

**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.)

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Prepared By: The Professional Staff of the Committee on Health Policy

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**BILL:** CS/SB 584

**INTRODUCER:** Health Policy Committee and Senator Harrell

**SUBJECT:** Council on Physician Assistants

**DATE:** February 19, 2020      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Brown	HP	<b>Fav/CS</b>
2.	_____	_____	AHS	_____
3.	_____	_____	AP	_____

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 584 amends ss. 458.347(9) and 459.022(9), F.S., to increase the number of members on the Council on Physician Assistants (Council) from five members to six. The bill alters the composition of the Council to:

- Reduce the number of physicians licensed under ch. 458, F.S., who are appointed by the chairperson of the Board of Medicine (BOM) from three to two with the requirement that at least one BOM-appointed member must supervise a physician assistant (PA) in his or her practice;
- Maintain the Board of Osteopathic Medicine’s (BOOM) representation on the Council at one member who is a physician licensed under ch. 459, F.S.; and
- Increase the number of PAs on the Council from one to three, with all being appointed by the State Surgeon General.

The bill provides that at least two physician members of the Council must supervise PAs in their practices. Finally, the bill requires that in the event of a tie vote in the election of the Council’s chair, the State Surgeon General will select the chair from among the Council’s members.

The bill provides an effective date of July 1, 2020.

## II. Present Situation:

### Department of Health

The Legislature created the Department of Health (DOH) to protect and promote the health of all residents and visitors in the state.<sup>1</sup> The DOH is charged with the regulation of health practitioners for the preservation of the health, safety, and welfare of the public. The Division of Medical Quality Assurance (MQA) is responsible for the boards<sup>2</sup> and professions within the DOH.<sup>3</sup>

### Physicians Assistants (PAs)

The DOH licenses PAs in Florida, either under s. 458.347(7), F.S., if the physician assistant works with a physician, or s. 459.022(7), F.S., if he or she works with an osteopathic physician. PAs are regulated by the BOM if licensed under ch. 458, F.S., or the BOOM if licensed under ch. 459, F.S., and the Council.

The boards and the Council are responsible for adopting the principles that a supervising physician must use for developing a PA's scope of practice, developing a formulary of drugs that may not be prescribed by a PA, and approving educational programs.<sup>4</sup> The boards make disciplinary decisions as to whether a doctor or PA has violated the provisions of his or her practice act. In June, 2019, there were 8,658 PAs holding active Florida licenses, 1,069 active out of state, and 66 active military.<sup>5</sup>

### Scope of Practice

Physician Assistants may practice only under the direct or indirect supervision of a medical doctor or doctor of osteopathic medicine with whom they have a clinical relationship.<sup>6</sup> A supervising physician may delegate to a PA tasks and procedures that are within the scope of practice of the supervising physician.<sup>7</sup> The supervising physician is responsible and liable for any acts or omissions of his or her PA<sup>8</sup> and may not supervise more than four PAs at a time.<sup>9</sup>

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<sup>1</sup> Section 20.43, F.S.

<sup>2</sup> Under s. 456.001(1), F.S., the term "board" is defined as any board, commission, or other statutorily created entity, to the extent such entity is authorized to exercise regulatory or rulemaking functions within the DOH or, in some cases, within the DOH, MQA.

<sup>3</sup> Section 20.43, F.S.

<sup>4</sup> Sections 458.347(4) and (6), F.S., and 459.022(4) and (6), F.S.

<sup>5</sup> Florida Department of Health, Division of Medical Quality Assurance, *Annual Report and Long-Range Plan, Fiscal Year 2018-2019*, available at [http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/\\_documents/annual-report-1819.pdf](http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/_documents/annual-report-1819.pdf), (last visited Feb. 4, 2020).

<sup>6</sup> Sections 458.347(2)(f) and 459.022(2)(f), F.S., are identical and define "supervision" as "responsible supervision" and control which requires the easy availability or physical presence of the licensed physician for consultation and direction of the PA.

<sup>7</sup> Sections 458.347(12) and 459.022(12), F.S.

<sup>8</sup> Fla. Admin. Code R. 64B8-30.012(1) and 64B15-6.010(1), (2019).

<sup>9</sup> Section 458.347(3) and 459.022(3), F.S.

### ***Physician's Assistants Education Curriculum***

According to the American Academy of Physician Assistants, most PA programs last approximately 26 months, or three academic years, and award master's degrees. They include classroom instruction and clinical rotations.

PA students complete approximately 2,000 hours of clinical rotations, with an emphasis on primary care in ambulatory clinics, physician offices, and acute or long-term care facilities. PA rotations may, but are not required to, include:

- Family medicine;
- Internal medicine;
- Obstetrics and gynecology;
- Pediatrics;
- General surgery;
- Emergency medicine; and
- Psychiatry.<sup>10</sup>

PAs are authorized to perform only those services delegated by their supervising physicians. The delegated service must also be within a PA's ability to practice in accordance with his or her education and training, unless expressly prohibited under chs. 458 or 459, F.S., or by board rules.

