

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1141 Osteopathic Physicians
SPONSOR(S): Kendrick
TIED BILLS: **IDEN./SIM. BILLS:**

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|--------------------------------|---------------|----------------|-----------------------|
| 1) Committee on Health Quality | | Guy | Lowell |
| 2) Healthcare Council | | | |
| 3) Policy & Budget Council | | | |
| 4) _____ | | | |
| 5) _____ | | | |

SUMMARY ANALYSIS

House Bill 1141 revises the criteria for licensure and internship training as an osteopathic physician. The bill additionally revises penalties for hospital reporting on osteopathic physician training.

The bill does not appear to have a fiscal impact on state or local governments.

The bill provides an effective date of July 1, 2007.

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

STORAGE NAME: h1141.HQ.doc
DATE: 3/14/2007

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate the House principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Osteopathic Licensure

The Florida Osteopathic Physician Practice Act, Chapter 459, Florida Statutes, governs the licensure and regulation of osteopathic physicians. Osteopathic physicians are licensed by the Department of Health ("department") and regulated by the Board of Osteopathic Medicine ("board"). Section 459.0055, F.S., contains general provisions relating to licensure as an osteopathic physician. Specific provisions related to licensure by examination and licensure by endorsement are contained within s. 459.006, and 459.007, F.S., respectively. Both processes share general licensure requirements which include:

- Completion of the department application form;
- Payment of the \$200 application fee;¹
- Proof of age – at least 21 years old;
- Possession of good moral character;
- Completion of at least 3 years of preprofessional postsecondary education;
- Demonstration that applicant has not violated or is under investigation for violation of any provisions of the Practice Act;²
- Demonstration by applicant that any previous license he held to practice osteopathic medicine was in good standing and that he has not been denied an osteopathic medical license;³
- Submission to the department of fingerprints and authorization of and payment for a criminal background check;
- Completion of an internship training program which must be at least 12 months in length;⁴
- Graduation from an American Osteopathic Association recognized and approved college; and
- Passage of the National Board of Osteopathic Medical Examiners or other board-approved examination, as given and administered by the board.

Out-of-state osteopathic physicians who wish to practice in Florida must be licensed through endorsement. In addition to the requirements above, requirements for licensure by endorsement include:⁵

- Demonstration of a valid, current osteopathic medical license in a jurisdiction in the United States which has similar or more stringent licensure requirements than Florida; and
- Demonstration of the active practice of osteopathic medicine for a specified period of time.

The board is required to utilize an investigative process to review applications for licensure in a time period as prescribed in s. 120.60, F.S.⁶

¹ Application and licensure fees are set by the board and are included in Rule 64B15-10.002, F.A.C.

² In the event of an applicant's violation of any provision of the Practice Act, the board may make a determination that such an act does not adversely affect the applicant's ability to practice osteopathic medicine, according to s. 459.0055(e), F.S.

³ The board may make a determination that any previous denial or violations of good standing does not adversely affect the applicant's ability to practice osteopathic medicine, according to s. 459.0055(g), F.S.

⁴ This requirement may be satisfied either by completion of a program in a hospital approved by the Board of Trustees of the American Osteopathic Association, or any internship program approved by the board.

⁵ Section 459.007, F.S.

⁶ Section 459.0055(4), F.S.

Section 459.021, F.S., relating to the registration of osteopathic physician residents, assistant residents, house physicians, interns, and fellows specifies that any practitioner who wishes to practice in an internship training program must register with the department within 30 days before beginning the program. The fee for initial registration is \$100.⁷ Practitioners in internship training programs must re-register annually and may only register for an aggregate of 5 years. Registration is terminated upon receipt of an active license to practice under Chapter 459, F.S.

Hospitals that utilize osteopathic residents, assistant residents, house physicians, interns, or fellows must provide the department with a list of practitioners who have served in the hospital's internship training program for the preceding 6 months. It is a misdemeanor of the second degree for any hospital that utilizes any such person who has not registered with the department or who does not hold a license to practice under Chapter 459, F.S.

Effect of Proposed Changes

The bill repeals licensure by examination provisions contained in s. 459.006, F.S., and licensure by endorsement provisions in s. 459.007, F.S. The bill places provisions contained in those sections in the general licensure section in s. 459.0055, F.S. This section, as amended, provides that requirements for licensure include:

- Completion of the department application form;
- Payment of the \$200 application fee;
- Proof of age – at least 21 years old;
- Possession of good moral character;
- Completion of at least 3 years of preprofessional postsecondary education;
- Demonstrate that applicant has not violated or is under investigation for violation of any provisions of the Practice Act;
- Demonstrate by applicant that any previous license he held to practice osteopathic medicine was in good standing and that he has not been denied an osteopathic medical license;
- Submission to the department of fingerprints and authorization of and payment for a criminal background check;
- Graduation from an American Osteopathic Association recognized and approved college; and
- Completion of an internship training program which must be at least 12 months in length;
- Passage of the National Board of Osteopathic Medical Examiners or other board-approved examination.

Applicants who hold a valid out-of-state osteopathic medical license must also demonstrate passage of the National Board of Osteopathic Medical Examiners or other board-approved examination. Initial licensure must have occurred within 5 years of passage of the examination. Should an out-of-state applicant have not practiced for more than 2 years at any one time, the board may make a determination that such interruption has not adversely affected the physician's ability and fitness to practice osteopathic medicine.

The bill requires the board to utilize an investigative process to review applications for licensure in the time period as prescribed in s. 120.60, F.S.

The bill amends s. 459.021, F.S., to allow any person who has graduated from an American Osteopathic Association-approved college to begin an internship training program upon registration with the department. In addition, the bill raises the criminal penalty to a first degree misdemeanor for a hospital or administrator that employs an osteopathic physician resident, assistant resident, house physician, intern, or fellow who is not registered with the department or the holder of a license to practice under Chapter 459, F.S.

The bill authorizes the board to set a registration renewal fee of no more than \$300.

⁷ Rule 64B15-10.005, F.A.C.

C. SECTION DIRECTORY:

Section 1. Amends s. 459.0055, F.S., to include licensure by examination and licensure by endorsement requirements in general licensure requirements.

Section 2. Amends s. 459.021, F.S., to clarify provisions relating to internship training program registration.

Section 3. Amends s. 395.7015, F.S., to correct a cross reference.

Section 4. Amends s. 459.0092, F.S., to correct a cross reference.

Section 5. Repeals ss. 459.006 and 459.007, F.S.

Section 6. Provides for an effective date of July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Currently a doctor in a residency, fellowship, or internship training program must submit an initial registration application form and a fee (not to exceed \$300) each year. The bill will streamline this process, so the doctor will not have to resubmit their initial application form each year. Instead they will be able to renew their original application and pay the appropriate fee (not to exceed \$300).

The bill also deletes the 30-day window to pay the fee. The bill will require doctors to pay the fee at the commencement of their training.

D. FISCAL COMMENTS:

The department has a contract rate for the initial and renewal licensure process, streamlining will not impact their workload or cut costs.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to affect municipal or county government.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The department has requested rule-making authority for the general licensure section to implement provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES