

STORAGE NAME: h1031z.hcl

DATE: June 21, 1999

****FINAL ACTION****

****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
HEALTH CARE LICENSING & REGULATION
FINAL ANALYSIS**

BILL #: HB 1031

RELATING TO: Physician Assistants

SPONSOR(S): Representative Goode

COMPANION BILL(S): SB 1068(i) and HB 2019(c)

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

- (1) HEALTH CARE LICENSING & REGULATION YEAS 11 NAYS 0
- (2) HEALTH CARE SERVICES (W/D)
- (3) SENATE HEALTH, AGING & LONG-TERM CARE (W/D)
- (4)
- (5)

I. FINAL ACTION STATUS:

HB 1031 was **VETOED** by the Governor on June 17, 1999.

II. SUMMARY:

HB 1031 includes physician assistants in s. 39.304, F.S., as health care practitioners who are allowed to perform and authorize 40 medical and radiological examinations on children who are suspected to be victims of abuse, abandonment or neglect, along with physicians and advanced registered nurse practitioners.

It modifies provisions relating to the existing formulary committee and requires the committee to meet at least twice a year and establishes four-year committee membership terms. Also, it requires the Boards of Medicine and Osteopathic Medicine to adopt the revised formulary and any future changes at their next regular meeting following receipt of the formulary from the committee.

Per the Department of Health, the bill will have minimal fiscal impact on the state, and no fiscal impact on local government and the private sector in general.

III. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Section 39.304, Florida Statutes, specifies that an advanced registered nurse practitioner licensed under s. 464.003, Florida Statutes, and any physician are allowed to perform and authorize medical and radiological examinations on children who are suspected of being victims of abuse, abandonment, or neglect without parental consent. Physician assistants licensed under chs. 458 or 459, F.S., are not identified in this section.

Sections 458.347 and 459.022, F.S., authorize physician assistants to prescribe only prescriptions that are listed on the formulary of medicinal drugs that have been adopted by the respective boards. The formulary may not include controlled substances as defined by ch. 893, F.S., or a number of other listed drugs. Since they can not prescribe controlled substances, physician assistants are not authorized by s. 893.045, F.S., to apply for federal controlled substance registry numbers.

The formulary is developed by a five-member committee appointed by the Secretary of the Department of Health. The membership is composed of one physician assistant licensed under s. 459.022, F.S., two physicians licensed under ch. 458, F.S., one of whom supervises a licensed physician assistant, one osteopathic physician licensed under ch. 459, F.S., and one pharmacist licensed under ch. 465, F.S. The statutes do not specify membership terms.

The committee presently reviews the formulary once a year by conference call and amends it as deemed necessary. The Boards of Medicine and Osteopathic Medicine must adopt the formulary and all modifications.

A supervising physician may delegate to a licensed physician assistant the authority to prescribe any medication used in the physician's practice if listed on the approved formulary. The supervising physician must notify the department of their intent to delegate on a department-approved form.

The physician assistant must file with the department, before commencing to prescribe, evidence that all statutory requirements have been met.

B. EFFECT OF PROPOSED CHANGES:

Physician assistants are included in s. 39.304, F.S., as health care practitioners who are allowed to perform and authorize medical and radiological examinations on children who are suspected to be victims of abuse, abandonment or neglect, along with physicians and advanced registered nurse practitioners.

It modifies provisions relating to the existing formulary committee and requires them to meet at least twice a year and establishes four-year committee membership terms. Also, it requires the boards to adopt the revised formulary and any future changes at their next regular meeting following receipt of the formulary from the committee.

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?

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?

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?

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:

Amends ss. 39.304, 458.347, and 459.022, Florida Statutes.

E. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 39.304, Florida Statutes, to include physician assistants as health care practitioners who are allowed to perform and authorize medical and radiological examinations on children who are suspected to be victims of abuse, abandonment or neglect, along with physicians and advanced registered nurse practitioners.

Section 2. Amends s. 458.347(4), Florida Statutes, to modify provisions relating to the existing formulary committee and requires them to meet at least twice a year and establishes four-year committee membership terms. Also, it requires the Board of Medicine to adopt the revised formulary and any future changes at its next regular meeting following receipt of the formulary from the committee.

Section 3. Amends s. 459.022(4), Florida Statutes, to modify provisions relating to the existing formulary committee and requires them to meet at least twice a year and establishes four-year committee membership terms. Also, it requires the Board of Osteopathic medicine to adopt the revised formulary and any future changes at its next regular meeting following receipt of the formulary from the committee.

Section 4. Provides an effective date of July 1, 1999.

IV. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

<u>Expenditures:</u>	1999-00	2000-01
Department of Health		
Biannual committee meetings	\$4,860	\$4,860
Medical Quality Assurance Trust Fund		

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

<u>Expenditures:</u>	1999-00	2000-01
Department of Health	\$4,860	\$4,860

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:**

Per the Department of Health, the current formulary committee presently meets by conference call. While the bill says the committee will meet twice a year, it could be interpreted that this means a face-to-face meeting. Assuming that such meetings will be required, the fiscal impact will be travel and meeting expenses for the five members.

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

A. **APPLICABILITY OF THE MANDATES PROVISION:**

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

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.

VI. COMMENTS:

According to the Department of Health, the Board of Medicine and the Physician Assistant Council supported the proposed changes in the original bill. In addition, the Joint Advanced Registered Nurse Practitioner Committee established pursuant to ch. 464, Florida Statutes, supports the same authority for ARNPs to prescribe controlled substances.

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VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Health Care Licensing and Regulation at its April 5, 1999 meeting adopted a strike everything amendment. The amendment deleted all provisions from the bill which would have allowed physician assistants licensed under chs. 458 and 459, F.S., to prescribe controlled substances. The amendment has no fiscal effect on the bill.

VIII. SIGNATURES:

COMMITTEE ON HEALTH CARE LICENSING & REGULATION:

Prepared by:

Staff Director:

Robert W. Coggins

Lucretia Shaw Collins

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON HEALTH CARE LICENSING & REGULATION:

Prepared by:

Staff Director:

Robert W. Coggins

Lucretia Shaw Collins