

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 545 Temporary Certificates for Visiting Plastic Surgeons/Training
SPONSOR(S): Llorete and others
TIED BILLS: None. **IDEN./SIM. BILLS:** SB 2078 (s)

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Health Standards (Sub)</u>	<u>6 Y, 0 N</u>	<u>Mitchell</u>	<u>Collins</u>
2) <u>Health Care</u>	<u></u>	<u></u>	<u></u>
3) <u>Commerce & Local Affairs App. (Sub)</u>	<u></u>	<u></u>	<u></u>
4) <u>Appropriations</u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

HB 545 bill authorizes, but does not require, the issuance of a temporary 3-day per year Florida medical certificate, without examination, to visiting plastic surgeons for the limited purpose of participating in certain training programs.

Present Situation:

A national plastic surgery symposium is held annually in the Miami area. The symposium includes performing new plastic surgical techniques on patients as the procedures are broadcast to residents and other physicians on closed circuit television. Current Florida law requires physicians performing a surgical procedure to be Florida licensed. According to symposium representatives, before the transfer of medical licensure oversight from the Agency for Health Care Administration (AHCA) to the Department of Health (DOH), temporary permission was granted to perform surgeries at the symposium. Since the transfer of licensure oversight, DOH requires doctors to go through the entire credentialing process. In 2003, one participant was not licensed in time and was unable to participate.

Currently, visiting physicians have two options: apply for full licensure; or apply for a temporary medical faculty certificate. Under s. 458.3145(6), F.S., distinguished scholars are permitted to come to Florida to teach for a short time at a Florida medical school or teaching hospital under a medical faculty certificate. The dean of a Florida medical school or teaching hospital grants the certificate to practice only within that facility or its affiliated clinical facilities, and may grant only 3 appointments per year. The symposium has been unable to comply with the medical faculty certificate option for non-Florida licensed physicians to perform plastic surgery procedures.

Effect of the Bill:

The bill creates s. 458.3137, F.S., to provide for a temporary certificate for visiting physicians to obtain medical privileges for instructional purposes in conjunction with certain plastic surgery training programs and plastic surgery educational symposiums. Provisions include that the physician:

- Is a graduate of an accredited medical school or foreign medical school listed by the World Health Organization;
- Holds a valid and unencumbered license to practice medicine in another state or country;
- Is a recognized expert in a specific area of plastic surgery;
- Has completed an application form and remitted a nonrefundable fee not to exceed \$300;
- Has not committed an act that would constitute a basis for physician discipline under s. 456.072 or s. 458.331;
- Meets the financial responsibility requirements of s. 458.320; and
- Is applying only in conjunction with an approved plastic surgery training program and an educational symposium.

The effective date of bill is upon becoming law.

On March 19, 2003, the Subcommittee on Health Standards adopted two amendments. (See Section IV. for explanation of the amendments.)

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0545a.hc.doc
DATE: March 21, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | 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. EFFECT OF PROPOSED CHANGES:

The bill authorizes, but does not require, the issuance of a temporary 3-day per year Florida medical certificate, without examination, to visiting plastic surgeons for the limited purpose of participating in certain training programs in Florida.

PRESENT SITUATION:

The Baker-Gordon Symposium, a national plastic surgery symposium, is held annually in the Miami area. The symposium includes performing new plastic surgical techniques on patients as the procedures are broadcast to residents and other physicians on closed circuit television. Current Florida law requires that physicians performing a surgical procedure be Florida licensed. Before the transfer of medical licensure oversight from the Agency for Health Care Administration (AHCA) to the Department of Health (DOH), AHCA granted physicians who performed surgeries at the symposium temporary permission to do so. After licensure oversight was transferred to the Department of Health, that department no longer granted temporary licenses for that purpose. DOH requires doctors to go through the entire credentialing process to participate in the symposium. In 2003, one of the participants was not licensed in time and was unable to participate.

Under current law, visiting physicians have two options: apply for full licensure; or apply for a temporary Medical Faculty Certificate. Section 458.3145(6), F.S., allows distinguished scholars to come to Florida to teach for a short time at a Florida medical school or teaching hospital. This certificate may be issued to physicians who are identified by the dean of a Florida medical school or teaching hospital to practice only within that facility or its affiliated clinical facilities. Additionally, the certificate holder must either have medical malpractice insurance (or escrow account/line of credit) or be exempt as an officer of the government.

