s. 455.443, F.S., providing grounds for discipline, penalties, and enforcement of these provisions. Default on a federally or state guaranteed educational loan or service-conditional scholarship is added as grounds for disciplinary action.

Section 40. Creates s. 455.444, F.S., providing for disciplinary guidelines.

Section 41. Creates s. 455.445, F.S., providing a penalty for giving false information.

Section 42. Creates s. 455.446, F.S., providing for the reporting of criminal violations to the proper prosecuting authority.

Section 43. Creates s. 455.447, F.S., relating to the unlicensed practice of a profession. Provides for cease and desist notices; civil penalties; enforcement; citations; and allocation of moneys collected.

Section 44. Creates s. 455.448, F.S., providing for an unlicensed activity fee to be collected from each licensee and used to combat unlicensed activity.

Section 45. Creates s. 455.449, F.S., providing for an annual report concern finances, administrative complaints, disciplinary actions, and recommendations to be provided the Legislature.

Section 46. Creates s. 455.451, F.S., providing for public inspection of information required from applicants, with certain exceptions.

Section 47. Creates s. 455.452, F.S., prohibiting disclosure of confidential information.

- Section 48. Creates s. 455.453, F.S., relating to advertisement by a health care practitioner of free or discounted services. Such advertisements must contain a specified statement relating to other services provided.
- Section 49. Renumbers s. 455.241, F.S., as s. 455.454, F.S., relating to patient records. Ownership, control, and transfer of such records are changed to clarify definitions and who may or may not access or own medical records as herein defined. All record owners are required to develop and implement policies, standards, and procedures to protect the confidentiality and security of medical records (patient records).
- Section 50. Renumbers s. 455.2415, F.S., as s. 455. 455, F.S., relating to exceptions to confidential communications between a patient and a psychiatrist.
- Section 51. Renumbers s. 455.2416, as s. 455.456, F.S., relating to disclosure by a health care practitioner of certain otherwise confidential information relating a patient who tested HIV positive. The practitioner has immunity from civil or criminal liability for disclosure of such information to a sexual partner or needle-sharing partner of the patient.
- Section 52. Creates s. 455.457, F.S., providing for disposition of records of deceased health care practitioners, or practitioners relocating or terminating practice.
- Section 53. Creates s. 455.458, F.S., providing authority (in addition to 465.017), to inspect any pharmacy or establishment where a licensee is authorized to prescribe controlled substances as specified in chapter 893 F.S.
- Section 54. Renumbers s. 455.244, F.S., as 455.459, F.S., prohibiting denial of payment for services provided by a chiropractic or podiatrist solely on the basis that they are not a member of a particular organization.
- Section 55. Creates s. 455.461, F.S., providing the DOH with the power to issue an emergency order suspending the license of any health care practitioner under certain conditions or when the Secretary believes such licensee poses an eminent danger to the public.
- Section 56. Renumbers s. 455.2455, F.S., as s. 455.462, F.S., relating to treatment of Medicare beneficiaries.
- Section 57. Renumbers s. 455.2456, F.S., as 455.463, F.S., relating to malpractice insurance requirements for the following boards: Acupuncture; Chiropractic; Podiatric Medicine, and Dentistry.
- Section 58. Renumbers s. 455.247, F.S., as 455.464, F.S., relating to reports on professional liability claims and actions for any practitioner licensed by the following boards: Medicine, Osteopathic Medicine, Podiatric Medicine, and Dentistry.
- Section 59. Creates s. 455.465, F.S., providing for an Impaired Health Care Practitioners Committee and lists its membership and duties.

Section 60. Creates s. 455.466, F.S., providing for impaired health care practitioners programs for those professions which do not provide for such programs in their practice acts. The department, by rule, is authorized to designate approved treatment programs.

Section 61. Creates s. 455.467, F.S., providing for inactive, delinquent status, and reactivation procedures to be followed for all health care practitioners.

Section 62. Creates s. 455.468, F.S., providing for renewal and cancellation notices.

Section 63. Creates s. 455.469, F.S., providing for address of record and requirement that it is each practitioners responsibility to notify the department in writing of their current mailing address and primary place of practice.

Section 64. Sections 455.01 through 455.2775, F.S., are designated as Part I of chapter 455, F.S., and entitled the "Department of Business and Professional Regulation: Regulation of Professions."

Sections 65-96 and 98-261. Pages 95 through 220.

These sections of the bill contain numerous chapters that are **only** amended to correct cross references, terminology, definitions, or to conform.

Chapters included are: chapters 20, 120, 212, 215, 240, 310, 337, 381, 383, 395, 400, 402, 408, 415, 440, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 480, 481, 483, 484, 486, 489, 490, 491, 492, 627, 636, 641, 766, 937, F.S.

Section 97. Amends s. 455.25, F.S., relating to disclosure of a financial interest by entities and physicians who refer a patient to an entity in which the physician or other health care provider is an investor. The change deletes the requirement that entities must disclose ownership interests of physicians or other health care providers to the patients. It does not change the requirement for physicians and health care providers to provide the required financial information. Also, they must provide the names and addresses of alternative sources of such items or services.

Section 262. Provides an effective date of July 1, 1997.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None. However, certain provisions are included that should enable DOH to eliminate or penalize unqualified potential health care licensees.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

The bill requires new applicants to provide a full set of fingerprints to be used in a criminal background check. Per DOH, this costs approximately \$29 per applicant.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON HEALTH CARE STANDARDS & REGULATORY REFORM:

Prepared by:

Legislative Research Director:

Robert W. Coggins

Robert W. Coggins