

STORAGE NAME: h4427z.brc
DATE: July 1, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
BUSINESS REGULATION AND CONSUMER AFFAIRS
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 4427 (PCB BRCA 98-05)

RELATING TO: Foreign-Educated Physician Assistants

SPONSOR(S): Committee on Business Regulation and Consumer Affairs and Rep. Ogles and others

COMPANION BILL(S): CS/1ST ENG/SB 776(s)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

(1)	BUSINESS REGULATION AND CONSUMER AFFAIRS	YEAS 6 NAYS 0
(2)	TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS	(W/D)

I. FINAL ACTION STATUS:

HB 4427 was laid on the table in the House; CS/1ST ENG/SB 776 (ch. 98-49. L.O.F.) was substituted and passed. See the final Bill Research and Economic Impact Statement for CS/SB 776 for a discussion of the contents of the act.

II. SUMMARY:

The bill eliminates the "practical component" of the examination for physician assistants given by Florida, and provides the standards for determining whether the applicant has complied with the requirement to be competent in basic English. It also requires the examinations to be given at one-year intervals. The bill takes effect upon becoming a law.

Physician assistants (PA's) are health professionals who function in a dependent relationship with a physician or group of physicians performing tasks traditionally performed by physicians.

Pursuant to s. 458.347, F. S., the Department of Health certifies physician assistants who complete an accredited PA program in the United States and certain foreign-trained medical doctors as physician assistants in this state who are deemed as eligible. These foreign-trained physicians must have made application between July 1, 1990 and June 30, 1991.

The examination by the National Commission on Certification of Physician Assistants is not given in any language other than English. The national examination and results are accepted by the State of Florida in certifying who graduated from accredited PA programs. However, since the National Commission would not permit foreign-educated doctors to take its national exam in the native language of the examinee (as permitted under Florida law), and for other reasons described in the "current situation," it was necessary for the Department of Health to devise its *own* certifying examination.

Therefore, in effect, the examination by the National Commission on Certification of Physician Assistants is used to certify graduates from accredited programs, and the physician assistant examination administered by the Department of Health is used to certify *foreign-educated* physicians as physician assistants.

When the State first administered its certifying examination to 26 examinees in 1995, all 26 failed. In 1996, approximately 138 persons took the State exam and only 2.3% passed. According to representatives of foreign-trained PA's, the reason for this very low passage rate is that all but three of the 1996 examinees failed the practical (or clinical) portion of the State exam. It should be noted that 35.7% of the 1996 examinees passed the written, objectively graded portion of the State exam.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Physician assistants (PA's) are health professionals who function in a dependent relationship with a physician or group of physicians performing tasks traditionally performed by physicians. Physician assistants may dispense certain enumerated drugs set forth in Rule 64B8-30.008, F.A.C.

Therefore, pursuant to s. 458.347, F. S., the Department of Health certifies both graduates of accredited physician assistant programs and foreign-trained medical doctors as physician assistants in this state.

The examination by the National Commission on Certification of Physician Assistants is not given in any language other than English. Its examination and results are accepted by the State of Florida in certifying graduates of accredited PA programs as physician assistants.

However, since the National Commission would not permit foreign-educated medical doctors to take its national exam in the native language of the examinee -- as permitted under Florida law -- (and for other reasons just described) it was necessary for the Department of Health to devise its own certifying examination.

Therefore, in effect, the examination by the National Commission on Certification of Physician Assistants is used to certify the graduates of accredited PA programs as physician assistants, and the physician assistant examination administered by the Department of Health is used to certify *foreign-educated* physician assistants.

The State first administered its certifying examination to 26 examinees in 1995. All 26 failed the State examination. In 1996, approximately 138 persons took the State exam and only 2.3% passed. According to representatives of foreign-trained PA's, the reason for this very low passage rate is that all but three of the 1996 examinees failed the practical (or clinical) portion of the State exam. This is a "hands-on" examination involving a physical exam and other procedures with a live mock patient which is subjectively graded by two examiners.

Traditionally, these examiners have been graduates of accredited PA programs for physician assistants, and this may account for the very low passage rate of the clinical practical exam taken by foreign-trained medical doctors. It should be noted that 35.7% of the 1996 examinees passed the written, objectively graded portion of the State exam.

