

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Health Policy

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BILL: SB 1620

INTRODUCER: Senator Hutson

SUBJECT: Concussions and Head Injuries In Children

DATE: February 4, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Stovall	HP	<b>Pre-meeting</b>
2.	_____	_____	AHS	_____
3.	_____	_____	FP	_____

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**I. Summary:**

SB 1620 requires nurses, physicians, and physician assistants, whose practice involves the treatment of children, to complete 2 hours of continuing education (CE) relating to concussions and head injuries in children every biennial renewal cycle.

**II. Present Situation:**

Chapters 458 and 459, F.S., set out the licensure requirements for allopathic and osteopath physicians, and physician assistants. According to the Division of Medical Quality Assurance (MQA) Annual Report and Long Range Plan for Fiscal Year 2014-2015 there are 48,941 in state active allopathic physicians,<sup>1</sup> 6,216 osteopathic physicians,<sup>2</sup> and 6,744 physician assistants holding active licenses in Florida.<sup>3</sup> Common to all these licensees is the CE requirement under s. 456.013, F.S., which requires that each licensee complete at least 40 hours of continuing education every 2 years. The law also allows each board to determine whether any specific continuing education requirements not otherwise mandated by law will be required. Included in the mandatory 40 hours is 2 hours of CE relating to the prevention of medical errors in both the initial licensure process and every biennial renewal process.

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<sup>1</sup> Florida Dep't of Health, Division of Medical Quality Assurance, *Annual Report and Long Range Plan Fiscal Year 2014-2015*, p. 11-13, available at <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/documents/annual-report-1415.pdf>, (last visited Feb. 1, 2016). The 48,941 active allopathic physicians includes: 226 house physicians; 146 limited license physicians; 335 critical need physicians, 8 medical expert physicians, 1 Mayo Clinic limited license physician; 40 medical facility physicians; 2 public health physicians; and 1 public psychiatry physician.

<sup>2</sup> *Id.* The 7,216 osteopathic physicians includes 5,264 osteopathic physicians, 5 osteopathic limited license physicians, and 2 osteopathic expert physician.

<sup>3</sup> *Supra* note 1.

Chapter 464, part I, F.S., governs the licensure and regulation of nurses in Florida. Nurses are licensed by the Department of Health (DOH) and are regulated by the Board of Nursing (BON).<sup>4</sup> During the 2014-2015 state fiscal year, there were 18,276 advanced registered nurse practitioners (ARNPs), 157 clinical nurse specialists (CNSs), 253,338 registered nurses (RNs), and 73,942 licensed practical nurses (LPNs) that hold current, active Florida licenses.<sup>5</sup>

The following is a summary of the current CE requirements for allopathic physicians and PAs licensed under ch. 458, F.S., osteopathic physicians and PAs licensed under ch. 459, F.S., and all nurses licensed under ch. 464, part I, F.S., and the applicable Rules of the Florida Administrative Code:<sup>6</sup>

CE Requirements	MD	DO	PA	ARNP/CNS/RN/LPN
<b>Total CE hours for Renewal</b>	40 hrs. in 24 mo.	40 hrs. in 24 mo.	100 hrs. in 24 mos. <sup>7</sup>	24 hrs. in 24 mos. <sup>8</sup>
<b>Prevention of Medical Errors<sup>9</sup></b>	40 hrs. in 24 mo. <sup>10</sup>	2 hrs. in 24 mo.	1 hr. 1 <sup>st</sup> Renewal	2 hrs. in 24 mos.
<b>HIV &amp; AIDS Category I</b>	100 hrs. in 24 mo.	2 hrs. in 24 mo.	1 hr. 1 <sup>st</sup> Renewal	2 hr. 1st Renewal
<b>Domestic Violence</b>	2 hrs. every 3rd renewal	2 hrs. every 3rd renewal <sup>11</sup>	2 hrs. every 3rd renewal	2 hrs. every 3rd renewal
<b>Risk Management</b>	5 hrs. in 24 mos.	5 hrs. in 24 mos.	5 hrs. in 24 mos.	5 hrs. in 24 mos.
<b>Medical Ethics</b>	None	1 hr. in 24 mos.	None	None
<b>FL Laws and Rules</b>	None	1 hr. in 24 mos.	None	2 hrs. every renewal

