

# SENATE STAFF ANALYSIS AND ECONOMIC 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: Ways and Means Committee

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BILL: CS/SB 410

SPONSOR: Health and Human Services Appropriations and Senator Saunders

SUBJECT: Health Department

DATE: March 29, 2005

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

|    | ANALYST   | STAFF DIRECTOR | REFERENCE | ACTION           |
|----|-----------|----------------|-----------|------------------|
| 1. | Fabricant | Peters         | HA        | <b>Fav/CS</b>    |
| 2. | Fabricant | Coburn         | WM        | <b>Favorable</b> |
| 3. | _____     | _____          | _____     | _____            |
| 4. | _____     | _____          | _____     | _____            |
| 5. | _____     | _____          | _____     | _____            |
| 6. | _____     | _____          | _____     | _____            |

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## I. Summary:

The Committee Substitute for Senate Bill 410 streamlines and revises certain licensure and examination procedures and establishes a licensure status for retired practitioners. The committee substitute also authorizes a scope of practice for certified nursing assistants and establishes a renewal of the certified nursing assistant certificate.

This committee substitute substantially amends the following sections of the Florida Statutes: chapter 456 and chapter 464.

## II. Present Situation:

Currently, by statute, all new health care licensees must be issued a decorative wall certificate not less than 8" x 14" in addition to a wallet license and display license. For boards currently or projected to be in deficit, this further increases the deficit.

All examination scores are mailed to each applicant and some boards also post results on the Internet. Applicants are able to challenge the results of the examination even if their score is greater than 10% from the minimum required score.

There are currently no retired licenses for retired health professionals. Current law allows for an inactive and active licensure status only. 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.

There is currently no scope of practice for certified nursing assistants (CNAs). 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 what the nursing assistant duties are.

### III. Effect of Proposed Changes:

**Section 1.** Deletes the requirement from the Department of Health to issue wall certificates to licensed practitioners at the time of initial licensure. Some licensure boards may continue to issue wall certificates at the expense of the licensee.

**Section 2.** Clarifies the requirements pertaining to certifying national examinations and requests to challenge the examination. Candidates with a score no less than 10 percent below the minimum score required to pass the examination shall be entitled to challenge the examination in a hearing. This section also allows the department to post examination grades on the Internet in a manner consistent with the requirements of Chapter 120, F.S., instead of mailing the results.

**Section 3.** Creates a retired license status, authorizes a retired license fee not to exceed \$50 biennially and allows the appropriate board or the department if there is no board, to impose conditions on a licensed practitioner who has held a retired license for more than five years or has held a license from another state and who has not practiced for five years or more.

**Section 4.** Defines the scope of practice for certified nursing assistants (CNAs). The Board of Nursing will determine if a certified nursing assistant is in compliance with the scope of practice rules and federal regulations.

**Section 5.** Provides rule making authority to the Board of Nursing to specify the scope of practice, and level of supervision required for CNAs.

**Section 6.** Provides for a renewal of a CNA certificate for a fee of \$20-\$50 biennially, to be established by rule. Any certificate not renewed by July 1, 2006 is void.

**Section 7.** Establishes an effective date upon becoming law.

### IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

The committee substitute establishes a retired status license fee paid at the time of renewal not to exceed \$50.

The committee substitute establishes a certified nursing assistant certificate renewal fee of not less than \$20 and not more than \$50.

B. Private Sector Impact:

None

C. Government Sector Impact:

Section 1. Currently, by statute, all new health care licensees must be issued a decorative wall certificate not less than 8" x 14" in addition to the required wallet license and display license. For boards currently in or projected to be in deficit this further increases the deficit. The wall certificates only serve a decorative purpose, and eliminating the requirement would result in an estimated annual savings of \$48,000.

Section 2. This section allows for posting of examination scores on the Internet in lieu of mailing the scores to each applicant. The estimated annual cost savings of \$4,500 is based on eliminating postage, envelopes, paper, and hours for staff time in mailing examination scores to approximately 2,000 initial licensees each year.

Section 3. Creating a retired 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. It will also establish a mechanism to insure that a retired licensee who chooses to re-engage in active practice meets certain standards.

Section 6. Provides for a renewal of a CNA certificate for a fee of \$20-\$50 biennially, to be established by rule. The notification, printing, mailing, tracking, and other renewal activities will be outsourced to a current vendor and would cost approximately \$1 million (non-recurring). A \$20 renewal fee will generate estimated revenues of \$3 million. Any certificate not renewed by July 1, 2006 is void.

| Section | Issue                                    | Description  | Budget Reduction | Category         |
|---------|--|--|------------------|------------------|
| 1       | Wall Certificate                         | Deletes requirement for Department to issue wall certificates  | -48,463          | Expense (040000) |
| 2       | Posting Exam Results Online              | Allows for the posting of examination results online           | -4,500           | Testing (100106) |
| 3       | Retired License Status                   | Creates a retired license status                               | -200,000         | Expense (040000) |
|         |  |  | -68,537          | Salary (010000)  |
|         |  | Total Issue #5600020   | <u>-321,500</u>  |                  |
| 4       | Certified Nursing Assistant Registry     | Defines the scope of practice for certified nursing assistants | 0                | n/a              |
| 5       | Certified Nursing Assistant Registry     | Provides for rule making authority to the Board of Nursing     | 0                | n/a              |
| 6       | Certified Nursing Assistant Renewal Fees | \$20 biennial renewal fee                                      | -90,670          | Salary (010000)  |
|         |  |  | -7,280           | OPS (030000)     |
|         |  |  | -36,581          | Expense (040000) |
|         |  |  | -930             | HR Svcs (107040) |
|         |  | Total Issue #5600010   | <u>-135,461</u>  |                  |

The \$321,500 and \$135,461 estimated savings are included in the Senate Proposed Committee Bill 7080.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

## **VIII. Summary of Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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