According to bill proponents, there is a national trend toward dropping practical components of examination, and indeed, the National Commission on Certification of Physician Assistants eliminated the practical portion of its exam beginning with the administration of the October, 1997, examination.

Under Florida law, a person can only obtain a one-time extension of the temporary physician assistant certificate if that person does not pass the State-administered physician assistant examination. This applies to both graduates of accredited PA programs and eligible foreign-trained physicians. If the person fails the State-

administered physician assistant examination a second time, he will lose his temporary certification while attempting to pass the exam.

It appears that some parties -- out-of-state insurers, in particular -- are being confused by the use of the term *certified* versus *licensed*. Although they are essentially synonymous, it appears that by referring to physician assistants as *licensed*, rather than *certified*, this confusion will be eased.

B. EFFECT OF PROPOSED CHANGES:

The bill eliminates the "practical component" of the state examination for physician assistants, but makes provision for multiple choice questions to be developed and added to the examination to measure the practical skills.

The next examination will be given in June, and that examination will have neither the practical component, nor multiple choice questions designed to measure the practical skills. Those multiple choice questions will be part of all examinations *subsequent* to the June 1998 examination.

The bill provides the standards for determining whether the applicant has complied with the requirement to be competent in basic English. It also requires the examinations to be given at one-year intervals.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

- (2) what is the cost of such responsibility at the new level/agency?

N/A

- (3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

No.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Sections 458.347, 459.022, 39.01, 154.04, 232.46, 232.465, 240.4067, 395.0191, 627.351, 627.357, 766.105, 766.1115, 984.03, and 985.03, F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1. Amends s. 458.347, F.S., eliminating the “practical component” of the state examination for physician assistants, and providing the standards for determining whether the applicant has complied with the requirement to be competent in basic English. It requires a supervising physician to notify the department of any change in a physician’s prescriptive privileges. It also requires the examinations to be given at one-year intervals and changes the terminology for physician assistants from “certified” to “licensed.”

Sections 2-14. Amend ss. 459.022, 39.01, 154.04, 232.46, 232.465, 240.4067, 395.0191, 627.351, 627.357, 766.105, 766.1115, 984.03 and 985.03, F.S., changing the terminology for physician assistants from “certified” to “licensed,” and otherwise making technical corrections and conforming those sections to changes made in Section 1.

Section 15. Provides that the act shall take effect upon becoming a law.

IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

The Department of Health indicated that the approximate costs associated with replacing the practical component of the physician assistant’s examination with an additional set of multiple choice items in the examination would be:

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- 75 new items for administration within six months of the June 1998 exam. A total of 150 new items would need to be developed to cover future administrations. 150 items @ \$200 per item = \$30,000
- Administrative costs for programming modifications to scoring and score reporting software, revising Candidate Information Booklets, Site Modifications, etc. = \$5,000

Total Estimated Costs = \$35,000

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

	1998-99
<u>Expenditures:</u>	
Department of Health	\$35,000

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Cost of developing 75 additional exam questions which will need to be translated. New "Candidate Information Booklets" will need to be printed and distributed.

2. Direct Private Sector Benefits:

Applicant's for Florida's physician assistant's examination will be given an examination they are more likely to pass.

3. Effects on Competition, Private Enterprise and Employment Markets:

The change may result in the licensure of more physician assistants, which may result in a decrease in the fees they are able to charge.

D. FISCAL COMMENTS:

This bill's effective date upon becoming law will cancel the administration of the scheduled June, 1998 examination. If this bill becomes effective after July 1, 1998, the scheduled June, 1998 examination can take place as currently scheduled. There is insufficient time to revise the existing exam to comply with the proposed changes. Failure to hold this exam would mean that physician assistants who do not currently hold temporary certificates to practice would not have the means to legally practice this profession and would have to wait for the new exam to be developed and administered. In addition, the contracts are in place for the exam site as well as for administrative staff. Additionally, it is important to note that many affected individuals have expressed an interest in taking the exam in June, 1998.

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

VI. COMMENTS:

None.

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VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VIII. SIGNATURES:

COMMITTEE ON BUSINESS REGULATION AND CONSUMER AFFAIRS:

Prepared by:

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