

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/HB 209 Medical Faculty and Medical Assistant Certification  
**SPONSOR(S):** Health & Human Services Committee; Health Quality Subcommittee; Miller  
**TIED BILLS:** IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health Quality Subcommittee	13 Y, 0 N, As CS	Siples	McElroy
2) Health & Human Services Committee	17 Y, 0 N, As CS	Siples	Calamas

### SUMMARY ANALYSIS

A medical faculty certificate allows medical school faculty physicians to practice medicine in Florida without passing a licensure examination. A physician who receives a medical faculty certificate has all rights and responsibilities as other licensed physicians, except the certificateholder may only practice in conjunction with a full-time faculty position at an accredited medical school and its affiliated clinical facilities or teaching hospitals. Currently, medical faculty certificates are authorized for physicians teaching in any one of Florida's eight Florida medical schools.

CS/CS/HB 209 expands the current medical faculty certificate eligibility criteria by allowing a medical faculty certificate to be issued to an individual who has been offered and has accepted a full-time faculty appointment to teach in a program of medicine at the Johns Hopkins All Children's Hospital in St. Petersburg, Florida. The bill also limits the number of extended medical faculty certificateholders allowed at the Johns Hopkins All Children's Hospital in St. Petersburg, Florida, to 30 persons, which is consistent with limitations for all but one of the other institutions eligible for such certificates. The bill also corrects the name of the Mayo Clinic College of Medicine and Science in Jacksonville.

Currently, a dean of a medical school or a director of a teaching hospital may request that a physician be authorized to provide medical care or treatment for educational purposes for a single period of time, not to exceed 180 consecutive days. Such physician must register with the department and demonstrate financial responsibility. The bill authorizes the medical director of a specialty-licensed children's hospital licensed under ch. 395, F.S., that is affiliated with an accredited medical school and its affiliated clinics, to request temporary registration for a physician who is not licensed in Florida and authorization to provide medical care or treatment for educational purposes.

Currently, only visiting physicians invited by medical schools, or a teaching hospital or medical or surgical society in conjunction with a medical school, may be issued a 5-day temporary certificate to provide instruction in a medical or surgical training program or an educational symposium. The bill authorizes DOH to issue a 5-day temporary certificate for a visiting physician invited by a teaching hospital to provide instruction in an educational program or symposium. Such invitation does not have to be in conjunction with a medical school. The bill also authorizes DOH to use a unique personal identification number for those individuals who apply for the temporary certificate and do not have social security numbers, such as foreign physicians.

The bill requires a medical assistant to obtain a certificate from a certification program accredited by the National Commission for Certifying Agencies to be credentialed as a certified medical assistant. Under the bill, such certification may be used to qualify for employment as a medical assistant at a multiphasic health testing center.

There is an insignificant, negative fiscal impact on the Department of Health and no fiscal impact on local governments.

The bill provides an effective date of July 1, 2017.

**This document does not reflect the intent or official position of the bill sponsor or House of Representatives.**

**STORAGE NAME:** h0209c.HHS

**DATE:** 3/20/2017

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

##### Medical Faculty Certificates

The Board of Medicine within the Department of Health's Division of Medical Quality Assurance 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 equivalent training;
- 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;
- Have completed, before medical school, the equivalent of 2 academic years of preprofessional, postsecondary education, as determined by the Board of Medicine;<sup>3</sup> and
- Have accepted a full-time faculty appointment to teach in a program of medicine at:
  - 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 Clinic College of Medicine in Jacksonville, Florida; or
  - The Florida Atlantic University.

Currently, a medical faculty certificate holder is required to pay an application fee of \$500, and \$424 for the issuance of the initial certificate.<sup>4</sup> The initial certificate is valid for 2 years, or until the applicant terminates the relationship with the medical school or teaching institution, whichever occurs sooner. To renew (or extend) a certificate, an applicant must submit an approved form, remit a renewal fee of \$360,<sup>5</sup> 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>6</sup>

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<sup>1</sup> There are several different types of national examinations for medical doctors: 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), F.S.

<sup>3</sup> This education requirement is only applicable to applicants who have graduated from medical school after October 1, 1992. Section 458.3145(1)(h), F.S.

<sup>4</sup> Rule 64B8-3.002, F.A.C.

<sup>5</sup> However, for a medical faculty certificate renewed during calendar years 2015 and 2016, the renewal fee was \$250. Rule 64B8-3.003, F.A.C.

<sup>6</sup> Section 458.3145(2), F.S.

