

HOUSE MESSAGE SUMMARY

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BILL: CS/SB 1180, 2nd Engrossed
SPONSOR: Health Care Committee and Senator Campbell
SUBJECT: Regulation of Health Professions
PREPARED BY: Senate Committee on Health Care
DATE: May 4, 2005

I. Amendments Contained in Message:

House Amendment 1 – 493107 (body with title)

II. Summary of Amendments Contained in Message:

House Amendment 1 differs from the original Senate bill by:

- Adding two, instead of one, additional consumer members to the Board of Medicine and no longer requires a board member to be a chief operations officer of a hospital.
- No longer requiring the Department of Health to notify identified health care providers of the status of a drug if it has not been approved by the United States Food and Drug Administration. The Department of Health is no longer required to post information on its website to advise providers and consumers of the unapproved status of a drug.
- Deleting requirements for medical and osteopathic physicians to meet financial responsibility by maintaining medical malpractice insurance or specified amounts held in an escrow account or letter of credit.
- Deleting requirements for physicians to submit a sworn statement and information regarding meeting financial responsibility to the Department of Health and requirements for the department to verify such information. Provisions are deleted which impose administrative and criminal penalties for a physician who fails to comply with the financial responsibility requirements.
- Deleting provisions authorizing pharmacists to administer influenza immunizations to adults under a protocol with a medical or osteopathic physician after complying with specified training.
- Deleting changes to the practitioner profiling requirements which would require the Department of Health to publish all paid liability claims for licensed medical and osteopathic physicians.
- Deleting requirements for physicians who do not carry medical malpractice insurance to provide all patients on each visit specified information regarding the physician's lack of medical malpractice insurance coverage.
- Deleting provisions that exempt from electrology licensure, an advanced registered nurse practitioner or physician assistant who practices under a protocol with a medical or osteopathic physician when that nurse or physician assistant performs laser or light-based hair removal procedures.

House Amendment 1 revises conditions of appointment to, and composition of, the Board of Medicine by increasing the number of consumer members on the board from three to five. The bill 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. Five 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.

If any member of the Board of Medicine ceases to meet the requirements for appointment to the board that person must be removed and a new qualified member appointed to the board. The bill's revisions to conditions for appointment to the Board of Medicine do not end the term of any member of the Board of Medicine who has been appointed to the board on the effective date of the bill, but the requirements of the bill apply to any appointment made after the effective date of the bill to a term that expires on or after November 1, 2005.

The amendment 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. Although the Department of Health may develop procedures for such applicants to meet postgraduate training requirements by completion of a 2-year externship, the Board of Medicine may adopt rules to implement the externship requirements, including the implementation of fees to cover costs.

The amendment requires probable cause panels considering discipline against a physician assistant to include a physician assistant designated by the Council of Physician Assistants, unless a physician assistant is not available.

Notwithstanding any law to the contrary, a medical physician or physician assistant has as a defense to any alleged violation, by a preponderance of evidence, that the practitioner relied in good faith on the representations made to the practitioner by a drug manufacturer or its representatives and that the practitioner had no intent to violate the law.