The participants in the Baker-Gordon Symposium are unable to participate in this visiting faculty certification because they do not perform surgeries at a hospital affiliated with a university. Permission for medical faculty certificates is granted by the dean of the university, who is only entitled to grant only 3 appointments per year.

Symposium participants have malpractice coverage. Physicians licensed in Florida are required to carry malpractice insurance or have an escrow account/line of credit. Foreign physicians, who do not have malpractice coverage, are indemnified by the sponsoring organization through a surety bond to the hospital.

Current law, s. 458.3135, F.S., also provides for temporary certificates for visiting physicians to practice in board approved cancer centers. The certificate is for individuals who are training at a Florida facility

licensed pursuant to chapter 395, F.S., under direct supervision of a licensed physician employed by that licensed facility.

EFFECT OF THE BILL

HB 545 creates a 3-day per year temporary license for plastic surgeons, solely for the purpose of performing surgical procedures for training purposes during an annual symposium in Florida.

The bill creates s. 458.3137, F.S., to provide for a temporary certificate, without examination, for visiting physicians to obtain medical privileges for instructional purposes in conjunction with certain plastic surgery training programs and plastic surgery educational symposiums.

The bill provides that applicants invited by a plastic surgery training program that is affiliated with a Florida medical school and approved by the American Board of Medical Specialties (ABMS); and an educational symposium cosponsored by the American Society of Plastic Surgeons, the Plastic Surgery Educational Foundation, or the American Society for Aesthetic Plastic Surgery, may be issued a temporary 3-day per year certificate for limited privileges solely for purposes of providing educational training in plastic surgery, provided the physician:

- Is a graduate of an accredited medical school or its equivalent or is a graduate of a foreign medical school listed with the World Health Organization;
- Holds a valid and unencumbered license to practice medicine in another state or country;
- Is a recognized expert in a specific area of plastic surgery as demonstrated by peer-review publications, invited lectureships, and academic affiliations;
- Has completed an application form adopted by the board and remitted a nonrefundable application fee not to exceed \$300;
- Has not committed an act in this or any other jurisdiction that would constitute a basis for disciplining a physician under s. 456.072 or s. 458.331;
- Meets the financial responsibility requirements of s. 458.320; and
- Is applying only in connection with both an American Board of Medical Specialties approved plastic surgery training program affiliated with a Florida medical school and an educational symposium sponsored by the American Society of Plastic Surgeons, the Plastic Surgery Educational Foundation, or the American Society for Aesthetic Plastic Surgery.

The Department of Health has expressed concerns that the American Board of Medical Specialties (ABMS) does not approve training programs. According to the Department of Health, the ABMS only accepts training programs that have been approved by the Accreditation Council for Graduate Medical Education (ACGME). Currently, Florida has only two approved programs in plastic surgery. The Florida Board of Medicine does not recognize the American Society of Plastic Surgeons, the Plastic Surgery Educational Foundation, or the American Society for Aesthetic Plastic Surgery referenced in the bill.

The Department of Health is also concerned that the bill does not meet current standards required for limited licensure for other medical professionals, such as temporary certificates for visiting faculty, s. 458.3145, F.S., and for certain visiting students, s. 458.3135, F.S., which require supervision by other licensed physicians or require risk management oversight of a Florida licensed facility approved by the board.

C. SECTION DIRECTORY:

Section 1. Creates s. 458.3137, F.S., relating to temporary certificate for visiting physicians to obtain medical privileges for instructional purposes in conjunction with certain plastic surgery training programs and plastic surgery educational symposiums.

Section 2. Provides that the bill shall be effective upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Minimal fiscal impact on the Department of Health, depending on the number of licenses requested.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenues.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

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458.3145, F.S., and for certain visiting students, s. 458.3135, F.S., which require supervision by other licensed physicians or require risk management oversight of a Florida licensed facility approved by the board.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 19, 2003, the Subcommittee on Health Standards adopted two amendments.

Amendment #1 was offered to limit the validity of the temporary permit to no more than 3 days per year, between January 20 and February 28. The amendment also limited the number of permits that may be issued by the Department of Health under this provision for plastic surgery for educational purposes, to 6 per year.

Amendment #2 provides for malpractice coverage for a physician who receives a temporary permit and has a medical degree and license from another country. The amendment provides that the organization sponsoring the participant must either obtain a surety bond, establish a certificate of deposit or obtain a guaranteed letter of credit, for an amount not less than \$250,000, in lieu of malpractice insurance.