

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Date: March 5, 1998 Revised: \_\_\_\_\_

Subject: Physician Assistant Certification

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Munroe</u>	<u>Wilson</u>	<u>HC</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

**I. Summary:**

The bill revises alternate physician assistant certification requirements for certain unlicensed physicians who are foreign medical school graduates. The bill exempts the applicants under the alternate physician assistant certification requirements from a practical component of the certification examination. The Department of Health must incorporate any practice competencies into the written physician assistant examination. The bill revises the frequency of the department’s administration of the examination so that there is a 1-year interval between the reporting of the scores of the first and subsequent examinations and the administration of the next examination. The bill revises the time frame for requests for the examination to be translated into a foreign language and specifies procedures for applicants to demonstrate their competency to communicate in basic English. The bill revises the procedures for a supervisory physician to notify the Department of Health of his or her intent to delegate prescriptive authority to a physician assistant and requires the physician to notify the department regarding any change in the prescriptive privileges delegated to a physician assistant. The bill changes references to “certified physician assistant” throughout the Florida Statutes to “licensed physician assistant.”

This bill substantially amends sections 39.01, 154.04, 232.46, 232.465, 395.0191, 458.347, 459.022, 627.351, 627.357, 766.105, 766.1115, 984.03, 985.03, Florida Statutes.

**II. Present Situation:**

Sections 458.347 and 459.022, F.S., provide certification requirements for the regulation of physician assistants by the Council on Physician Assistants, the Board of Medicine and the Board of Osteopathic Medicine under the Department of Health. “Licensure” is a process by which an agency of government authorizes an individual to engage in an occupation after an affirmative finding that the applicant has attained a minimal degree of competency necessary to ensure that

the public health, safety, and welfare will be reasonably protected. In contrast, “certification” is a process by which a governmental or non-governmental agency or association grants authority to use a ‘specified title’ to an individual who has met certain qualifications. Although physician assistants are statutorily referred to as “certified physician assistants” they are subject to licensing laws in Florida that prevent others from engaging in their defined scope of practice unless they meet the “certification” requirements adopted by law or are otherwise exempt from the requirements for physician assistant certification.

Section 458.347, F.S., provides alternate physician assistant certification requirements by the Board of Medicine for unlicensed physicians who are graduates of foreign medical schools. To qualify for physician assistant certification under the Board of Medicine, the applicants must meet the following: have applied for certification as a physician assistant in Florida between July 1, 1990, and June 30, 1991; be a Florida resident on July 1, 1990, or have physician assistant certification in any other state in the United States on July 1, 1990; and be certified by the Board of Medicine as having met certain requirements of licensure as a medical doctor.

The applicants under the alternate requirements, must pass an examination developed or purchased by the Department of Health, including a practical component, that adequately measures an applicant’s ability to practice with reasonable skill and safety. The department, with the advice of the Board of Medicine, must establish the minimum score for successful passage of the examination. The department may only administer the examination a total of five times and the department must give the applicants at least 6 months notice of eligibility before the administration of the first examination. Subsequent examinations must be administered at intervals determined by the department after the reporting of the scores of the first examination. The department must translate the examination into the native language of any applicant who requests and agrees to pay all costs of the translation if the applicant demonstrates the ability to communicate orally in basic English.

Sections 458.347 and 459.022, F.S., authorize a supervising physician to delegate to a physician assistant that he or she supervises, the authority to prescribe any medication used in the physician’s practice that is listed on a formulary adopted by a five-member formulary committee. Before delegating prescriptive authority to a physician assistant, the supervisory physician must notify the Department of Health of his or her intent to delegate prescriptive authority on a form approved by the Department of Health. The supervising physician must notify the department regarding any prescriptive privileges delegated to a physician assistant with each certification renewal application filed by the physician assistant.

The regulation of health care professions was transferred from the Agency for Health Care Administration to the Department of Health on July 1, 1997.

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

The bill revises the requirements for certain unlicensed physicians to become licensed as physician assistants. The bill requires the applicants to demonstrate proficiency in English through a passing

score on specified Educational Testing Service examinations, a high school or college level English course, or the English examination for citizenship. Applicants may provide a notarized copy of an Educational Commission for Foreign Medical Graduates certificate to demonstrate the ability to communicate in basic English.

The bill exempts the applicants from the practical component of the physician assistant licensure examination. The bill requires the Department of Health to incorporate any competencies required for practicing physician assistants into the written licensure examination through a multiple-choice format for any examinations given after July 1, 1998, the effective date of the bill. The bill revises the time frame for requests for the licensure examination to be translated into a foreign language to require any request to be filed with the Board of Medicine no later than 9 months before the scheduled examination and to require the payment of translation fees no later than 6 months before the scheduled examination. The bill revises the frequency of the department's administration of the examination so that there is a 1-year interval between the reporting of the scores of the first and subsequent examinations and the administration of the next examination.

The bill revises the procedures for a supervisory physician to notify the Department of Health of his or her intent to delegate prescriptive authority to a physician assistant and requires the physician to notify the department regarding any change in the prescriptive privileges delegated to a physician assistant. Under the bill, any supervisory physician who delegates prescriptive authority to a physician assistant must notify the department before delegating such authority and when any change is made in the prescriptive privileges of the physician assistant. The bill changes references to "certified physician assistant" throughout the Florida Statutes to "licensed physician assistant."

#### **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, Subsections 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. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Physician assistants who are foreign medical graduates will incur costs to meet the licensure requirements as revised by the bill; however, this is mitigated to the extent they may practice as physician assistants.

**C. Government Sector Impact:**

The Department of Health may need to revise any existing physician assistant certification examination that it has developed or purchased for foreign medical graduates to incorporate the changes required by the bill. According to the Department of Health, a certification examination has been developed that includes a clinical (practical component) and is scheduled for administration in June, 1998. The department indicated that the existing examination will need to be modified to include additional test items to verify clinical competency, to the extent the bill exempts applicants from the practical component of the physician assistant certification examination. The department estimates that it will incur an additional \$35,000 in fiscal year 1998-99 and \$35,000 in fiscal year 1999-2000 to modify, and if requested, translate the existing certification examination.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.