### ***Licensure of Physician Assistants***

To be licensed as a PA in Florida, an applicant must:

- Pass the exam established by the National Commission on Certification of Physician Assistants;
- Complete the application and submit the application fee;<sup>11</sup>
- Complete an approved PA training program;
- Acknowledge any prior felony convictions;
- Acknowledge any previous revocations or denials of licensure in any state; and
- If the applicant wishes to apply for prescribing authority, submit a copy of course transcripts and a copy of the course description from his or her PA training describing the course content in pharmacotherapy.<sup>12</sup>

Licenses are renewed biennially.<sup>13</sup> At the time of renewal, a PA must demonstrate that he or she has met the continuing education requirements and must submit an acknowledgement that he or she has not been convicted of any felony in the previous two years.<sup>14</sup>

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<sup>10</sup> American Association of Physician Assistants, *Become a PA*, <https://www.aapa.org/career-central/become-a-pa/> (last visited Feb. 4, 2020).

<sup>11</sup> The application fee is \$100 (non-refundable) and the initial license fee is \$205. Florida Board of Medicine, Physician Assistant (PA), *Fees, available at* <https://flboardofmedicine.gov/licensing/physician-assistant-licensure/#tab-fees> (last visited Feb. 4, 2020).

<sup>12</sup> Sections 458.347(7) and 459.022(7), F.S.

<sup>13</sup> For timely renewed licenses, the renewal fee is \$280 and the prescribing registration is \$150. An applicant may be charged an additional fee if the license is renewed after expiration or is more than 120 days delinquent. Florida Board of Medicine, *Renewals, Physician Assistants*, <http://flboardofmedicine.gov/renewals/physician-assistants/> (last visited Feb. 4, 2020).

<sup>14</sup> Sections 458.347(7)(b)-(c) and 459.022(7)(b)-(c), F.S.

### *The Council on Physician Assistant (Council)*

The Council was created within the DOH under statutory parameters. The Council must consist of five members, two of which must be physicians who supervise PAs in their practice, appointed as follows:

- Three physician BOM members, appointed by the chairperson of the BOM, one of which must supervise a PA in his or her practice;
- One physician BOOM member, appointed by the chairperson of the BOOM, who is not required to be supervising a PA in his or her practice; and
- Two PAs appointed by the State Surgeon General, with one licensed under ch. 458, F.S., and one licensed under ch. 459, F.S.

Council members are appointed for four-year terms and may not serve more than two consecutive terms. The Council must annually elect a chairperson from among the members and must:

- Recommend to the DOH regarding the licensure of PAs;
- Develop rules regulating the use of PAs by physicians to ensure the maintenance of continuity of supervision in every practice setting for consideration and possible adoption by the boards;
- Make recommendations to the boards regarding all matters relating to PAs; and
- Address concerns and problems of PAs to improve safety in the clinical practices.

The boards must consider adopting a Council-proposed rule at the regularly scheduled meeting following the submission of the proposed rule. A proposed rule submitted by the Council may not be adopted by either board unless both boards have approved of the identical language contained in the proposed rule. If either board rejects the Council's proposed rule, that board must specify its objection to the Council with particularity and include any recommendations for the modification of the proposed rule.

When the Council finds that an applicant for a PA license has failed to meet the requirements for licensure, the Council may enter an order to:

- Refuse to certify the applicant for licensure;
- Approve the applicant for licensure with restrictions on the scope of practice or license; or
- Approve the applicant for conditional licensure. Such conditions may include:
  - Placing the licensee on probation;
  - Placing specific conditions on the licensee including requiring the licensee to:
    - Undergo treatment;
    - Attend continuing education courses;
    - Work under the direct supervision of a supervising physician; or
    - Take corrective action.

### **III. Effect of Proposed Changes:**

CS/SB 584 amends ss. 458.347(9) and 459.022(9), F.S., to increase the number of members on the Council on Physician Assistants (Council) from five members to six. The bill alters the composition of the Council to:

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- Maintain the Board of Osteopathic Medicine's (BOOM) representation on the Council at one member who is a physician licensed under ch. 459, F.S.; and
- Increase the number of PAs on the Council from one to three, with all being appointed by the State Surgeon General.

The bill provides that at least two physician members of the Council must supervise PAs in their practices. The bill also requires that in the event of a tie vote in the election of the Council's chair, the State Surgeon General will select the chair from among the Council's members. Finally, the bill removes obsolete language from ss. 458.347 and 459.022, F.S.

The bill provides an effective date of July 1, 2020.

#### **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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 458.347 and 459.022.

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 February 18, 2020:**

See below for a comparison of the membership of the PA Council under the CS versus the underlying bill and current law:

PA Council	Current law	SB 584	CS/SB 584
Total members	5	5	6
BOM physicians	3	1	2
BOOM physicians	1	1	1
Total physicians	4	2	3
PAAs	1	3	3
Physicians who supervise a PA	2	2	At least 2

The CS also:

- Provides that if the election of a chairperson ends in a tie vote, the State Surgeon General will select the chairperson from among the Council members; and
- Removes obsolete language from ss. 458.347 and 459.022, F.S.

B. Amendments:

None.