

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Prepared By: Health Care Committee

BILL: SB 1042

SPONSOR: Senator Crist

SUBJECT: Physical Examinations

DATE: April 24, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Siebert</u>	<u>Cooper</u>	<u>CM</u>	Favorable
2.	<u>Munroe</u>	<u>Wilson</u>	<u>HE</u>	Favorable
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill authorizes physician assistants and advanced registered nurse practitioners to conduct physical examinations of Class “G” (security officers and private investigators) permit applicants and firefighter applicants.

This bill amends sections 493.6108 and 633.34 of the Florida Statutes.

II. Present Situation:

Required Physical Examinations for Class “G” License Applicants

The Department of Agriculture and Consumer Services, Division of Licensing, regulates and licenses the private security industry in accordance with ch. 493, F.S. A number of different security and private investigator classes (C, CC, D, M, MA, and MB) are permitted to bear a firearm and any such individual who bears a firearm is required to have a Class “G” license. As part of this licensing procedure, applicants must pass a physical examination by a licensed physician to determine general physical fitness.¹

Required Physical Examinations for Entrance Into a Firefighter Training Program

Firefighters are required to pass a physical examination before admittance into a firefighting training program.² Rule 69A-37.037, F.A.C., requires that the physical exam be performed by a licensed physician, surgeon or osteopathic physician. The “Medical Examination” Form (D14-

¹ Section 493.6108, F.S.

² Section 633.34(5), F.S.

1022) must be submitted to the fire training school within 5 business days of the beginning of a firefighter training program.

Physician Assistants and Advanced Registered Nurse Practitioners

Sections 458.347 and 459.022, F.S., provide requirements for the regulation of physician assistants by the Council on Physician Assistants, the Board of Medicine and the Board of Osteopathic Medicine under the Department of Health. Physician assistants perform medical services delegated by the supervising medical or osteopathic physician under indirect supervision. A physician may not supervise more than four currently licensed physician assistants at any one time.³

Section 464.012, F.S., provides certification requirements for advanced registered nurse practitioners by the Board of Nursing. Advanced registered nurse practitioners perform medical acts of medical diagnosis and treatment, prescription, and operation under the general supervision of a medical physician, osteopathic physician, or dentist as outlined in a protocol filed with the appropriate boards of the supervising physician and the supervised advanced registered nurse practitioner. Advanced registered nurse practitioners are independent practitioners who may perform all duties of a registered nurse and advanced level nursing in accordance with established protocols, including managing selected medical problems, monitoring and altering drug therapies, initiating appropriate therapies for certain conditions, performing physical examinations, ordering and evaluating diagnostic tests, ordering physical and occupational therapy, and initiating and monitoring therapies for certain uncomplicated acute illnesses. There are no statutory limitations on the number of advanced registered nurse practitioners with whom a physician may establish protocols.

Indirect supervision and general supervision do not require that the supervising physician be physically within the same office suite as the person being supervised. Section 458.348, F.S., requires a medical physician who enters into a formal supervisory relationship or standing orders with an emergency medical technician or paramedic, which relationship or orders contemplate the performance of medical acts, or when a medical physician enters into an established protocol with an advanced registered nurse practitioner, which protocol contemplates the performance of medical acts identified and approved by the joint committee under s. 464.003(3)(c), F.S., or acts within the framework of an established protocol between the physician and an advanced registered nurse practitioner that are outlined in the nurse practice act, to submit notice to the Board of Medicine.

Part I, ch. 464, F.S., requires the Board of Nursing to adopt rules authorizing advanced registered nurse practitioners to perform acts of medical diagnosis and treatment, prescription, and operation which are identified and approved by a joint committee. The joint committee is composed of three members appointed by the Board of Nursing, two of whom must be advanced registered nurse practitioners; three members appointed by the Board of Medicine, two of whom must have had work experience with advanced registered nurse practitioners; and the Secretary of Health or the secretary's designee. The Board of Nursing must adopt rules authorizing the performance of any such acts approved by the joint committee.

³ See s. 458.347(3), F.S., and s. 459.022(3), F.S.

The Board of Nursing and the Board of Medicine have filed identical administrative rules setting forth standards for the protocols⁴ which establish obligations on medical physicians, osteopathic physicians, and dentists who enter into protocol relationships with advanced registered nurse practitioners. The Board of Osteopathic Medicine and the Board of Dentistry who have regulatory jurisdiction over osteopathic physicians and dentists, respectively, are not required to adopt administrative rules regarding the standards for advanced registered nurse practitioner protocols. Although advanced registered nurse practitioners may prescribe medications in accordance with a protocol, they cannot prescribe controlled substances.

III. Effect of Proposed Changes:

Section 1. Amends s. 493.6108, F.S., to expand the list of those authorized to determine the general physical fitness of Class “G” permit applicants to include advanced registered nurse practitioners and physician assistants.

Section 2. Amends s. 633.34, F.S., to expand the list of those authorized to conduct physical examinations of firefighter applicants to include advanced registered nurse practitioners and physician assistants.

Section 3. Provides an effective date of July 1, 2005.

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 Art. I, s. 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:

None.

⁴ See Rules 64B-4.010 and 64B-35.002, Florida Administrative Code.

B. Private Sector Impact:

By expanding the class of medical personnel who can give physical examinations, the bill may make the licensing process less costly for some applicants seeking a Class “G” license or entrance into a firefighter training program. According to the Florida advanced registered nurse practitioners’ organization, physical examinations conducted by advanced registered nurse practitioners are billed at approximately 20 percent less than physical examinations conducted by physicians. The exact amount of cost savings for such individuals is unknown.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill’s sponsor or the Florida Senate.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
