

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

**BILL:** CS/SB 994

**SPONSOR:** Health, Aging and Long-Term Care Committee and Senator Clary

**SUBJECT:** Physician Licensing; Visiting Medical Scholars

**DATE:** February 9, 2000                      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Munroe</u>	<u>Wilson</u>	<u>HC</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

**I. Summary:**

The bill authorizes the Department of Health to issue a maximum of 10 temporary medical education certificates, annually, to qualified international medical graduates to practice under the direct supervision of a Florida-licensed physician in conjunction with a course of study at each National Cancer Institute (NCI)-designated cancer center in Florida. Each education and training course offered by an NCI-designated cancer center must be approved and certified to the Board of Medicine by the cancer center. The holder of such a temporary certificate must practice under the supervision of a Florida-licensed physician.

This bill creates section 458.3135, Florida Statutes.

**II. Present Situation:**

The H. Lee Moffitt Cancer Center and Research Institute was established pursuant to s. 240.512, F.S., at the University of South Florida to provide research, education, treatment, prevention, and the early detection of cancer. The H. Lee Moffitt Cancer Center and Research Institute is currently the only NCI-designated cancer center in Florida. The National Cancer Institute Cancer Centers Program supports 59 NCI-designated cancer centers in the United States that are actively engaged in multi-disciplinary research to reduce cancer incidence, morbidity, and mortality. Each NCI-designated cancer center has a significant base of individually-funded cancer research projects. A number of states (Connecticut, Massachusetts, New York, and Texas) have adopted specialized medical licensing requirements which authorize the research and teaching activities of visiting foreign physicians affiliated with the NCI-designated centers located in their states.

Chapter 458, F.S., provides for the regulation of the practice of medicine by the Board of Medicine within the Department of Health. The chapter provides licensure requirements by examination for medical graduates, licensure by endorsement requirements, and requirements for the registration of resident physicians. Any person who wishes to become licensed by examination as a medical physician must show evidence of meeting the requirements specified in s.

458.311(1)((b)-(g), F.S. The applicant must: be at least 21 years of age and have good moral character; have not committed any act or offense in Florida or another jurisdiction which would constitute a violation of the medical practice act; and meet medical education and postgraduate training requirements by graduation from an accredited medical school in the United States or a foreign medical school registered with the World Health Organization and by completion of an approved residency of at least one year or its equivalent as outlined in s. 458.311(1)(f), F.S. Licensure by examination applicants must obtain a passing score on the appropriate national medical licensure examination; and submit fingerprints and other information for a criminal background check. The postgraduate training requirements after October 1, 1992, include completion of an approved residency or fellowship of at least two years in one specialty area for graduates of a foreign medical school that has not been certified as having met the standards required to accredit medical schools in the United States, or reasonably comparable standards.

Under the medical licensure by examination requirements, an applicant who is already licensed in another state may seek licensure by endorsement to practice medicine in Florida. The applicant must provide evidence that he or she has met the requirements for licensure by examination specified in s. 458.311(1)(b)-(g), F.S., or in s. 458.311(1)(b)-(e) and (g), F.S. To qualify for licensure by endorsement, the applicant must also submit evidence of the active licensed practice of medicine in another jurisdiction for at least two of the immediately preceding four years, or evidence of successful completion of either a board-approved postgraduate training program within two years preceding the filing of the application for licensure. Chapter 458, F.S., provides alternate licensing paths for certain foreign-trained physicians.

Chapter 458, F.S., specifies procedures for the issuance of medical faculty certificates. To qualify under s. 458.3145, F.S., for a medical faculty certificate an individual must be a graduate of an accredited medical school, or its equivalent and hold a valid, current license to practice medicine in another jurisdiction, have completed an approved residency or fellowship of one year or its equivalent, be at least 21 years of age and have good moral character, and have not committed any act or offense in Florida or any other jurisdiction which would constitute a violation of the medical practice act. Medical faculty certificate applicants must also have been offered and accepted a full-time faculty appointment to teach in a program of medicine at the University of Florida, the University of Miami, the University of South Florida, or the Mayo Clinic located in Jacksonville, Florida. Applicants for the medical faculty certificate who graduated from medical school after October 1, 1992, must have completed the equivalent of two academic years of pre-professional, postsecondary education before entering medical school. Persons holding a medical faculty certificate must comply with continuing medical education requirements. Persons who hold a medical faculty certificate are authorized to practice in conjunction with their teaching duties. The certificate automatically expires when the holder's relationship with the medical school terminates or after a period of 24 months, whichever occurs sooner, and is renewable every two years. The maximum number of extended medical faculty certificateholders may not exceed 15 persons at each medical school and the Moffitt Cancer Center, and may not exceed 5 persons at the Mayo Clinic institution.

