

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: CS/SB 1180

SPONSOR: Health Care Committee and Senator Campbell

SUBJECT: The Board of Medicine

DATE: April 27, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Munroe	Wilson	HE	Fav/CS
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill revises conditions of appointment to, and composition of, the Board of Medicine by decreasing the number of physician members on the board from 12 to 10 and increasing the number of consumer members on the board from three to four. The bill requires one member to be the chief operations officer of a Florida-licensed hospital instead of a Florida-licensed risk manager.

Under the bill, terms for current members of the Board of Medicine expire on October 31, 2005. Initial appointments under the bill, must take effect on November 1, 2005. The bill provides for staggered terms of appointed board members.

The bill allows a medical physician licensure applicant to enroll in a 2-year externship in a licensed non-teaching hospital approved by the Board of Medicine in lieu of completing the required 1-year residency for licensure and the academic year of supervised clinical training for foreign medical graduates. The bill requires probable cause panels considering discipline against a physician assistant to include a physician assistant designated by the Council of Physician Assistants.

This bill amends sections 458.307, 458.311, 458.331, and 459.015, Florida Statutes.

II. Present Situation:

Chapter 458, F.S., governs the practice of medicine by the Board of Medicine (board) within the Department of Health. Section 458.311, F.S., provides licensing requirements for person to practice medicine in Florida. As part of the requirements, applicants must complete an approved residency of at least 1 year. Pursuant to paragraph 458.311(3)(d), F.S., an applicant who

graduated from a foreign medical school and who has not had a valid certificate issued by the Educational Commission for Foreign Medical Graduates (ECFMG) must additionally complete an academic year of supervised clinical training in a hospital affiliated with a medical school approved by the council on Medical Education of the American Medical Association and upon completion pass part II of the National Board of Medical Examiners examination or the ECFMG examination equivalent. A physician may be subject to discipline under s. 458.331, F.S.

Section 458.307, F.S., provides conditions for appointment to and the composition of the Board of Medicine. The 15-member board must consist of 12 members who are Florida-licensed physicians in good standing, Florida residents, and who have been engaged in the active practice or teaching of medicine for at least four years immediately preceding their appointment. One of the physicians must be on the full-time faculty of a medical school in Florida, and one of the physicians must be in private practice and on the full-time staff of a statutory teaching hospital in Florida as defined in s. 408.07, F.S. At least one of the physicians must be a graduate of a foreign medical school. The remaining three members of the board must be Florida residents who are not, and never have been, licensed health care practitioners. One member must be a Florida-licensed health care risk manager and at least one member of the board must be 60 years of age or older. Section 458.307, F.S., provides for staggered terms of the board members.

Section 20.43(4), F.S., provides that members of each board within the Department of Health must be appointed for four-year terms, and such terms expire on October 31. However, a term of less than four years may be used to ensure that: no more than two members' terms expire during the same calendar year for boards consisting of seven or eight members; no more than three members' terms expire during the same calendar year for boards consisting of nine to 12 members; no more than five members' terms expire during the same calendar year for boards consisting of 13 or more members. A member whose term has expired must continue to serve on the board until such time as a replacement is appointed. A vacancy on the board shall be filled for the unexpired portion of the term in the same manner as the original appointment. A member may not serve for more than the remaining portion of a previous member's unexpired term, plus two consecutive four-year terms of the member's own appointment thereafter.

Each board with five or more members must have at least two consumer members who are not, and have never been, members or practitioners of the profession regulated by such board or of any closely related profession. Each board with fewer than five members must have at least one consumer member who is not, and has never been, a member or practitioner of the profession regulated by such board or of any closely related profession.

Chapter 459, F.S., similarly provides for the regulation of Osteopathic Medicine by the Board of Osteopathic Medicine. Physician assistants are regulated under ss. 458.347 and 459.022, F.S., by the Council on Physician Assistants, the Board of Medicine and the Board of Osteopathic Medicine under the Department of Health.

III. Effect of Proposed Changes:

Section 1. Amends s. 458.307, F.S., to revise conditions of appointment to, and composition of, the Board of Medicine by decreasing the number of physician members on the board from 12 to 10 and increasing the number of consumer members on the board from three to four. The section

requires physician members on the board to be Florida-licensed in good standing, Florida residents, and to have been engaged in the active practice or teaching of medicine in Florida with a full and unrestricted medical license for at least five rather than four years immediately preceding their appointment. Four consumer members must be Florida residents who have lived in Florida for at least five years immediately preceding their appointments, have never been licensed as a health care practitioner under ch. 456, F.S., or the applicable practice act, and do not have a substantial personal, business, professional, or pecuniary connection with a licensed health care practitioner or with a medical education or health care facility, except as patients or potential patients. Instead of a board member who must be a Florida-licensed risk manager, the bill requires one member to be the chief operations officer of a Florida-licensed hospital who has lived in Florida and has held this position for at least five years immediately preceding his or her appointment.

Under the bill, terms for current members of the Board of Medicine expire on October 31, 2005. Initial appointments under the bill, must take effect on November 1, 2005. Five of the initial physician appointments must be for a term of two years, five of the initial physician appointments must be for a term of three years, and the remaining initial appointments must be for a term of four years. As the terms of the members expire subsequent to November 1, 2005, the Governor must appoint successors for terms of four years, and such members must serve until their successors are appointed.

Section 2. Amends s. 458.311, F.S., relating to medical licensing, to provide an alternative for certain medical licensure applicants to comply with the licensure requirement to complete a 1-year residency program and other postgraduate training requirements imposed on graduates of foreign medical schools. The section allows a medical physician licensure applicant to enroll in a 2-year externship in a licensed non-teaching hospital approved by the Board of Medicine in lieu of completing the required 1-year residency for licensure and the academic year of supervised clinical training for foreign medical graduates. The Board of Medicine is required to adopt procedures for physician licensure applicants to meet the post-graduate training requirements by completing a 2-year externship at a nonstatutory teaching hospital licensed in Florida. The training provided in the externship must be substantially similar, as defined by rule of the Board of Medicine, to the training provided in an approved residency program required for medical licensure. In order for the externship to meet the requirements of this section, it must be approved by the Board of Medicine before the applicant enters into the externship. The applicant may not be licensed as a medical physician unless the board finds that the applicant has successfully completed the externship. The Board of Medicine may adopt rules to administer this section, including the implementation of fees to cover costs.

Section 3. Amends s. 458.331, F.S., relating to the discipline of medical physicians, to require a probable cause panel considering disciplinary action against a physician assistant to include a licensed physician assistant designated by the Council on Physician Assistants.

Section 4. Amends s. 459.015, F.S., relating to the discipline of osteopathic physicians, to require a probable cause panel considering disciplinary action against a physician assistant to include a licensed physician assistant designated by the Council on Physician Assistants.

Section 5. Provides an effective date 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, Section 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.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

D. Other Constitutional Issues:

Section 6, Article III of the State Constitution requires every law to embrace but one subject and matter properly connected therewith, and the subject must be briefly expressed in the title. The bill is entitled "An act relating to the Board of Medicine." The committee substitute contains a section relating to the Board of Osteopathic Medicine.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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.
