

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Providing limited government—The bill provides the Department of Health the authority to certify and promulgate rules for certified nursing assistants, and create a retired licensure status for practitioners.

Ensure lower taxes—This bill imposes certificate renewal fees for certified nursing assistants to be established by rule.

B. EFFECT OF PROPOSED CHANGES:

Currently, by statute, all new health care licensees must be issued a decorative wall certificate, as well as a wallet license and display license. For boards currently or projected to be in a fiscal deficit, the costs of the decorative wall certificate further increases their deficit. PCB FC 05-07 amends sections 456.013 and 456.025, Florida Statutes, to eliminate the issuance of wall certificates, thus, reduce the boards' costs. The bill also specifies that licenses issued in error, as well as revoked, must be surrendered to the department.

Under current statutes (section 456.017, Florida Statutes), a board, or the Department of Health when there is no board, is required to approve by rule one or more national examinations that meet national examination requirements and generally accepted testing standards pursuant to department rules. In addition, applicants are able to challenge the results of the examination even if their score is greater than ten percent from the minimum required score. Finally, all examination scores are mailed to each applicant while some boards post results on the Internet. PCB FC 05-07 amends section 456.017, Florida Statutes, to specify that neither a board nor the department may administer a state-developed written examination if a national examination has been certified by the department. The bill also limits challenges to the validity of the examination to those candidates who fail the examination with a score that is less than ten percent below the minimum scored required to pass the examination. Finally, the bill permits the department to post examination scores on the Internet in lieu of mailing the scores to each applicant. The bill specifies that electronic posting of exam scores meets the requirements of Chapter 120 if the department also posts a notification of Chapter 120 rights along with the exam scores. The department must also notify the applicant when scores are posted electronically of the availability of a post-examination review, if applicable.

There are currently no retired status licenses for retired health professionals. Current law allows for only an inactive and active licensure status. For many health care practitioners maintaining a professional license is a reflection of their life's achievements. As they retire many of them want to retain an active license, but find it difficult to meet continuing education requirements and pay renewal fees. Many licensees, when they reach retirement age, opt to voluntarily relinquish their license because they are dissatisfied with the available options such as paying active licensure fees during their retirement. PCB FC 05-07 amends section 456.036, Florida Statutes, to provide a retired licensure status and a retired status fee not to exceed \$50, as established by rule. The bill also authorizes the department to establish by rule conditions, including full re-examination to assess current competency, necessary to ensure that a licensee who has been on retired status for more than five years or a licensee from another state who has not been in active practice within the past five years and who applies for active status is able to practice with the care and skill sufficient to protect, the health, safety and welfare of the public. The bill also requires that a retired status licensee, before reactivation, must meet the same continuing education requirements and pay any renewal fees imposed on active status licensees for all biennial periods in which the licensee was in retired status.

Under federal rules, the Board of Nursing is required to verify that a certified nursing assistant has worked as a nursing assistant for two years, but there is not a definition of the nursing assistant's duties. PCB FC 05-07 amends sections 464.201 and 464.202, Florida Statutes, to define the scope of practice of certified nursing assistants and provides the Board of Nursing rulemaking authority regarding the regulation of the practice of certified nursing assistants and the level of supervision required for the practice. The bill also amends section 464.203, Florida Statutes, which requires the certification as a nursing assistant to be renewed and authorizes a renewal fee not to exceed \$50 biennially. Any certificate not renewed by July 1, 2006 is void. Finally, the bill reduces the number of hours required for in-service training from 18 to 12 hours for certified nursing assistants during each calendar year.

C. SECTION DIRECTORY:

Section 1. Amends s. 456.013, F. S., deleting the requirement that the Department of Health issue wall certificates; requiring licensees with licenses issued in error to surrender certain documents.

Section 2. Amends s. 456.017, F.S., specifying that a state-developed test is not permitted if a national examination has been certified by the department; specifying the limitation on who may challenge the validity of an examination; and permitting the department to post examination scores on the Internet.

Section 3. Amends s. 456.025, F. S., deleting an obsolete provision.

Section 4. Amends s. 456.036, F. S., creating a retired license status and authorizing a fee for such status; authorizing the department to reexamine certain licensees under certain circumstances; providing requirements for retired status licensees to reactivate their licenses.

Section 5. Amends s. 464.201, F. S., defining the scope of practice for certified nursing assistants.

Section 6. Amends s. 464.202, F. S., requiring the Board of Nursing to adopt rules specifying the scope of practice for certified nursing assistants.

Section 7. Amends s. 464.203, F. S., providing for the renewal of certified nursing assistants certification; providing a fee; reducing the hours of in-service training; requiring the department to adopt rules regarding such renewal; providing that certificates not renewed by a specified date are void.

Section 8. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Total Estimated Revenues	2005-2006	2006-2007
CNA Biennial Renewal Fee	<u>\$1,500,000</u>	<u>\$1,500,000</u>
Total Estimated Revenues	<u>\$1,500,000</u>	<u>\$1,500,000</u>
Medical Quality Assurance Trust Fund		

The revenue shown has been pro-rated to reflect an annual amount.

2. Expenditures:

Total Estimated Expenditures	2005-2006	2006-2007
Savings Related to Wall Certificates	(\$ 48,000)	(\$ 48,000)
Savings Related to Creation of a Retired Licensure Status	(\$200,000)	(\$200,000)
Savings related to the Posting of Examination Grades on the Internet	<u>(\$ 4,500)</u>	<u>(\$ 4,500)</u>
Total Estimated Expenditures	<u>(\$252,500)</u>	<u>(\$252,500)</u>

Medical Quality Assurance Trust Fund

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

PCB FC 05-07 establishes a licensure status for retired practitioners and requires a fee not to exceed \$50. The bill also authorizes a scope of practice for certified nursing assistants and establishes a renewal of the certified nursing assistant certificate, including a biennial fee not to exceed \$50.

D. FISCAL COMMENTS:

According to the Department of Health, eliminating the requirement of a decorative wall certificate would result in an estimated annual savings of \$48,000. Creating a retired license status will result in decreased costs of approximately \$200,000 because the Department of Health will not have to monitor, renew or audit retired professionals. Posting of examination scores on the Internet in lieu of mailing the scores to each applicant provides an estimated annual cost savings of \$4,500—based on eliminating postage, envelopes, paper, and hours for staff time in mailing examination scores to approximately 2,000 initial licensees each year. Creating a biennial renewal fee for certified nursing assistants will generate estimated revenues of \$1.5 million annually.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

PCB FC 05-07 provides rulemaking authority to the Department of Health to implement and enforce its provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES