

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Prepared By: Health Regulation Committee

BILL: SB 2358

INTRODUCER: Senator Peaden

SUBJECT: Registration of Unlicensed Osteopathic Physicians

DATE: March 17, 2007

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------------------|
| 1. | Munroe | Wilson | HR | Pre-meeting |
| 2. | | | HA | |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

I. Summary:

The bill revises the registration requirements for persons wishing to practice as osteopathic physician residents, interns, and fellows in a training program located in Florida so that the registrants must pay a renewal fee no greater than \$300 as set by the Board of Osteopathic Medicine.

The bill revises the criminal offense, which makes a hospital, teaching hospital, superintendent, administrator, or person having administrative authority in a hospital that utilizes or employs an osteopathic physician resident, intern, or fellow liable for a second-degree misdemeanor for failing to register any resident, intern, or fellow, or failing to furnish certain information to the Department of Health (DOH). Under the revised criminal offense, the hospital or administrator must willfully fail to register a resident or furnish the required information to be liable for the offense and is subject to imposition of penalties applicable to a first-degree misdemeanor rather than a second-degree misdemeanor.

This bill amends section 459.021, Florida Statutes.

II. Present Situation:

Chapter 459, F.S., governs the practice of osteopathic medicine under the Board of Osteopathic Medicine within the DOH. Section 459.021, F.S., specifies requirements for the registration of resident osteopathic physicians, interns, and fellows enrolled in an internship, residency, or fellowship training program in Florida. Resident physicians must register within 30 days of commencing a training program and pay an initial registration fee of \$100. Any resident

osteopathic physician, intern, or fellow who has registered with the Board of Osteopathic Medicine may renew the registration annually.

Every hospital or teaching hospital having employed or contracted with or utilized the services of a person who holds a degree of Doctor of Osteopathic Medicine from a college of osteopathic medicine recognized and approved by the American Osteopathic Association as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training registered under s. 459.021, F.S., must designate a person who must furnish, on dates designated by the Board of Osteopathic Medicine, in consultation with the DOH, to the department a list of all residents, interns, and fellows who have served in the hospital during the preceding 6-month period. The chief executive officer of the hospital that employs or utilizes the residents, interns, or fellows must provide the Board of Osteopathic Medicine with the name, title, and address of the person responsible for filing the reports. A hospital, teaching hospital, superintendent, administrator, or person having administrative authority in a hospital that utilizes or employs an osteopathic physician resident, intern, or fellow is liable for a second-degree misdemeanor for failing to register any resident, intern, or fellow, or failing to furnish the required list and information to the DOH. A second-degree misdemeanor is punishable by the imposition of up to 60 days in jail and a fine up to \$500.

III. Effect of Proposed Changes:

The bill revises the registration requirements for persons wishing to practice as osteopathic physician residents, interns, and fellows in a training program located in Florida so that the registrants must register with the DOH prior to commencing a training program, rather than within 30 days of commencing the training program, and must pay a renewal fee no greater than \$300 as set by the Board of Osteopathic Medicine.¹

The bill revises the criminal offense, which makes a hospital, teaching hospital, superintendent, administrator, or person having administrative authority in a hospital that utilizes or employs an osteopathic physician resident, intern, or fellow liable for a second-degree misdemeanor for failing to register any resident, intern, or fellow, or failing to furnish the required list and information to the DOH. Under the revised criminal offense, the hospital or administrator must willfully fail to register a resident or furnish the required information to be liable for the offense and is subject to imposition of penalties applicable to a first-degree misdemeanor rather than a second-degree misdemeanor.²

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

¹ See Rule 64B15-10.0055, Florida Administrative Code, which requires every resident, intern, or fellow registering with the DOH to pay a fee of \$100 at the time of initial registration.

² A first-degree misdemeanor is punishable by the imposition of a fine of up to \$1,000 and jail time up to one year.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

The bill authorizes the Board of Osteopathic Medicine to require residents, interns, or fellows wishing to practice osteopathic medicine in a training program to pay a renewal fee no greater than \$300 as set by the board.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Health notes that there is no fiscal impact because an initial registration fee is already collected annually from registrants in existing training programs. The renewal fee authorized in the bill is already collected as an initial fee each year that a registrant continues in a training program. The authorization to implement a renewal fee differentiates the current revenues collected as “initial” rather than “renewal” fees.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

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