

**STORAGE NAME:** h0087.hr.doc

**DATE:** February 15, 2001

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
HEALTH REGULATION  
ANALYSIS**

**BILL #:** HB 87

**RELATING TO:** Orthotics, Prosthetics, & Pedorthics

**SPONSOR(S):** Representative Meadows

**TIED BILL(S):** None.

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

- (1) HEALTH REGULATION
  - (2) FISCAL POLICY & RESOURCES
  - (3) COUNCIL FOR HEALTHY COMMUNITIES
  - (4)
  - (5)
- 

I. SUMMARY:

This bill revises the grandfathering requirements for licensure by allowing prior national certification to substitute for the required examination. It eliminates the examination requirement only for those individuals who have previously applied through the grandfather provision and who had an application approved by the Board of Orthotists & Prosthetists as of October 1, 2000. The bill also deletes a provision enacted in 1999, which allowed certain individuals to become licensed if they met part of the national certification requirements at the time of application.

There is minimal fiscal impact to the Department of Health.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |  |   |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

This bill allows persons who have not passed the required examination to be licensed.

B. PRESENT SITUATION:

Part XIV of Chapter 468, Florida Statutes, governs the practice of orthotics, prosthetics, and pedorthics in Florida. The laws regulating the profession were first adopted by the Legislature in 1997. The Board of Orthotists and Prosthetists reviews applications for licensure and regulates licensees. The law allows the board to administer its own exam or to accept the examination results of an approved national certification examination. The board has approved several national certification examinations. However, the board has declined to approve the Board for Orthotist/Prosthetist Certification (BOC) examination.

When the original licensure law passed, there was a grandfathering provision, s. 468.805, F.S., included for persons who had been practicing in Florida since July 1, 1990. It required persons who met the statutory experience and certification requirements to apply for licensure prior to March 1, 1998, in order to qualify for the grandfathering provision. The time period was extended during the 1999 Legislative session to allow additional persons who would otherwise have met the licensure requirements to apply for licensure prior to July 1, 1999. Grandfather applicants are exempt from the educational requirements for licensure in s. 468.803, F.S.

C. EFFECT OF PROPOSED CHANGES:

The Department of Health reports that this bill would allow passage of the BOC exam to substitute for the required examination and eliminates the examination requirement for those individuals who had previously applied through the grandfather provision and who had an application approved by the Board as of October 1, 2000. Proponents of this bill report that approximately 40 persons would benefit from the provisions of this bill.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 468.805, F.S., to allow certain applicants for licensure to be granted a license without successfully completing the designated national certification exam.

Section 2. Repeals s. 1 of ch. 99-158, L.O.F., which previously extended the grandfather provision to July 1, 1999.

Section 3. Provides an effective date of upon becoming law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Please see Fiscal Comments section below.

2. Expenditures:

Please see Fiscal Comments section below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill will allow a small group of persons to become licensed by the state. These licensees would pay licensure fees to offset the cost of regulation.

D. FISCAL COMMENTS:

While these additional persons, upon licensure would have to pay licensure fees and the Department of Health and the Board of Orthotists and Prosthetists would have to regulate these licensees, the Department of Health has indicated that this bill will have no fiscal impact to the department. This profession is currently in a deficit.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require a city or county to expend funds or to take any action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that cities 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 state tax shared with cities or counties.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

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B. RULE-MAKING AUTHORITY:

The bill provides rulemaking authority to the Board of Orthotists and Prosthetists to establish five types of fees not to exceed the statutory caps listed in the bill.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON HEALTH REGULATION:

Prepared by:

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