

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Prepared By: Health Regulation Committee

BILL: CS/SB 650

INTRODUCER: Health Regulation Committee and Senator Fasano

SUBJECT: Osteopathic Physicians

DATE: March 7, 2007 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Munroe	Wilson	HR	Fav/CS
2.			JU	
3.			HA	
4.				
5.				
6.				

I. Summary:

The bill combines existing language for obtaining a license by examination and a license by endorsement to practice osteopathic medicine in Florida into the general licensure requirements for osteopathic physicians. In addition to the current licensure requirements for persons to practice osteopathic medicine, the bill requires applicants to not have received less than a satisfactory evaluation from an internship, residency, or fellowship-training program. The evaluation must be provided by the director of medical education from the medical training facility.

The bill revises requirements for the registration of persons wishing to practice osteopathic medicine as residents, interns, or fellows in training programs in Florida. The bill revises the penalty for certain criminal offenses applicable to the registration of residents employed to practice osteopathic medicine.

The bill repeals s. 459.006, Florida Statutes, relating to licensure by examination, and s. 459.007, F.S., relating to licensure by endorsement.

This bill amends ss. 395.7015, 459.0055, 459.0092, and 459.021, F.S.

II. Present Situation:

A person wishing to practice as an osteopathic physician may become licensed to practice that profession by applying under licensure by examination or licensure by endorsement statutory provisions. Licensure by examination is a licensure option that requires an applicant to sit for the licensure examination for entry into the profession at the time of application, in addition to

meeting other licensure requirements. Licensure by endorsement is a licensing procedure that allows an out-of-state practitioner who holds an active license in a state which has licensing requirements substantially equivalent to, or more stringent than, those in the state in which the practitioner is seeking licensure to obtain a license without meeting all of the licensure requirements for a person who is obtaining licensure for the first time.

Chapter 459, F.S., governs the practice of osteopathic medicine under the Board of Osteopathic Medicine within the Department of Health (DOH). Sections 459.0055 and 459.006, F.S., specify licensure by examination requirements for osteopathic physicians. The applicant must be at least 21 years of age; have good moral character; have not committed any act or offense in Florida or any other jurisdiction which would constitute the basis for physician discipline; have completed at least 3 years of preprofessional postsecondary education; not be under investigation in any jurisdiction for an act that would constitute a violation of the osteopathic physician licensure provisions; have successfully completed at least an approved 12-month resident internship in an approved hospital; have been graduated from a college recognized and approved by the American Osteopathic Association; and have passed, no more than 5 years before application, all parts of the examination of the National Board of Osteopathic Medical Examiners or other examination given by the Florida Board of Osteopathic Medicine.

The Board of Osteopathic Medicine must license any licensure by endorsement applicant who applies and meets comparable licensing requirements to those for osteopathic physician licensure by examination.¹ The applicant must have completed an approved resident internship of at least 12 months in an approved hospital; be a graduate of a college recognized and approved by the American Osteopathic Association and have passed all parts of the examination of the National Board of Osteopathic Medical Examiners or other substantially similar examination approved by the Florida Board of Osteopathic Medicine; hold a valid, active license to practice osteopathic medicine in at least one jurisdiction in the United States in which the current requirements for licensure are equivalent to or more stringent than those in Florida and have actively and continuously engaged in the practice of osteopathic medicine in another jurisdiction and which initial licensure must have occurred no more than 5 years after the applicant successfully passed the examination of the National Board of Osteopathic Medical Examiners or similar examination, with specified exceptions.

The Department of Health and the Board of Osteopathic Medicine must assure that applicants for licensure to practice osteopathic medicine meet applicable criteria in ch. 459, F.S., through an investigative process. The department or Board of Osteopathic Medicine must follow procedures outlined in ch. 120, F.S., to issue a license.² Under s. 120.60, F.S., an agency must, upon receipt of a licensure application, examine the application and, within 30 days after receipt of the application, notify the applicant of any errors or omissions. According to the DOH staff, within 30 days of receipt of a physician licensure application the staff review the application for missing information. Licensure applicants whose applications are incomplete are sent a notice indicating the missing information, documents, or fees. Once a licensure application is verified as complete, it must be reviewed by the DOH or the board to determine whether the applicant has met the

¹ See s. 459.007, F.S.

² See s. 120.60, F.S. Section 120.57(1)(j), F.S., provides that in administrative hearings findings of fact must be based upon a preponderance of evidence, except in penal or licensure disciplinary proceedings or except as otherwise provided by statute, and shall be based exclusively on the evidence of record and on matters officially recognized.

licensure qualifications for the profession. Every application must be approved or denied within 90 days of the department's receipt of the application or request for additional information.

Section 459.021, F.S., specifies requirements for the registration of resident osteopathic physicians, interns, and fellows enrolled in an internship, residency, or fellowship training program in Florida. Resident physicians must register within 30 days of commencing a training program and pay an initial registration fee of \$100. Any resident osteopathic physician, intern, or fellow who has registered with Board of Osteopathic Medicine may renew the registration annually.

