

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: SB 1620

INTRODUCER: Senator Gainer

SUBJECT: Health Care Licensing Requirements

DATE: April 5, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Brown	HP	Pre-meeting
2.	_____	_____	AHS	_____
3.	_____	_____	AP	_____

I. Summary:

SB 1620 creates s.456.0231, F.S., to provide an exemption from Florida health care practitioner licensure requirements for health care providers who meet certain criteria and who are employed by the United States Department of Veterans Affairs (DVA) so that such practitioners may treat veterans at licensed medical facilities in the state that are not public hospitals or other public health care facilities, without the need to obtain a Florida license.

The bill has an effective date of July 1, 2019.

II. Present Situation:

Health Care Practitioner Licensure

The Department of Health (DOH) is responsible for the regulation of health care practitioners and certain health care facilities in Florida for the preservation of the health, safety, and welfare of the public. The Division of Medical Quality Assurance (MQA), working in conjunction with 22 boards and six councils, licenses and regulates seven types of health care facilities, and more than 200 license types, in over 40 health care professions.¹ Any person desiring to be a licensed health care professional in Florida must apply to the MQA in writing.² Most health care professions are regulated by a board or council in conjunction with the DOH, and all professions have different requirements for initial licensure and licensure renewal.³

¹ Florida Department of Health, Medical Quality Assurance, *Annual Report and Long Range Plan, 2017-2018*, p.6, available at: http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/_documents/annual-report-1718.pdf (last visited Apr. 4, 2019).

² Section 456.013, F.S.

³ See chs. 401, 456-468, 478, 480, 483, 484, 486, 490, and 491, F.S.

Initial Licensure Requirements

Military Health Care Practitioners

Florida offers an expedited licensure process to facilitate veterans seeking licensure in a health care profession in Florida through its Veterans Application for Licensure Online Response System (VALOR).⁴ In order to qualify, a veteran must apply for the license within six months before, or six months after, he or she is honorably discharged from the Armed Forces. There is no application fee, licensure fee, or unlicensed activity fee for such expedited licensure.⁵

Section 456.024, F.S., provides that any member of the U.S. Armed Forces is eligible for licensure as a health care practitioner in Florida if he or she:

- Serves, or has served, as a health care practitioner in the U.S. Armed Forces, the United States Reserve Forces, or the National Guard;
- Serves, or has served, on active duty with the U.S. Armed Forces as a health care practitioner in the United States Public Health Service; or
- Is the spouse of a person serving on active duty with the U.S. Armed States Armed Forces and is a health care practitioner in another state, the District of Columbia, or a possession or territory of the U.S.⁶

The DOH is required to waive fees and issue a license if such individuals submit a completed application and proof of the following:

- An honorable discharge within six months before or after the date of submission of the application;⁷
- One of the following:
 - An active, unencumbered license from another state, the District of Columbia, or U.S. possession or territory, with no disciplinary action taken within the five years preceding the application; or
 - That he or she is a military health care practitioner in a profession that does not require licensure in a state or jurisdiction to practice in the U.S. Armed Forces, if he or she submits to the DOH evidence of :
 - Military training or experience substantially equivalent to the requirements for licensure; and
 - Evidence of a passing score on an examination from a national or regional standards organization, if such exam is required in this state; or
 - That he or she is the spouse of a person serving on active duty in the U.S. Armed Forces and is a health care practitioner in a profession that licensure is not required in another state or jurisdiction, if he or she submits to the DOH evidence of:
 - Training or experience substantially equivalent to the requirements for licensure in this state; and

⁴ Florida Dep't of Health, *Veterans*, <http://www.floridahealth.gov/licensing-and-regulation/armed-forces/veterans/index.html>, (last visited Dec. 15, 2015).

⁵ *Id.*

⁶ Section 456.024(3)(a), F.S.

⁷ A form DD-214 or an NGB-22 is required as proof of honorable discharge. See Department of Health, *Veterans*, available at <http://www.flhealthsource.gov/valor> (last visited Apr. 4, 2019).

- Evidence of a passing score on an examination from a national or regional standards organization, if such exam is required in this state.
- An affidavit that he or she is not the subject of a disciplinary proceeding in a jurisdiction in which he or she holds a license or by the U. S. Department of Defense for reasons related to the practice of the profession; and
- Active practice in the profession for the three years preceding the application.