There is no limit 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>7</sup> All medical schools, except the Mayo Clinic College of Medicine in Jacksonville, Florida, are limited to 30 renewed medical faculty certificates. The Mayo Clinic College of Medicine is limited to 10 renewed medical faculty certificates. The H. Lee Moffitt Cancer Center and Research Institute is also permitted to have up to 30 renewed faculty certificates.<sup>8</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>9</sup> According to the Department of Health, as of February 8, 2017, the Board of Medicine oversees 51 active medical faculty certificates.<sup>10</sup>

### Temporary Registration of Physicians for Educational Purposes

The Board of Medicine may authorize any physician to provide medical care or treatment in connection with the education of students, residents, or faculty, upon the request of a Florida medical school dean or the medical director of a teaching hospital.<sup>11</sup> The physician must register with the Board of Medicine and demonstrate financial responsibility. The physician may only perform such medical care or treatment for a single period of time, which may not exceed 180 consecutive days. No more than three physicians per year, per institution may be registered to provide such services. DOH has issued four temporary registrations of physicians for educational purposes since 2013.<sup>12</sup>

### Temporary Certificates for Visiting Physicians

DOH is authorized to issue a temporary certificate to a physician who is not licensed in Florida to obtain medical privileges for instructional purposes, such as teaching medical or surgical procedures to residents or participating in a symposium offered by a medical or surgical society in conjunction with a medical school or teaching hospital.<sup>13</sup> These temporary certificates may be issued to an out-of-state or foreign physician who:

- Is a graduate of an accredited medical school or is a graduate of a foreign medical school listed with the World Health Organization;
- Holds a valid and unencumbered license to practice in another state or country;
- Is recognized as an expert in a specific field of medicine or surgery;
- Has not committed any act or under investigation for any act in this or other jurisdiction that would constitute a basis for disciplining a physician under Florida law;
- Demonstrates financial responsibility; and
- Only applies in conjunction with a training or educational program.<sup>14</sup>

The temporary certificate is only valid for up to five days per year and expires one year after it is issued. DOH may issue no more than 12 of these certificates for a single educational symposium.

The organization sponsoring the educational symposium must pay for any medical judgments incurred by a physician issued a temporary certificate by obtaining a surety bond, establishing a certificate of deposit or a guaranteed letter of credit, or providing proof that the physician is covered under a

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<sup>7</sup> Section 458.3145(4), F.S.

<sup>8</sup> *Id.*

<sup>9</sup> Section 458.3145(5), F.S.

<sup>10</sup> E-mail correspondence with Department of Health staff dated February 8, 2017, on file with the Health and Human Services Committee.

<sup>11</sup> Section 458.3145(6), F.S.

<sup>12</sup> E-mail correspondence with Department of Health staff dated March 13, 2017, on file with the Health and Human Services Committee.

<sup>13</sup> Section 458.3137, F.S.

<sup>14</sup> *Id.*

teaching hospital's or medical school's medical malpractice insurance. The amount of the bond, certificate of deposit, or guaranteed letter of credit must be at least \$250,000.<sup>15</sup>

### Johns Hopkins All Children's Pediatric Residency Program

The All Children's Hospital was founded in 1926 to care for children with polio and other crippling diseases, without regard for a patient's race, creed, or ability to pay.<sup>16</sup> After the development of the polio vaccine, the hospital changed its focus and dedicated itself to meeting a wide range of medical needs of infants, children, and teens. In April 2011, the hospital became fully integrated into the Johns Hopkins Health System.

Johns Hopkins Medicine is located in Baltimore, Maryland, and consists of Johns Hopkins Health System and Johns Hopkins University School of Medicine. The Johns Hopkins University School of Medicine has approximately 1,200 medical and doctoral students, 2,800 full-time faculty, and 1,200 part-time faculty.<sup>17</sup>

In July 2014, the Johns Hopkins All Children's Pediatric Residency Program received its first class of residents.<sup>18</sup> The focus of the residency program is to train pediatricians that will be prepared for the changing world of healthcare, and offer residents early and frequent opportunities to participate in clinical research under the mentorship of the Johns Hopkins All Children's Hospital and the faculty of the Johns Hopkins University School of Medicine.<sup>19</sup> Among the specialties services offered are a heart institute, a cancer & blood disorder institute, an institute for brain protection sciences, a maternal, fetal, and neonatal institute, pediatric surgery, and other specialty services.<sup>20</sup>

Currently, physicians teaching at the hospital may not obtain a medical faculty certificate because the Johns Hopkins All Children's Hospital in St. Petersburg, Florida, is not included in the list of institutions whose full-time employees are eligible to apply for a medical faculty certificate under s. 458.3145, F.S.