Every hospital or teaching hospital having employed or contracted with or utilized the services of a person who holds a degree of Doctor of Osteopathic Medicine from a college of osteopathic medicine recognized and approved by the American Osteopathic Association as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training registered under s. 459.021, F.S., must designate a person who must furnish, on dates designated by the Board of Osteopathic Medicine, in consultation with the DOH, to the department a list of all residents, interns, and fellows who have served in the hospital during the preceding 6-month period. The chief executive officer of the hospital that employs or utilizes the residents, interns, or fellows must provide the Board of Osteopathic Medicine with the name, title, and address of the person responsible for filing the reports. A hospital, teaching hospital, superintendent, administrator, or person having administrative authority in a hospital that utilizes or employs an osteopathic physician resident, intern, or fellow is liable for a second-degree misdemeanor for failing to register any resident, intern, or fellow, or failing to furnish the required list and information to the DOH. A second-degree misdemeanor is punishable by the imposition of up to 60 days in jail and a fine up to \$500.

III. Effect of Proposed Changes:

In addition to the current licensure requirements for persons desiring to practice osteopathic medicine, the bill requires applicants to not have received less than a satisfactory evaluation from an internship, residency, or fellowship-training program. An osteopathic physician applicant's evaluation from an internship, residency, or fellowship training program must be provided by the director of medical education from the medical training facility.

The bill combines language for obtaining a license by examination and a license by endorsement into the general licensure requirements to practice osteopathic medicine in Florida. The bill republishes provisions for osteopathic physician licensure in s. 459.006, F.S., relating to licensure by examination and s. 459.007, F.S., relating to licensure by endorsement, which both require an applicant to:

- Demonstrate that he or she is a graduate of a college (the bill requires it to be a *medical* college) recognized and approved by the American Osteopathic Association; and
- Demonstrate that he or she has successfully completed a resident internship of not less than 12 months in a hospital approved by the American Osteopathic Association for that purpose or any other internship program approved by the Board of Osteopathic Medicine upon a showing of good cause by the applicant. Applicants who have matriculated in a

college of osteopathic medicine during or before 1948 may waive the requirement to complete a resident internship.

The bill changes the requirement relating to obtaining a passing score on the licensure examination to authorize the board to approve the alternate examination rather than give and administer the alternate examination.

For applicants holding a valid active license in another state to practice osteopathic medicine, the bill republishes the requirement for such applicants to have continuously engaged in the practice of osteopathic medicine in another jurisdiction and for initial licensure of such applicants to have occurred no more than 5 years after the applicant successfully passed the examination of the National Board of Osteopathic Medical Examiners or similar examination, with specified exceptions.

The bill strikes statutory cross-references to ss. 459.006 and 459.007, F.S.

The bill revises the registration requirements for persons wishing to practice as osteopathic physician residents, interns, and fellows in a training program located in Florida so that they must register before commencing the training program. The registrants must pay a renewal fee no greater than \$300 as set by the Board of Osteopathic Medicine.³

The bill revises the criminal offense, which makes a hospital, teaching hospital, superintendent, administrator, or person having administrative authority in a hospital that utilizes or employs an osteopathic physician resident, intern, or fellow liable for a second-degree misdemeanor for failing to register any resident, intern, or fellow, or failing to furnish the required list and information to the DOH. Under the revised criminal offense, the hospital or administrator must willfully fail to register a resident or furnish the required information to be liable for the offense and is subject to imposition of penalties applicable to a first degree misdemeanor rather than a second degree misdemeanor.⁴

The bill repeals s. 459.006, F.S., relating to licensure by examination, and s. 459.007, F.S., relating to licensure by endorsement.

The effective date of the bill is July 1, 2007.

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.

³ See Rule 64B15-10.0055, Florida Administrative Code which requires every resident, intern, or fellow registering with the Department of Health to pay a fee of \$100 at the time of initial registration.

⁴ A first degree misdemeanor is punishable by the imposition of a fine of up to \$1,000 and jail time up to one year.

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, s. 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:**

The bill authorizes the Board of Osteopathic Medicine to require residents, interns, or fellows wishing to practice osteopathic medicine in a training program to pay a renewal fee no greater than \$300 as set by the board.

B. Private Sector Impact:

Osteopathic physician licensure applicants who have not received less than a satisfactory evaluation from an internship, residency, or fellowship training program may incur additional costs to complete this requirement in order to get licensed to practice osteopathic medicine in Florida.

C. Government Sector Impact:

The Department of Health notes that there is no fiscal impact because an initial registration fee is already collected annually from registrants in existing training programs. The renewal fee authorized in the bill is already collected as an initial fee each year that a registrant continues in a training program. The authorization to implement a renewal fee differentiates the current revenues collected as “initial” rather than “renewal” fees.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

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