

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.)

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

BILL: SB 818

INTRODUCER: Senator Latvala

SUBJECT: Instruction on Human Trafficking

DATE: January 22, 2016

REVISED: _____

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

I. Summary:

SB 818 requires allopathic and osteopath physicians, physician assistants, and anesthesiology assistants licensed under ch. 458 or ch. 459, F.S., to complete 1 hour of continuing medical education (CE) on human trafficking, approved by the respective board, every third biennial licensure renewal cycle. The bill sets requirements for the course content, reporting requirements, and penalties for failure to comply with the human trafficking CE requirements. The bill grants the boards authority to adopt rules to implement this provision.

II. Present Situation:

Continuing Education Requirements under Chapters 458 and 459, Florida Statutes

Chapters 458 and 459, F.S., set out the licensure requirements for allopathic and osteopath physicians, physician assistants, and anesthesiology 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,¹ 6,216 osteopathic physicians,² 6,744 physician assistants, and 197 anesthesiologist assistants holding active licenses in Florida.³ Common to all these licensees is the CE requirement under s. 456.013, F.S., which requires that

¹ 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 Jan. 14, 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.

² Id. The 7216 osteopathic physicians includes 5,264 osteopathic physicians, 5 osteopathic limited license physicians, and 2 osteopathic expert physician.

³ See supra note 1.

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. The following is a summary of the current CE requirements for all licensees under ch. 458 and ch. 459, F.S., and the applicable Rules of the Florida Administrative Code (F.A.C.):⁴

Profession	Total CE Hrs. for Renewal	Prevention of Medical Errors	HIV and AIDS Category I	Domestic Violence	Risk Management	Medical Ethics	Fla. Laws and Rules	Fed and State Law Prescribing Controlled Substances
Allopathic Physician	40 hrs. in 24 mo.	2 hrs. in 24 mo.	1 hr. 1 st Biennial Renewal	2 hrs. Every 3 rd Biennial Renewal	5 hrs. in 24 mo.	None	None	None
Osteopathic Physician	40 hrs. ⁵ in 24 mo.	2 hrs. in 24 mo.	1 hr. 1 st Biennial Renewal	2 hrs. Every 3 rd Biennial Renewal	5 hrs. in 24 mo.	1 hr. in 24 mo.	1 hr. in 24 mo.	1 hr. in 24 mo.
Physician Assistant	100 hrs. ⁶ in 24 months	2 hrs. in 24 mo.	1 hr. 1 st Biennial Renewal	2 hrs. Every 3 rd Biennial Renewal	5 hrs. in 24 mo.	None	None	None
Anesthesiology Assistant	40 hrs. in 24 mo.	2 hrs. in 24 mo.	1 hr. 1 st Biennial Renewal	2 hrs. Every 3 rd Biennial Renewal	5 hrs. in 24 mo.	None	None	None

Reporting of 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 anesthesiologist assistant licensed under ch. 458 or ch. 459, F.S., to complete any CEs on human trafficking either at initial licensure or renewal.

⁴ 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 for anesthesiologist assistants.

⁵ 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.

⁶ See Rule 64B8-30.005(1)(c), F.A.C., requires 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.

III. Effect of Proposed Changes:

SB 818 creates s. 456.0315, F.S., and requires each person licensed under ch. 458 or ch. 459, F.S., to complete a one hour CE course on human trafficking as part of every third biennial license renewal, which is every 6 years. Florida law defines “human trafficking” to mean transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person.⁷ The Legislature deems human trafficking to be a form of modern-day slavery; finds that victims are young children, teenagers, and adults; and recognizes that victims are subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor.⁸

SB 818 sets out the required CE course content, which includes:

- Information on the extent of labor and sex trafficking;
- Risk factors and indicators to recognize trafficking victims;
- Patient safety and security;
- Management of medical records of patients who are trafficking victims;
- Public and private social services available for rescue, food, clothing, and shelter referrals;
- Hotlines for reporting human trafficking maintained by the National Human Trafficking Resource Center and the U.S. Department of Homeland Security;
- Validated assessment tools for the identification of trafficking victims;
- Procedures for sharing information related to human trafficking with a patient; and
- Referral options for legal and social services as appropriate.

Confirmation of completing the CE hour is due when submitting renewal fees for every third biennial renewal. The form of the confirmation is left to the discretion of the board.⁹ The board may approve equivalent courses to satisfy this statute’s requirements. The one CE hour on human trafficking may be included in the total CE hours required by the profession, unless the CE requirements for the profession are less than 30 hours biennially. The required number of CEs for the four professions identified in the bill all exceed 30 hours biennially. A person holding multiple licenses under chs. 458 or 459, F.S., may satisfy the CE requirements for each license upon proof of completion of one course during the time frame.

The bill provides for disciplinary action under chs. 458 or 459, or s. 456.072(1)(k), F.S., for failure to comply with this CE requirement; and requires the board to include completion of the human trafficking CE hour as part of any discipline imposed. The bill allows each board to adopt rules to carry out this statute.

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

⁷ See s. 787.06(2)(d), F.S.

⁸ See s. 787.061(1)(a), F.S.

⁹ See The Department of Health, *Continuing Education – CE*, available at <http://www.floridahealth.gov/licensing-and-regulation/ce.html>, (last visited January 22, 2016). Currently the DOH requires all licensees to report all CEs at the time of renewal through the department’s electronic tracking system. It happens automatically when a licensee attempts to renew his or her license. If the licensee’s CE records are complete, they will be able to renew without interruption. If the licensee’s CE records are not complete, they will be prompted to enter their remaining CE hours before proceeding with their license renewal.

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:

Licenses under chs. 458 and 459, F.S., are required to complete one hour in human trafficking every 6 years and may incur additional costs to satisfy this requirement.

C. Government Sector Impact:

The boards will incur costs for rulemaking and the Department of Health (DOH) and boards will incur costs for handling complaints and discipline. The DOH these costs can be absorbed within existing resources.¹⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill refers to reporting completion of the CE on a form. Currently the DOH uses CE Broker, an electronic tracking system, for licensees to report their CEs. An amendment may be appropriate to require reporting in a manner designated by the DOH.

VIII. Statutes Affected:

This bill creates section 456.0315 of the Florida Statutes.

¹⁰ See Florida Dep't of Health, *Senate Bill 818 Analysis*, p. 46, (Nov. 16, 2015) (on file with the Senate Committee on Health Policy).

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.

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