

STORAGE NAME: h1623.hcl

DATE: March 3, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
HEALTH CARE LICENSING & REGULATION
ANALYSIS**

BILL #: HB 1623 (PCB HCL 00-04)

RELATING TO: Temporary Certificates for Physicians

SPONSOR(S): Committee on Health Care Licensing & Regulation and Representative Fasano

TIED BILL(S):

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

- (1) HEALTH CARE LICENSING & REGULATION YEAS 13 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

This bill creates the International Cancer Center Visiting Physician Program which allows internationally respected and highly qualified physicians licensed in another country to train under the direct supervision of a Florida licensed physician on cancer treatment techniques developed at an approved cancer center. This bill enables the Board of Medicine to grant up to 10 temporary certificates per year for visiting physicians to practice medicine at each approved cancer center. A temporary certificateholder may only practice in a facility owned or operated by a cancer center approved by the Board of Medicine. In order to be an approved cancer center, a facility must be licensed pursuant to ch. 395, F.S., and be a National Cancer Institute designated cancer center. Currently, the only cancer center in Florida that would qualify to participate in this program is the H. Lee Moffitt Cancer and Research Institute. However, other cancer centers may qualify in the future.

This bill provides rulemaking authority for the Board of Medicine and has a minimal fiscal impact. Each individual granted a temporary certificate will be required to pay an application fee not to exceed \$300.

This bill also waives the application fee and licensure fee for physicians willing to volunteer their medical skills without receiving compensation to work in areas of critical need. It further requires resident physicians, house physicians, interns, or fellows who practice in statutory teaching hospitals to register with the Department of Health and Board of Medicine when they are training in newly-created subspecialties that currently do not have a board certification program. These provisions have minimal fiscal impact. Rulemaking authority is granted to the Board of Medicine and the Board of Osteopathic Medicine.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

The H. Lee Moffitt Cancer and Research Institute was created by the Florida Legislature at the University of South Florida in 1986. Moffitt Cancer Center has grown and thrived in recent years and is now a nationally and internationally renowned cancer research and treatment facility. Moffitt Cancer Center is a university-based teaching facility of 245 physicians representing more than 45 medical disciplines. All Moffitt Cancer Center physicians are faculty members at the University of South Florida and more than 60 Moffitt Cancer Center physicians are listed among the *Best Doctors in America*.

In 1997, Moffitt Cancer Center became a National Cancer Institute Designated Cancer Center. Currently, Moffitt Cancer Center is the only National Cancer Institute designated cancer center in Florida and is a member of the National Comprehensive Cancer Center Network, a prestigious alliance of leading cancer centers. Physician scientists at Moffitt Cancer Center developed lymphatic mapping, an innovative method of tracking the movement of potentially deadly cancers through the body to determine whether the cancer has spread. Moffitt Cancer Center has also perfected a procedure called "touch imprint cytology," which lowers the cancer recurrence rate in lumpectomy patients.

A primary focus of Moffitt Cancer Center's mission is training physicians in new cancer treatment techniques. Moffitt Cancer Center has provided some training and continues to receive requests for training from many physicians throughout the world. However, under present state law, it is not possible to fully train and educate physicians from outside of Florida because they cannot participate in patient treatment as part of their medical education program.

Section 458.315, F.S., currently requires a physician applying for a temporary certificate to pay an application fee of \$300. There is no ability to waive that statutory fee for physicians willing to volunteer their services without compensation. However, the Legislature has waived application and licensure fees, including neurological injury compensation assessments, for a person who applies for a limited license under s. 458.317, F.S.

With regard to resident physicians, assistant resident physicians, house physicians, interns, and fellows, current law requires them to register with the Department of Health, Board of Medicine, if they are in a training program that leads to subspecialty board certification. If there is no subspecialty board certification available, then they cannot be registered and trained in Florida.

C. EFFECT OF PROPOSED CHANGES:

This bill allows physicians licensed in other countries to apply for and receive a temporary certificate to practice medicine in Florida within the parameters of the International Cancer Center Visiting Physician Program. The Board of Medicine shall approve cancer centers to participate in this program. The qualifications to become a board approved cancer center include being licensed under ch. 395, F.S., and being a National Cancer Institute designated cancer center.

