

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 387

Medical Faculty Certificates

SPONSOR(S): Rivera

TIED BILLS:

IDEN./SIM. BILLS: SB 1136

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Health Care Regulation Policy Committee	5 Y, 0 N	Holt	Calamas
2)	State Universities & Private Colleges Policy Committee	11 Y, 0 N	Thomas	Tilton
3)	Health & Family Services Policy Council		Lowell	Gormley
4)				
5)				

SUMMARY ANALYSIS

A medical faculty certificate allows medical school faculty physicians to practice medicine in Florida without sitting for and successfully passing a licensure examination. A physician who receives a medical faculty certificate has all rights and responsibilities as other licensed physicians, except they may only practice in conjunction with a full-time faculty position at an accredited medical school and its affiliated clinical facilities or teaching hospitals. The initial medical faculty certificate is valid for 2 years, and may be renewed (or extended) biannually thereafter. The number of physicians holding renewed medical faculty certificates is statutorily limited by medical school.

The bill increases the number of allowed renewed medical faculty certificates for the following medical schools from 15 to 30:

- The University of Florida
- The University of Miami
- The University of South Florida
- The Florida State University
- The Florida International University
- The University of Central Florida

The H. Lee Moffitt Cancer Center and Research Institute is also permitted to increase the number of allowed renewed medical faculty certificates from 15 to 30. Additionally, the number of renewed medical faculty certificates for The Mayo Medical School at the Mayo Clinic in Jacksonville, Florida, is increased from 5 to 10.

The bill has an insignificant fiscal impact on the Medical Quality Assurance Trust Fund within the Department of Health.

The bill takes effect July 1, 2009.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

The Department of Health, Board of Medicine, may issue medical faculty certificates to physicians allowing them to practice medicine in Florida without sitting for and successfully passing a national examination.<sup>1</sup> These physicians have the same rights and responsibilities as other licensed physicians, except they may only practice in conjunction with a full-time faculty position at an accredited medical school and its affiliated clinical facilities or teaching hospitals.

To be eligible to receive a medical faculty certificate a physician must:<sup>2</sup>

- Be a graduate of an accredited medical school or its equivalent, or a graduate of a foreign medical school listed with the World Health Organization;
- Hold a valid, current license to practice medicine in another jurisdiction;
- Complete the application form and remit a nonrefundable application fee not to exceed \$500;
- Complete an approved residency or fellowship of at least one year or its equivalent;
- Be at least 21 years of age;
- Be of good moral character;
- Not have committed any act in Florida or any other jurisdiction which would constitute the basis for disciplining a physician; and
- Have accepted a full-time faculty appointment to teach in a program of medicine at any of the following:
  - The University of Florida
  - The University of Miami
  - The University of South Florida
  - The Florida State University
  - The Florida International University
  - The University of Central Florida
  - The Mayo Medical School at the Mayo Clinic in Jacksonville, Florida

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<sup>1</sup> There are 5 different types of national examinations: a State Board Examination, National Board of Medical Examiners, United States Medical Licensing Examination, Federation Licensing Examination (FLEX), and Special Purpose Examination (SPEX).

<sup>2</sup> Section 458.3145(1)(i), F.S.

Currently, a medical faculty certificate holder is required to pay an application fee of \$500 and \$424 for the issuance of the initial certificate. The initial certificate is valid for 2 years, or until the applicant terminates their relationship with the medical school or teaching institution. To renew (or extend) a certificate an applicant must submit an approved form, remit a renewal fee of \$360, and submit a letter from the dean of the medical school stating that the applicant is a distinguished medical scholar and an outstanding practicing physician.<sup>3</sup>

There is no limitation on the number of initial certificates a medical school or teaching institution may receive. However, the number of medical faculty certificates that may be renewed by each medical school or teaching institution is statutorily limited.<sup>4</sup> All medical schools, except the Mayo Medical School at the Mayo Clinic in Jacksonville, Florida, are limited to 15 renewed medical faculty certificates. Mayo is limited to 5 renewed medical faculty certificates. The H. Lee Moffitt Cancer Center and Research Institute is also permitted to have up to 15 renewed faculty certificates.<sup>5</sup>

An annual review of each medical faculty certificate recipient is made by the dean of the certificate recipient's accredited 4-year medical school and reported to the Board of Medicine within the Department of Health on an annual basis.<sup>6</sup> According to the Department of Health as of February 2009, the Board of Medicine oversees 34 active medical faculty certificates.<sup>7</sup>

Medical School or Teaching Institution	Initial Medical Faculty Certificates	Renewed Medical Faculty Certificates	Total Medical Faculty Certificates
University of Florida	3	6	9
University of Miami	6	15	21
University of South Florida and H. Lee Moffitt Cancer Center and Research Institute <sup>8</sup>	0	3	3
Florida State University	0	0	0
Florida International University	0	0	0
University of Central Florida	0	0	0
Mayo Medical School (Jacksonville)	0	1	1
<b>Total</b>	9	25	34

### Effect of Proposed Changes

The bill increases the number of renewed (or extended) medical faculty certificates for the following medical schools from 15 to 30:

- The University of Florida
- The University of Miami
- The University of South Florida
- The Florida State University
- The Florida International University
- The University of Central Florida

The H. Lee Moffitt Cancer Center and Research Institute is also permitted to increase the number of allowed renewed medical faculty certificates from 15 to 30. Additionally, the number of renewed

<sup>3</sup> Section 458.3145(2), F.S.

<sup>4</sup> Section 458.3145(4), F.S.

<sup>5</sup> *Id.*

<sup>6</sup> Section 458.3145(5), F.S.

<sup>7</sup> E-mail correspondence with the Department of Health staff (February 11, 2008).

<sup>8</sup> The Department of Health does not distinguish between the certificates issued to the University of South Florida and H. Lee Moffitt Cancer Center and Research Institute.

medical faculty certificates for The Mayo Medical School at the Mayo Clinic in Jacksonville, Florida, is increased from 5 to 10.

**B. SECTION DIRECTORY:**

Section 1. Amends 458.3145, F.S., relating to medical faculty certificates.

Section 2. Provides an effective date of July 1, 2009.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

Not applicable.

2. Expenditures:

Not applicable.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

There may be an increase in workload for the medical school, which would have to review each medical faculty recipient.

**D. FISCAL COMMENTS:**

The Division of Medical Quality Assurance within the Department of Health may see an increase in workload from processing additional medical faculty certificate renewals. However, the fee of \$360 per renewal should support the increase.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax sharing with counties or municipalities.

2. Other:

Not applicable.

**B. RULE-MAKING AUTHORITY:**

The department appears to have sufficient rulemaking authority to implement the provisions of the bill.<sup>9</sup>

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<sup>9</sup> Section 458.309(1), F.S.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**