In addition to medical faculty certificateholders, any physician who registers with the Board of Medicine, pays a registration fee no greater than \$300, and who demonstrates financial responsibility is authorized to provide medical care or treatment in connection with the education of students, residents, or faculty at the request of the dean of an accredited medical school within

Florida or at the request of the medical director of a statutory teaching hospital. The performance of such medical care or treatment must be limited to a single period of time and may not exceed 180 consecutive days, and must be rendered within an accredited medical school and its affiliated clinical facilities or teaching hospitals which are registered with the Board of Medicine. Each institution is limited to no more than three such physicians per year.

Section 458.345, F.S., requires any person wishing to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification in Florida who does not hold a valid, active license to practice medicine in Florida to register with the Board of Medicine. To do so, each applicant must pay a fee not greater than \$300 and the Board of Medicine must certify that the applicant: is at least 21 years of age; has not committed any act or offense in Florida or any other jurisdiction which would constitute a violation of the medical practice act; is a graduate of an accredited medical school or college in the United States or a foreign medical school registered with the World Health Organization; and has completed an approved residency of at least one year, or its equivalent as outlined in s. 458.311(1)(f), F.S. The Board of Medicine may not certify any applicant for registration as a resident physician who is under investigation in any state or jurisdiction for an act which would constitute the basis for imposing a disciplinary penalty until the investigation is completed. Hospitals must submit, on dates designated by the board, a report which lists resident physicians, assistant resident physicians, house physicians, interns, or fellows employed by a hospital and such other information as the board may direct. The chief executive officer of each hospital employing resident physicians must provide the executive director of the Board of Medicine with the name, title, and address of the person responsible for furnishing the report. The registration automatically expires after two years without further action by the Board of Medicine or the Department of Health unless an application for renewal is approved by the board. No person registered under this section may be employed or utilized as a house physician or act as a resident physician, assistant resident physician, intern, or fellow in fellowship training in a hospital in Florida for more than two years without a valid, active license or renewal of registration. Requirements for renewal are established by board rule.

A resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training who is registered by the Board of Medicine is subject to disciplinary action by the board for any act which is a violation of the medical practice act. Hospital resident physicians may prescribe controlled substances through the use of a Drug Enforcement Administration number issued to the hospital by which the person is employed or where the person's services are used.

### **III. Effect of Proposed Changes:**

The bill creates s. 458.3135, F.S., to establish an International Cancer Physician Visitor Program at the NCI-designated cancer centers in Florida to allow international medical graduates to receive advanced education and training on cancer treatment techniques developed at the cancer center. The bill authorizes the Department of Health to issue temporary medical education certificates for qualified international medical graduates to practice medicine in conjunction with a course of study at any NCI-designated cancer center in Florida. The physician who holds a temporary medical education certificate may practice medicine for up to one year as part of the course of study at an NCI-designated cancer center. The number of certificates which may be issued to each NCI-designated cancer center is limited to a maximum of 10 per year. Each education and training

course offered by an NCI-designated center must be approved and certified to the Board of Medicine by the cancer center.

The Department of Health may issue a temporary medical education certificate to an applicant who pays a \$300 application fee, has been accepted to participate in course of study at an NCI-designated cancer center, and who has been certified by the Board of Medicine to have otherwise met the requirements specified in the bill. To qualify for the temporary medical education certificate, the international medical graduate must: (1) possess a valid and unencumbered license to practice medicine in another country; (2) have graduated from an accredited medical school located in the United States or located in a U.S. territory or from an international medical school listed with the World Health Organization; (3) not be under investigation for any act in Florida or another jurisdiction that would violate the medical practice act; and (4) meet the financial responsibility requirements of chapter 458, F.S., the medical practice act.

The bill exempts applicants for the temporary medical certificate from the practitioner profiling requirements of ss. 455.565-455.5656, F.S., so that the applicants do not have to undergo a criminal history check. The bill limits the practice of physicians holding the temporary certificates to the premises of a facility owned or operated by an NCI-designated cancer center. A physician holding the temporary certificate may practice only under the direct supervision of a Florida licensed physician who is a member of the cancer center. The bill subjects the physicians holding temporary medical certificates to discipline under chapters 455 and 458, F.S.

The bill will take effect upon becoming a law.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

##### **B. Public Records/Open Meetings Issues:**

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Subsections 24(a) and (b) of the Florida Constitution.

##### **C. Trust Funds Restrictions:**

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

Visiting physicians will pay a fee no greater than \$300 for a temporary medical education certificate.

**B. Private Sector Impact:**

Visiting medical physicians authorized to practice medicine under the bill will benefit from the additional instruction they receive at NCI-designated cancer centers in Florida.

**C. Government Sector Impact:**

The Department of Health will incur costs to administer the temporary medical licensing provisions under the bill for visiting physicians receiving instruction at the H. Lee Moffitt Cancer Center and Research Institute. The department estimates that its administrative costs for issuing temporary certificates to visiting physicians will be covered by the fee authorized in the bill. The department may charge a fee no greater than \$300 for the temporary medical education certificate. The department estimates that it will assess a \$100 fee per applicant and estimates 10 applicants per year for total revenues of \$1000 per year.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.