An applicant for a temporary certificate must:

- be a graduate of an accredited medical school or its equivalent or be a graduate of a foreign medical school listed with the World Health Organization;
- hold a valid and unencumbered license to practice medicine in another country;
- complete an application form and remit an application fee not to exceed \$300;
- have not committed any acts which would be grounds for discipline in Florida;
- meet financial responsibility requirements; and
- have been accepted for a course of training by a cancer center approved by the board.

Temporary certificates granted under the International Cancer Center Visiting Physician Program would be valid for the duration of the course of training at the approved cancer center so long as the duration of the course does not exceed 1 year. The physician receiving the temporary certificate may only practice in facilities owned or operated by an approved cancer center. The physician is limited to practicing only under the direct supervision of a physician licensed in Florida under ch. 458 or 459, F.S. The Board of Medicine is limited to granting 10 temporary certificates per year for each approved cancer center.

The bill provides a mechanism for on-going review of approved cancer centers and provides that if a cancer center is no longer approved by the Board of Medicine that all temporary certificates issued for that cancer center shall expire and the recipient shall no longer be authorized to practice in Florida.

Additionally, this bill also waives application and licensure fees for a physician applying for a temporary certificate to practice in an area of critical need so long as the applicant provides an affidavit stating that the physician will not receive any compensation for any service involving the practice of medicine.

Furthermore, this bill allows physicians being trained in subspecialties that currently do not lead to subspecialty board certification to be registered with the state as a statutory teaching hospital resident physician, house physician, intern, or fellow. Rulemaking authority is provided to the Board of Medicine and Board of Osteopathic Medicine.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Creates s. 458.3135, F.S., to grant temporary certificates for visiting physicians to practice in approved cancer centers. Provides for approval of cancer centers and annual review of such approval. Provides practice limitations and conditions and sets fees. Limits the number of temporary certificates that can be granted annually to physicians to practice within each approved cancer center. Provides rulemaking authority.

Section 2. Amends s. 458.315, F.S., to add new provision waiving application and licensure fees for physicians providing volunteer, uncompensated care to low-income Floridians in areas of critical need.

Section 3. Amends s. 458.345, F.S., relating to allopathic medicine, to require registration of resident physicians, assistant resident physicians, house physicians, interns, or fellows in training in a statutory teaching hospital in this state.

Section 4. Amends s. 459.021, F.S., relating to osteopathic medicine, to require registration of resident physicians, assistant resident physicians, house physicians, interns, or fellows in training in a statutory teaching hospital in this state.

Section 5. Provides an effective date of July 1, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Cancer center physicians:

\$100 per application x 10 applications = \$1,000 additional revenue annually
(Although the bill provides an application fee up to \$300 per application, the Department of Health anticipates charging \$100 per application initially.)

Fee waivers:

\$300 application fee + \$350 licensure fee + \$5 unlicensed activity fee + \$250 NICA assessment = \$905 per applicant x 10 applications = \$9,050 lost revenue annually

Registered interns:

\$100 per application x 10 applications = \$1,000 additional revenue annually
(\$100 per application is what the Department of Health currently charges for other registered interns.)

Total revenues: (\$7,050) lost revenue annually

2. Expenditures:

Cancer center physicians:

\$100 per application x 10 applications = \$1,000 expenditures annually

Fee waivers:

\$650 per applicant x 10 applications = \$6,500 expenditures annually

Registered interns:

\$100 per application x 10 applications = \$1,000 expenditures annually

Total expenditures: \$8,500 annually

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The application fee of \$300 will have to be paid by the cancer center physician applicant.

Physician applicants for temporary certificates to practice in areas of critical need will not have to pay a \$300 application fee, a \$350 licensure fee, a \$5 unlicensed activity assessment, nor a \$250 Neurological Injury Compensation Association (NICA) assessment, if the applicant provides an affidavit stating that the physician will not receive any compensation for any service involving the practice of medicine. This will save each applicant \$905.

Residents training in statutory teaching hospitals will have to pay a registration fee estimated at \$100 per applicant.

D. FISCAL COMMENTS:

The Department of Health reports that no additional FTEs will be required.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to expend funds or to take any action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The 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:

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

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

Provides rulemaking authority to Board of Medicine to promulgate rules necessary to implement the International Cancer Center Visiting Physician Program. Requires board to adopt application form and qualifications for approval of cancer centers under this section.

Grants rulemaking authority to the Board of Medicine and the Board of Osteopathic Medicine to adopt rules necessary to implement the resident registration requirements.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON HEALTH CARE LICENSING & REGULATION:

Prepared by:

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