

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Health Regulation Committee

BILL: SB 408

INTRODUCER: Senator Fasano

SUBJECT: Clinical Laboratories

DATE: February 10, 2009 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Munroe	Wilson	HR	Favorable
2.	_____	_____	JU	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill requires clinical laboratories to accept human specimens submitted for examination by Florida-licensed advanced registered nurse practitioners. However, a clinical laboratory could refuse a specimen submitted by an advanced registered nurse practitioner based on a history of nonpayment by the advanced registered nurse practitioner. A clinical laboratory could not charge prices to an advanced registered nurse practitioner that are different than prices it charges to other licensed practitioners.

This bill amends section 483.181, Florida Statutes.

II. Present Situation:

Nursing

Nursing is regulated under part I of chapter 464, F.S., which provides definitions and requirements for licensure of licensed practical nurses, registered nurses, and advanced registered nurse practitioners. The part specifies violations and limits the use of specified titles and abbreviations to only duly licensed or certified nurses who have met certain requirements. The part 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 consisting of representatives of the Board of Nursing, the Board of Medicine, and the Department of Health.

Advanced registered nurse practitioners 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.

Advanced registered nurse practitioners may perform medical acts under the general supervision of a medical physician, osteopathic physician, or dentist within the framework of standing protocols, which identify the medical acts to be performed, and the conditions for their performance. The Board of Nursing and the Board of Medicine have filed identical administrative rules setting forth standards for the protocols¹, 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, which 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.

Clinical Laboratories

Clinical laboratories are governed under the provisions of part I, ch. 483, F.S. A clinical laboratory may examine human specimens at the request only of a licensed practitioner or other person authorized by law to use the findings of clinical laboratory examinations.² The results of a test must be reported directly to the licensed practitioner or other authorized person who requested it. "Licensed practitioner" is defined to mean a Florida-licensed medical physician, osteopathic physician, chiropractic physician, podiatric physician, dentist, naturopathic physician, *advanced registered nurse practitioner*, or duly licensed practitioner from another state licensed under similar statutes who orders examinations on materials or specimens for nonresidents of Florida, but the resident must reside in the same state as the requesting licensed practitioner.³

Under current law, a clinical laboratory may examine human specimens at the request of an advanced registered nurse practitioner, but is not required to do so. A clinical laboratory *must* accept a human specimen for examination by a Florida-licensed medical physician, physician assistant, osteopathic physician, chiropractic physician, podiatric physician, naturopathic physician, or dentist, if the specimen and test are the type performed by the clinical laboratory. A clinical laboratory may only refuse a specimen based upon a history of nonpayment for services by the practitioner. A clinical laboratory may not charge different prices for tests based upon the chapter under which a practitioner submitting a specimen for testing is licensed.

¹ See Rules 64B-4.010 and 64B-35.002, Florida Administrative Code.

² See s. 483.181(1), F.S.

³ See s. 483.041(7), F.S.

III. Effect of Proposed Changes:

The bill amends s. 483.181, F.S., to require clinical laboratories to accept specimens submitted for examination by Florida-licensed advanced registered nurse practitioners. A clinical laboratory could refuse a specimen submitted by an advanced registered nurse practitioner, however, based on a history of nonpayment by the advanced registered nurse practitioner. A clinical laboratory could not charge prices to an advanced registered nurse practitioner that are different than prices it charges to other licensed practitioners.

The effective date of the bill is July 1, 2009.

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. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Advanced registered nurse practitioners will be able to have human specimens from their patients examined at any clinical laboratory in Florida that performs the type of test requested. To the extent that the bill eliminates any costs that are associated with an advanced registered nurse practitioner's inability to submit human specimens for examination in some clinical laboratories, the practitioner's patients may benefit by having greater access to care.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