<sup>4</sup> The Board of Nursing is comprised of 13 members appointed by the Governor and confirmed by the Senate who serve 4-year terms. Seven of the 13 members must be nurses who reside in Florida and have been engaged in the practice of professional nursing for at least 4 years. Of those seven members, one must be an advanced registered nurse practitioner, one a nurse educator at an approved nursing program, and one a nurse executive. Three members of the BON must be licensed practical nurses who reside in the state and have engaged in the practice of practical nursing for at least 4 years. The remaining three members must be Florida residents who have never been licensed as nurses and are in no way connected to the practice of nursing, any health care facility, agency, or insurer. Additionally, one member must be 60 years of age or older. *See* s. 464.004(2), F.S.

<sup>5</sup> *Supra* note 1.

<sup>6</sup> *See* Rule 64B8-13.005, F.A.C., for allopathic physicians; Rule 64B15-13.001, F.A.C., for osteopathic physicians; Rule 64B8-30.005, F.A.C., for physician assistants, and Rule 64B8-31.007, F.A.C., for anesthesiologist assistants.

<sup>7</sup> *See* Rule 64B8-30.005(1)(c), F.A.C., requiring that a minimum of 50 hours must be Category I CE approved by the American Academy of Physician Assistants, the Accreditation Council for Continuing Medical Education, the American Medical Association, the American Osteopathic Association Council on Continuing Medical Education, or the American Academy of Family Physicians. The remaining 50 hours may be Category II CE. If not NCCPA certified, the Physician Assistant must be able to produce evidence of the 100 hours of reported CE for the relevant biennium.

<sup>8</sup> All ARNPs, CNSs, RNs, and LPNs are required to complete one hour of CE for every month of the licensure cycle, or 24 hours per biennial renewal cycle. *See* 64B9-5.002, F.A.C.

<sup>9</sup> All licensees under chs. 458, 459, and 464, Part I, F.S., are required to do CE on prevention of medical errors every renewal cycle which are include in the total number of CEs required. *See* s. 456.013(7), F.S.

<sup>10</sup> *See* Rule 64B15-13.001, F.A.C., requiring that at least 20 of the 40 hours of the CE required under this rule shall be American Osteopathic Association approved Category I-A CE related to the practice of osteopathic medicine or under osteopathic auspices.

<sup>11</sup> All licensees under chs. 458, 459, and 464, part I, F.S., are required to do CE on prevention of medical errors every renewal cycle but those hours count toward the total number of CEs required. *See* s. 456.013(7), F.S.,

CE Requirements	MD	DO	PA	ARNP/CNS/RN/LPN
Fed & State Law Prescribing Controlled Substances	None	1 hr. in 24 mos.	None	None
Recognizing Impairment in the Workplace	None	None	None	2 hrs. every 2nd renewal

Reporting of all CE hours is mandatory for these professions through the licensee’s CE Broker account.

Currently there is no statute or rule that requires an allopathic physician, osteopathic physician, physician assistant, or nurse to complete CEs on concussions and head injuries in children at either the initial licensure or renewal.

**III. Effect of Proposed Changes:**

SB 1620 amends ss. 458.319, 458.347, 459.008, 459.022, and 464.013, F.S. to require physicians, physician assistants, and all nurses (ARNP, CNS, RN and LPN), whose practice involves the treatment of children to complete at least 2 hours of CE on concussions and head injuries in children. The course must include, at a minimum, education on the prevention, symptoms, risks, treatment, and long-term effects of concussions and other head injuries on children.

The bill also makes technical changes to s. 458.319(1), F.S.

The bill has an effective date of July 1, 2016.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

**B. Private Sector Impact:**

Physicians, physician assistants, and nurses (ARNP, CNS, RN and LPN), whose practice involves the treatment of children, will need to devote at least two CE hours each renewal cycle to this topic. The fiscal impact should be minimal because these are not additional hours.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 458.319, 458.347, 459.008, 459.022, and 464.013.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.