### Medical Assistants

A medical assistant is a multi-skilled person that assists in all aspects of a medical practice under the direct supervision and responsibility of a physician.<sup>21</sup> There are no formal educational requirements for becoming a medical assistant in most states, including Florida.<sup>22</sup> However, medical assistant education programs are available from community colleges, vocational schools, technical schools, and universities and usually take about one year to complete.<sup>23</sup>

A medical assistant assists with patient care management, executes administrative and clinical procedures, and performs managerial and supervisory functions. In Florida, a medical assistant may perform the following duties under the direct supervision of a physician:

- Clinical procedures, including:
  - Performing aseptic procedures;

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<sup>15</sup> Section 458.3137(5), F.S.

<sup>16</sup> Johns Hopkins Medicine, "A Bright Future for Johns Hopkins All Children's Hospital," available at <https://www.hopkinsallchildrens.org/about-us/johns-hopkins-medicine> (last visited March 10, 2017).

<sup>17</sup> Johns Hopkins Medicine, *Excellence and Discovery: An Overview*, p. 13, available at <http://www.hopkinsmedicine.org/about/downloads/jhm-overview.pdf> (last visited March 10, 2017).

<sup>18</sup> Johns Hopkins Medicine, Office of Medical Education, "About Johns Hopkins All Children's Pediatric Residency Program," available at <http://ome.allkids.org/residency> (last visited March 10, 2017).

<sup>19</sup> Johns Hopkins Medicine, Office of Medical Education, "Johns Hopkins All Children's Hospital Pediatric Residency Frequently Asked Questions," available at <http://ome.allkids.org/faq> (last visited March 10, 2017).

<sup>20</sup> Johns Hopkins Medicine, *Specialty Services Facts: Johns Hopkins All Children's Hospital*, October 2016, available at [http://www.hopkinsmedicine.org/about/downloads/all\\_childrens\\_hospital.pdf](http://www.hopkinsmedicine.org/about/downloads/all_childrens_hospital.pdf) (last visited March 10, 2017).

<sup>21</sup> Section 458.3485, F.S.

<sup>22</sup> United States Department of Labor, *Occupational Outlook Handbook: Medical Assistants*, (Dec. 17, 2015), available at <https://www.bls.gov/ooh/healthcare/medical-assistants.htm#tab-4> (last visited March 17, 2017).

<sup>23</sup> *Id.*

- Taking vital signs;
- Preparing patients for physician care;
- Performing venipunctures and nonintravenous injections; and
- Observing and reporting patients' signs and symptoms;
- Administering basic first aid;
- Assisting with patient examinations or treatments;
- Operating office medical equipment;
- Collecting routine laboratory specimens as directed by the physician;
- Administering medication as directed by the physician;
- Performing basic laboratory procedures;
- Performing office procedures including general administrative duties required by the physician; and
- Performing dialysis procedures, including home dialysis.<sup>24</sup>

Medical assistants are not required to be licensed, certified, or registered to practice in Florida.

### **Effect of Proposed Changes**

#### **Medical Faculty Certificates**

The bill expands the current medical faculty certificate eligibility by allowing a medical faculty certificate to be issued without examination to an individual who has been offered and has accepted a full-time faculty appointment to teach in a program of medicine at the Johns Hopkins All Children's Hospital in St. Petersburg, Florida. The bill also limits the number of medical faculty certificates the Board of Medicine may issue to eligible faculty at the Johns Hopkins All Children's Hospital in St. Petersburg, Florida, to 30 persons, which is consistent with limitations for all but one of the other institutions eligible for such certificates.

The bill also changes the name of The Mayo Clinic College of Medicine in Jacksonville, Florida, to The Mayo Clinic College of Medicine and Science in Jacksonville, Florida, to reflect its correct name.

#### **Temporary Registration of Physicians for Educational Purposes**

Under current law, a dean of a Florida medical school located the medical directors of statutory teaching hospitals in this state may request registration and authorization of a physician to provide medical care or treatment, in connection with the education of students, residents, or faculty. The physician registers with Board of Medicine and demonstrates financial responsibility<sup>25</sup> and may not provide such services for more than 180 executive days. The bill expands the temporary registration to include physicians providing medical care or treatment at a specialty-licensed children's hospital licensed under ch. 395, F.S., that is affiliated with an accredited medical school and its affiliated clinics, for educational purposes.

