

STORAGE NAME: h4681.hcr

DATE: April 15, 1998

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

BILL #: HB 4681 (Formerly PCB HCR 98-1)

RELATING TO: Revision of Health Care Statutes/Cross References

SPONSOR(S): Committee on Health Care Standards and Regulatory Reform and Representative Jones

COMPANION BILL(S): SB 1228(s)

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

- (1) HEALTH CARE STANDARDS AND REGULATORY REFORM YEAS 8 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

Prior to passage of HB 1925 (97-261, L.O.F.), chapter 455, F.S., pertained to both medical and non-medical professions, even though the professions were split between two different agencies. The non-medical professions were under the Department of Business and Professional Regulation, and the medical professions were under the Department of Health effective July 1, 1997. The complaint, investigation, and prosecution functions for both types of professions were the same sections in chapter 455, F.S. In 1997, HB 1925 divided chapter 455 into two parts. Part I was non-medical professions and Part II was for the medical professions. All of the medical sections of chapter 455 were moved to Part II and the complaint, investigation, and prosecution sections were duplicated and placed in Part II.

In addition, a number of "glitches" occurred in creating Part II of chapter 455. For instance, "department" referring to the Department of Business and Professional Regulation (DBPR) was inadvertently deleted. a number of technical wording changes needed to be made in the practice acts for osteopathic medicine, chiropractic medicine, and podiatric medicine. The only change made in HB 1925 was for osteopathic medicine. The other two were not changed. This bill makes three basic changes:

- 1) It corrects the "glitches" made in passage of HB 1925 in 1997. It replaces department where it was accidentally deleted in chapter 455, Part I, and it replaces language which allows the DBPR to determine probable cause within 10 days if the panel does not make such a determination. It added the section to Part II granting the DOH or board the authority to wait on completion of an investigation or prosecution prior to issuing an initial license.
- 2) It corrects all of the various cross-references in the practice acts or sections referring to Part I or Part II of chapter 455.
- 3) It corrects the terminology relating to chiropractic medicine and podiatric medicine in chapters 460 and 461, respectively. It also corrects the terminology as appropriate in various cross-references.

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

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Prior to passage of HB 1925 (97-261, L.O.F.), chapter 455, F.S., pertained to both medical and non-medical professions, even though the professions were split between two different agencies. The non-medical professions were under the Department of Business and Professional Regulation, and the medical professions were under the Department of Health effective July 1, 1997. The complaint, investigation, and prosecution functions for both types of professions were the same sections in chapter 455, F.S. In 1997, HB 1925 divided chapter 455 into two parts. Part I was non-medical professions and Part II was for the medical professions. All of the medical sections of chapter 455 were moved to Part II and the complaint, investigation, and prosecution sections were duplicated and placed in Part II. In addition, HB 1925 clearly established the powers and duties of the new Department of Health, as well as those related to the medical professions. However, in creating Part II of chapter 455 for the medical professions, all of the cross-references in the various medical professions practice acts as well as numerous other places in the statutes were not corrected. Also, a number of cross-references need to identify which part of 455, "Part I or Part II", the section is referring.

In addition, a number of "glitches" occurred in creating Part II of chapter 455. For instance, "department" referring to the Department of Business and Professional Regulation (DBPR) was inadvertently deleted. This technically deleted the ability of DBPR to carry out a number of needed functions. This was one of several such "glitches". In creating Part II, the section granting the DOH or the board the authority to refuse to issue an initial license to any applicant who is under investigation or prosecution for an action that would constitute a violation in Florida pending completion of such investigation or prosecution was dropped.

Also, with passage as of the "profiling bill", SB 884 (97-273, L.O.F.), for the four medical professions, medicine, osteopathic medicine, chiropractic medicine and podiatric medicine, a number of technical wording changes needed to be made in the practice acts for osteopathic medicine, chiropractic medicine, and podiatric medicine. The only change made in 1925 was for osteopathic medicine. The other two were not changed.

There are three changes that need to be made: 1) the technical name changes need to be made to chiropractic medicine and podiatric medicine, 2) correct the "glitches", and 3) correct all cross-references.

B. EFFECT OF PROPOSED CHANGES:

This bill make three basic changes:

1) It corrects the "glitches" made in passage of HB 1925 in 1997. It replaces department where it was accidentally deleted in chapter 455, Part I. It replaces language accidentally deleted last year by the profiling bill. It allows the Department of Business and Professional Regulation to determine probable cause within 10 days if the panel does not make such a determination. It added the section to Part II granting the DOH or board the authority to wait on completion of an investigation or prosecution prior to issuing an initial license.

2) It corrects all of the various cross-references in the practice acts or sections referring to Part I or Part II of chapter 455.

3) It corrects the terminology relating to chiropractic medicine and podiatric medicine in chapters 460 and 461, respectively. It also corrects the terminology as appropriate in various cross-references.

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?

N/A

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

N/A

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

N/A

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?

N/A

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

N/A

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

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

N/A

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

N/A

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

N/A

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

N/A

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

N/A

3. Personal Responsibility:

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

N/A

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

N/A

4. Individual Freedom:

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

N/A

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

N/A

5. Family Empowerment:

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

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

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

N/A

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

N/A

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

N/A

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?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Chapters 455, Parts I and II, 460, 461, 491, and numerous other chapters where cross-references are corrected or changed.

E. SECTION-BY-SECTION RESEARCH:

The section by section was not completed because the bill makes only technical changes. This bill make three basic changes:

1) It corrects the "glitches" made in passage of HB 1925 in 1997. It replaces department where it was accidentally deleted in chapter 455, Part I. It replaces language accidentally deleted last year by the profiling bill. It allows the Department of Business and Professional Regulation to determine probable cause within 10 days if the panel does not make such a determination. It added the section to Part II granting the DOH or board the authority to wait on completion of an investigation or prosecution prior to issuing an initial license.

2) It corrects all of the various cross-references in the practice acts or sections referring to Part I or Part II of chapter 455.

3) It corrects the terminology relating to chiropractic medicine and podiatric medicine in chapters 460 and 461, respectively. It also corrects the terminology as appropriate in various cross-references.

III. FISCAL RESEARCH & 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.

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

None.

D. FISCAL COMMENTS:

None.

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.

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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:

Seventeen amendments were adopted by the Committee. The amendments were mainly cross references or deleting agency and inserting either the Department of Business and Professional Regulation or Department of Health. The few amendments that addressed glitches were as follows:

Amendment # 6 - Replaces language accidentally deleted last year by the profiling bill. It allows the Department of Business and Professional Regulation to determine probable cause within 10 days if the panel does not make such a determination.

Amendment # 10 - Requested by the Department of Health. It replaces authority for the medical boards to give C.E. credit for attendance at board meetings, etc.

Amendment # 11 - Requested by the Department of Health. It clarifies that DOH has authority to adopt rules to implement a specific subsection.

VII. SIGNATURES:

COMMITTEE ON HEALTH CARE STANDARDS AND REGULATORY REFORM:

Prepared by:

Legislative Research Director:

Robert W. Coggins

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