An applicant must also submit fingerprints for a background screening, if required for the profession for which the applicant is applying.⁸

The DOH must verify all information submitted by an applicant using the National Practitioner Data Bank; and an applicant under s. 456.024(3), F.S., for initial licensure as a physician or advanced practice registered nurse (APRN) must submit all information required by ss. 456.039(1) and 456.0391(1), F.S., no later than one year after the license is issued.⁹

A board, or the DOH if there is no board, may also issue a temporary health care professional license to the spouse of an active duty member of the Armed Forces upon submission of an application form and fees. The applicant must hold a valid license for the profession issued by another state, the District of Columbia, or a possession or territory of the U.S. and may not be the subject of any disciplinary proceeding in any jurisdiction relating to the practice of a regulated health care profession in Florida.

III. Effect of Proposed Changes:

SB 1620 creates s.456.0231, F.S., to provide an exemption from Florida health care practitioner licensure requirements for health care providers who meet certain criteria and who are employed by the United States Department of Veterans Affairs (DVA) so that such practitioners may treat veterans at licensed medical facilities in the state that are not public hospitals or other public health care facilities, without the need to obtain a Florida license.

The bill defines “health care practitioner” to include:

- Allopathic or osteopathic physician;
- Allopathic or osteopathic physician assistant;
- Podiatric physician;
- Optometrist and optometric assistants;
- APRNs, registered nurses, licensed practical nurses and certified nursing assistants;
- Dentists, hygienists, and dental assistants;
- Speech and language pathologists and audiologists;
- Occupational therapists;
- Respiratory therapists;
- Orthotists, prosthetists and pedorthotists;

⁸ Section 456.024(3)(b), F.S.

⁹ Section 456.024, (3)(d), F.S. The information required by ss. 356.039(1) and 356.0931(1), F.S., includes: 1) school name where education and training received; 2) names of locations and hospitals where practice; 3) address of primary practice location; 4) year applicant began practice; 5) any certification or designation; 6) any faculty appointments; 7) any criminal record; and 8) Any professional disciplinary action.

- Physical therapists;
- Clinical psychologists; and
- Clinical social workers, mental health counselors, and marriage and family therapists,

The bill defines “license” as any permit, registration, certificate, or license, including a provisional license, that is necessary for a health care practitioner to legally practice his or her profession in this state.

The bill exempts a health care practitioner from licensure requirements if he or she:

- Is employed by the U.S. DVA;
- Provides medical services within his or her scope of employment:
 - To veterans;
 - At a licensed medical facility that is not a public hospital or other public health care facility; and
- Possesses the appropriate license in good standing in another state or country.

The bill requires the executive director of the Florida Department of Veterans’ Affairs to submit to the State Surgeon General a list of all health care practitioners who are exempt from licensure under the bill.

The bill does not preempt or supplant an individual medical facility’s policies regarding the award of emergency privileges to physicians or other medical personnel.

The bill authorizes the DOH to adopt rules to implement its provisions.

The bill has an effective date of July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

The bill may have as positive fiscal impact by encouraging health care practitioners licensed in other jurisdictions to come practice at DVA facilities in Florida.

C. Government Sector Impact:

The DOH will potentially do fewer background screenings due to the new exemption. This could impact the DOH's current screening practices. The fees collected for criminal background check and fingerprint retention are deposited into the Florida Department of Law Enforcement's (FDLE) Operating Trust Fund. Because the applicants would normally be screened with fingerprint retention services included, each screening deferred under the bill lost will result in \$48 not being deposited into the trust fund, resulting in an indeterminate loss of revenue for the FDLE.¹⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill requires the executive director of the Florida Department of Veterans' Affairs to submit to the State Surgeon General a list of all health care practitioners who are exempt from licensure under the bill. However, the bill does not provide parameters regarding when the list is required to be submitted or how often it should be updated.

Each physician exempted from licensure under the bill will result in a deferral of criminal background checks and fingerprinting. Therefore, such a physician who has committed a Florida-licensure disqualifying offense may be able to practice in Florida under the bill.¹¹

VIII. Statutes Affected:

This bill creates section 456.0231 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

None.

¹⁰ Florida Department of Law Enforcement, *Senate Legislative Bill 1620 Analysis*, (March 2, 2019), (on file with the Senate Committee on Health Policy).

¹¹ *Id.*

B. Amendments:

None.

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