#### **Temporary Certificates for Visiting Physicians**

Under current law, visiting physicians invited by medical schools, or a teaching hospital or medical or surgical society in conjunction with a medical school are eligible to be issued a 5-day temporary certificate to provide instruction in a medical or surgical training program or educational symposium. The bill would authorize DOH to issue a 5-day temporary certificate for a visiting physician invited by a teaching hospital.<sup>26</sup> This will allow a teaching hospital to directly extend an invitation and submit the

<sup>24</sup> *Supra* note 21.

<sup>25</sup> Under s. 458.320, F.S., a physician must maintain liability coverage of at least \$100,000, with a minimum annual aggregate of at least \$300,000, or an escrow account or irrevocable credit of letter for the same amounts.

<sup>26</sup> A teaching hospital is any hospital affiliated with an accredited Florida medical school that has at least seven different graduate programs accredited by the Accreditation Council for Graduate Medical Education or the Council on Postdoctoral Training of the American Osteopathic Association and has at least 100 or more full-time resident physician (s. 408.07(45), F.S.)

supporting documentation to DOH without having to go through a medical school. The bill also authorizes DOH to use a unique personal identification number for those individuals who apply for the temporary certificate and do not have social security numbers, such as foreign physicians.

### Medical Assistants

The bill requires a medical assistant to obtain a certificate from a certification program accredited by the National Commission for Certifying Agencies to be credentialed as a certified medical assistant. As a qualification for employment by a multiphasic health testing center<sup>27</sup>, the bill allows a medical assistant employed have a certificate from a certification program accredited by the National Commission for Certifying Agencies.<sup>28</sup> Medical assistants are not licensed in Florida. The Agency for Health Care Administration, which regulates multiphasic health testing centers, will be responsible for enforcing the employment requirements in those facilities. However, for medical assistants working in other settings, there will be no agency to enforce the certification standards.

The bill provides an effective date of July 1, 2017.

#### B. SECTION DIRECTORY:

**Section 1:** Amends s. 456.013, F.S., relating to department; general licensing provisions.

**Section 2:** Amends s. 458.3137, F.S., relating to temporary certificates for visiting physicians to obtain medical privileges for instructional purposes in conjunction with certain plastic surgery or other medical or surgical training programs and educational symposiums.

**Section 3:** Amends s. 458.3145, F.S., relating to medical faculty certificate.

**Section 4:** Amends s. 458.3485, F.S., relating to medical assistant.

**Section 5:** Amends s. 483.291, F.S., relating to powers and duties of the agency; rules.

**Section 5:** Provides an effective date of July 1, 2017.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

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

##### 1. Revenues:

None.

##### 2. Expenditures:

The Division of Medical Quality Assurance within the Department of Health may see an increase in workload from processing additional medical faculty certificates and certificate renewals. However, the application fee of \$500, the initial license fee of \$424, and the renewal license fee of \$360 should support the workload increase.

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

##### 1. Revenues:

None.

##### 2. Expenditures:

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<sup>27</sup> A multiphasic health testing center is a fixed or mobile facility where specimens are taken from the human body for delivery to registered clinical laboratories for analysis and where certain measurements such as height and weight determinations, blood pressure determinations, limited audio and visual tests, and electrocardiograms are made (s. 483.288, F.S.)

<sup>28</sup> Medical assistants may also qualify for employment at a multiphasic health testing center if he or she has at least six months experience as a medical assistant in a physician's office, hospital, ambulatory surgical center, home health agency, or health maintenance organization, or if he or she was previously employed as a medical assistant in a licensed center for at least six consecutive months during the preceding two years.

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 15, 2017, the Health Quality Subcommittee adopted an amendment that authorizes the medical director of a specialty-licensed children's hospital licensed under chapter 395 that is affiliated with an accredited medical school and its affiliated clinics, to request for a physician who is not licensed in Florida be temporarily registered and allowed to provide medical care or treatment for educational purposes.

On March 17, 2017, the Health and Human Service Committee adopted three amendments to the bill. The amendments:

- Authorized the Board of Medicine assign a unique personal identification number to individuals who do not have a social security number for purposes of applying for a 5-day temporary certificate issued solely for instructional purposes;
- Authorized a 5-day temporary certificate for instructional purposes to be issued to a physician who has been invited by a statutory teaching hospital.
- Corrected the name of The Mayo Clinic College of Medicine and Science in Jacksonville, Florida.
- Required certified medical assistants to obtain certification from a certification program accredited by the National Commission for Certifying Agencies.
- Authorized a medical assistant who possesses a certification from a program accredited by the National Commission for Certifying Agencies to be employed by a multiphasic health testing center.

The bill was reported favorably as a committee substitute. The analysis is drafted to the committee substitute.