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DATE: March 15, 2001

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

BILL #: CS/HB 87
RELATING TO: Orthotics, Prosthetics, & Pedorthics
SPONSOR(S): Committee on Health Regulation and Representative Meadows
TIED BILL(S): None.

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

- (1) HEALTH REGULATION YEAS 10 NAYS 0
 - (2) FISCAL POLICY & RESOURCES
 - (3) COUNCIL FOR HEALTHY COMMUNITIES
 - (4)
 - (5)
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I. SUMMARY:

This bill extends the period of time by one year in which certain grandfather applicants for licensure as orthotists and prosthetists have to complete the state-approved licensure examination without having to meet all of the other requirements for licensure imposed on new applicants.

This section was created in 1997 and was amended in 1999 to allow additional persons to benefit from the grandfathering provision. A similar bill failed to pass during the 2000 session. Proponents of this bill report that approximately 40 persons would benefit from the provisions of this bill.

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 checked="" type="checkbox"/> | No <input 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:

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.

Grandfather applicants who, at the time of application, were board certified by a national certifying body which required the successful completion of an exam as a requirement for certification were not required to take another examination. Only those applicants who at the time of application were not board certified by a national certifying body requiring an exam were required under this provision to successfully complete the state approved licensure exam.

C. EFFECT OF PROPOSED CHANGES:

This bill extends the period of time for the successful completion of a board-approved examination from July 1, 2002 to July 1, 2003 for persons who had been practicing orthotics and prosthetics in this state since July 1, 1990, and who applied for licensure before March 1, 1998, but had not yet been board certified by a national certifying body which required successful completion of an examination. 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 an additional year to successfully complete the board-approved exam.

Section 2. 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 upon passage of the required examination. 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.

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:

According to the bill analysis provided by the Department of Health, the Board of Orthotists and Prosthetists has consistently interpreted s. 468.805, F.S., as a whole, to require any applicant who was not board certified at the time of application on or before March 1, 1998 to pass an examination approved by the board. Therefore, the effect of this bill is only to extend the period of time in which to pass the board-approved exam, NOT, as some have suggested, to grandfather additional persons in without those persons having passed the board-approved examination.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The original bill revised the grandfathering requirements for licensure by allowing prior national certification to substitute for the required examination. It eliminated the examination requirement only for those individuals who had 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 deleted 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. On March 15, 2001, the Committee on Health Regulation adopted a strike-everything amendment which is explained herein.

VII. SIGNATURES:

COMMITTEE ON HEALTH REGULATION:

Prepared by:

Staff Director:

Wendy Smith Hansen, Senior Attorney

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