

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 Committee on Health Policy

BILL: CS/SB 818

INTRODUCER: Health Policy Committee and Senator Latvala

SUBJECT: Instruction on Human Trafficking

DATE: January 26, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Stovall	HP	Fav/CS
2.	_____	_____	AHS	_____
3.	_____	_____	FP	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 818 requires allopathic and osteopath physicians, physician assistants, anesthesiology assistants, nurses, dentists, dental hygienists, dental lab personnel, psychologists, social workers, mental health counselors, and marriage and family therapists to complete 2 hours of continuing medical education (CE) on domestic violence and human trafficking, approved by the respective board, every third biennial relicensure or recertification cycle. The bill sets requirements for the course content, reporting requirements, and penalties for failure to comply with the CE requirements. The bill grants the boards authority to adopt rules to implement this provision.

II. Present Situation:

Section 456.031, F.S., requires allopathic and osteopath physicians, physician assistants, anesthesiology assistants, nurses, dentists, dental hygienists, dental lab personnel, psychologists, social workers, mental health counselors, and marriage and family therapists licensed under chs. 458, 459, Part I of chs. 464, 466, 490 and 491, F.S., to obtain 2 hours of CE on domestic violence every third biennium, or every 6 years. The law allows each board to approve equivalent courses to satisfy this requirement. Reporting of CE hours is mandatory for these professions through the licensee's CE Broker account.

Florida law defines "domestic violence" as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false

imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.¹

Section 456.031, F.S., sets out the required CE course content for domestic violence, as follows:

- Data and information on the number of patients in that professional’s practice who are likely to be victims of domestic violence;
- The number who are likely to be perpetrators of domestic violence;
- Screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence; and
- Instruction on how to provide patients with information on resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services.

Florida Statutes define “human trafficking” to mean transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person.²

Currently there is no requirement for an allopathic and osteopath physicians, physician assistants, anesthesiology assistants, nurses, dentists, dental hygienists, dental lab personnel, psychologists, social workers, mental health counselors, and marriage and family therapists, to complete any CEs on human trafficking either at initial licensure or renewal.

According to the Division of Medical Quality Assurance (MQA) Annual Report and Long Range Plan for Fiscal Year 2014-2015, there are 48,941 in state active allopathic physicians,³ 6,216 osteopathic physicians,⁴ 6,744 physician assistants, 197 anesthesiologist assistants, 304,666 nurses,⁵ 10,981 dentists, 11,589 dental hygienists, 1,023 dental lab personnel, 5,086 psychologists, 7,971 social workers, 9,054 mental health counselors and 1,667 marriage and family therapists holding active licenses in Florida.⁶

III. Effect of Proposed Changes:

CS/SB 818 amends s. 456.031, F.S., to require allopathic and osteopath physicians, physician assistants, anesthesiology assistants, nurses, dentists, dental hygienists, dental lab personnel, psychologists, social workers, mental health counselors, and marriage and family therapists to complete two hours of CE on domestic violence and human trafficking as part of every third

¹ See s. 741.28, F.S.

² See s. 787.06(2)(d), F.S.

³ Florida Dep’t of Health, Division of Medical Quality Assurance, *Annual Report and Long Range Plan Fiscal Year 2014-2015*, p. 11-13, available at <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/documents/annual-report-1415.pdf>, (last visited Jan. 26, 2016). The 48,941 active allopathic physicians includes: 226 house physicians; 146 limited license physicians; 335 critical need physicians; 8 medical expert physicians, 1 Mayo Clinic limited license physician; 40 medical facility physicians; 2 public health physicians; and 1 public psychiatry physician.

⁴ *Id.* The 7216 osteopathic physicians includes 5,264 osteopathic physicians, 5 osteopathic limited license physicians, and 2 osteopathic expert physicians.

⁵ *Id.* The 304,666 nurses includes 18,250 ARNPs, 26 ARNP/CNS, 131 CNS, 217,315 RNs, and 68,844 LPNs,

⁶ See supra note 3.

biennial license renewal, which is every six years. The course content for domestic violence remains unchanged.

CS/SB 818 sets out the required course content for the human trafficking portion of the course as follows:

- Data and information on the types and extent of labor and sex trafficking;
- Factors that place a person at greater risk of being a trafficking victim;
- Patient safety and security;
- Management of medical records of patients who are trafficking victims;
- Public and private social services available for rescue, food, clothing, and shelter referrals;
- Hotlines for reporting human trafficking maintained by the National Human Trafficking Resource Center and the U.S. Department of Homeland Security;
- Validated assessment tools for the identification of trafficking victims;
- General indicators that a person may be a victim of human trafficking;
- Procedures for sharing information related to human trafficking with a patient; and
- Referral options for legal and social services as appropriate.

Confirmation of completing the CE hours is due when submitting fees for every third biennial relicensure or recertification. The form of the confirmation is left to the discretion of the board.⁷ The board may approve equivalent courses to satisfy this statute's requirements. The two CE hours on domestic violence and human trafficking may be included in the total CE hours required by the profession, unless the CE requirement for the profession is less than 30 hours biennially. A person holding two or more licenses under this section may satisfy the CE requirements for each license upon proof of completion of one, 2-hour, course during the time frame.

CS/SB 818 provides for disciplinary action under s. 456.072(1)(k), F.S., for failure to comply with the CE requirements; and requires the board to include completion of a board approved course under this subsection as part of any discipline imposed. The bill allows each board to adopt rules to carry out this statute.

The bill has an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁷ See The Department of Health, *Continuing Education – CE*, <http://www.floridahealth.gov/licensing-and-regulation/ce.html>, (last visited Jan. 22, 2016). Currently, the DOH requires all licensees to report all CEs at the time of renewal through the department's electronic tracking system. It happens automatically when a licensee attempts to renew his or her license. If the licensee's CE records are complete, they will be able to renew without interruption. If the licensee's CE records are not complete, they will be prompted to enter their remaining CE hours before proceeding with their license renewal.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Licenses listed in s. 456.031, F.S., are now required to complete a 2-hour course on domestic violence and human trafficking every 6 years and they may incur additional costs to satisfy this requirement, if the cost of the course is increased because of the additional subject matter to be covered.

C. Government Sector Impact:

The boards will incur costs for rulemaking and the Department of Health (DOH) and boards will incur costs for handling complaints and discipline. The DOH has indicated that these costs can be absorbed within existing resources.⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill refers to reporting completion of the CEs on a form provided by the board. Currently the DOH uses CE Broker, an electronic tracking system, for licensees to report their CEs. An amendment may be appropriate to require reporting in a manner designated by the DOH.

VIII. Statutes Affected:

This bill substantially amends section 456.031 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Health Policy on January 26, 2016:

The committee substitute deletes the creation of new s. 456.0315, F.S., on CEs for human trafficking. It amends existing s. 456.031, F.S., on domestic violence CEs, and adds human trafficking to the required domestic violence CE, making the required course a 2-hour course on both domestic violence and human trafficking due every third biennium.

⁸ See Florida Dep't of Health, *Senate Bill 818 Analysis*, p. 46, (Nov. 16, 2015) (on file with the Senate Committee on Health Policy).

It also increase the number of professions required to take the CEs to all those listed in s. 456.031, F.S.

B. Amendments:

None.

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