

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 2640

SPONSOR: Senator Geller

SUBJECT: Chiropractic Education

DATE: April 13, 2005 REVISED: 04/20/05 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Munroe</u>	<u>Wilson</u>	<u>HE</u>	<u>Fav/1 amendment</u>
2.	_____	_____	<u>ED</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see last section for Summary of Amendments

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

I. Summary:

The bill amends the “Health Care Clinic Act” to provide an exemption from the clinic licensure requirements for clinical facilities affiliated with a college of chiropractic accredited by the Council on Chiropractic Education at which training is provided for chiropractic students.

The bill establishes requirements for chiropractic colleges that elect to implement a chiropractic college-based internship program. The Department of Health (DOH) must register applicants to such programs who are certified by the Board of Chiropractic Medicine (board) as having met requirements that are specified in the bill. Chiropractic college-based internship programs must be approved by the board. The bill grants rulemaking authority to the board to implement the requirements for chiropractic college-based internship programs.

This bill amends Section 400.9905, Florida Statutes.

This bill creates Section 460.4063, Florida Statutes.

II. Present Situation:

Health Care Clinics

Part XIII, chapter 400, F.S., is the “Health Care Clinic Act,” which provides for the regulation of health care clinics by the Agency for Health Care Administration. Section 400.9905, F.S., defines “clinic” to mean an entity at which health care services are provided to individuals and which tenders charges for reimbursement for such services, including a mobile clinic and a portable equipment provider. The section specifies exemptions to licensure requirements for clinics for specified entities. Clinic facilities affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows is exempt from the health care clinic licensure requirements under paragraph 400.9905(4)(h), F.S.

Chiropractic Medicine

Chapter 460, F.S., governs the practice of chiropractic medicine and its regulation by the Board of Chiropractic Medicine (board) in DOH. Section 460.403(4), F.S., defines “community-based internship” as a program in which a student enrolled in the last year of a chiropractic college accredited by the Council on Chiropractic Education (CCE) is approved to obtain required pre-graduation clinical experience in a chiropractic clinic or practice under the direct supervision of a doctor of chiropractic medicine according to the teaching protocols for the clinical practice requirements of the college. The chiropractic physician must be approved as an adjunct faculty member of the chiropractic college in which the student is enrolled. CCE is recognized by the U.S. Secretary of Education as the specialized accrediting agency for the Doctor of Chiropractic Degree Program.¹ As of January 2005, there are 19 accredited chiropractic sites in the United States, and Palmer College of Chiropractic Florida is the only school accredited by CCE in Florida.

III. Effect of Proposed Changes:

Section 1. Amends s. 400.9905, F.S., to provide that licensure requirements for clinics under the Health Care Clinic Act do not apply to clinical facilities affiliated with a college of chiropractic accredited by CCE at which training is provided for chiropractic students.

Section 2. Creates s. 460.4063, F.S., to specify requirements for chiropractic college-based internship programs. Chiropractic students may participated in internship programs based in clinics associated with CCE-accredited colleges of chiropractic as an alternative to community-based internships.

Any person seeking to participate as an intern in a chiropractic college-based internship must apply to DOH and pay a fee no greater than \$100 as set by the board. The department must register any applicant who the board certifies: is at least 21 years of age; has not committed any act or offense in any jurisdiction which would constitute the basis for disciplinary action under the chiropractic practice act; and is not currently under investigation in any jurisdiction for an act or offense that would constitute the basis for disciplinary action under the chiropractic act or ch. 456, F.S., which provides the general regulatory provisions for health care professions under

¹ See Council on Chiropractic Education, *About CCE*, available at <<http://www.cce-usa.org/CCE%20History.pdf>>.

DOH. The registration is valid for one year and may be renewed upon payment of a renewal fee of not more than \$100 as set by the board.

A student may register only with a program that has been approved by the board. The board must approve a program if it meets the following requirements: the program must meet current CCE standards for consumer protection; the program must be an established component of the curriculum offered by the college of chiropractic; interns who participate in the program must have met all requirements for internship established by CCE; and the program must also provide for the supervision of interns by full-time or adjunct faculty members, pursuant to a supervision plan submitted by the college and approved by the board. The plan must specify procedures that may be performed by interns, the degree of supervision of each intern required, the number of interns, which may be supervised by one faculty member, the qualifications required for faculty members to participate in the program, the legal liability for the acts or omissions of an intern, and other matters required by board rule.

A college of chiropractic that operates a college-based internship program must annually provide the board the names and license or certificate numbers of all faculty members participating in the program. The board must adopt rules to administer the requirements of this section.

Section 3. 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:

Chiropractic students will incur a registration fee of no greater than \$100 and a renewal fee of no more than \$100, as set by the Board of Chiropractic Medicine to participate in a chiropractic college-based internship program under the bill.

B. Private Sector Impact:

Chiropractic colleges that wish to establish an internship program will incur costs to meet the requirements established in the bill.

C. Government Sector Impact:

The Department of Health will incur costs to implement the bill's registration system for chiropractic college-based internship programs. DOH anticipates that current resources can handle the anticipated workload to register interns.

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:

Barcode 102090 by Health Care:

The amendment deletes provisions in the bill which establish requirements for chiropractic colleges that elect to implement a chiropractic college-based internship program. The Department of Health (DOH) no longer must register applicants to such programs who are certified by the Board of Chiropractic Medicine (board) as having met requirements that are specified in the bill. Chiropractic college-based internship programs no longer must be approved by the board.

The amendment provides that the chiropractic practice act does not apply to a chiropractic student enrolled in a chiropractic college accredited by the Council on Chiropractic Education and participating in a chiropractic college clinical internship under the direct supervision of a doctor of chiropractic medicine who is a full-time, part-time, or adjunct faculty member of a chiropractic college that is located in Florida and accredited by the Council on Chiropractic Education.

Although, the amendment grants rulemaking authority to the board to administer the exemption, it does so in a section of law which imposes express limitations on the rulemaking authority of the Board of Chiropractic Medicine. See e.g., *Ortiz v. Board of Medicine*, in which the Fourth District Court of Appeal held that subsection 458.303(2), F.S., provides a limitation on the Board of Medicine's rulemaking authority.²

The amendment defines "chiropractic college clinical internship" to mean a program in which a student who is enrolled in a chiropractic college that is located in Florida and accredited by the Council on Chiropractic Education obtains clinical experience, pursuant to the curriculum of such college, in a classroom or chiropractic clinic operated by the college according to the teaching protocols for the clinical practice requirements of the college.

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

² See *Ortiz v. Department of Health, Board of Medicine*, 882 So.2d 402 (4th DCA 2004).