

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1133 Physician Assistant Licensure

**SPONSOR(S):** Healthcare Regulation Subcommittee, Rizo

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 454

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Healthcare Regulation Subcommittee	14 Y, 0 N, As CS	Osborne	McElroy
2) Health Care Appropriations Subcommittee			
3) Health & Human Services Committee			

### SUMMARY ANALYSIS

A physician assistant (PA) is licensed to perform health care services delegated by a supervising physician, in the specialty areas in which he or she has been trained. PAs may only practice under the direct or indirect supervision of an allopathic or osteopathic physician with whom they have a clinical relationship. A supervising physician may only delegate tasks and procedures to the PA that are within the supervising physician's scope of practice. A supervising physician decides whether to permit a PA to perform a task or procedure under direct or indirect supervision based on reasonable medical judgment regarding the probability of morbidity and mortality to the patient.

In Florida, PAs are regulated under the Department of Health (DOH) by the Council on Physician Assistants (Council), in conjunction with either the Board of Medicine (BOM) for PAs licensed under ch. 458, F.S., or the Board of Osteopathic Medicine (BOOM) for PAs licensed under ch. 459, F.S.

To qualify for a PA license, an applicant must have graduated from an approved program with either a master's or bachelor's degree dependent upon when the degree was conferred and obtain a passing score on the Physician Assistant National Certifying Examination (PANCE). PA programs must be accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or, for programs completed before 2001, from the Committee on Allied Health, Education, and Accreditation.

In 2021, the Legislature revised PA licensure statute, including eligibility requirements. The law requires PA applicants who graduated **after** December 31, 2020, to possess a master's degree and those who graduated **before** December 31, 2020, to have either a bachelor's degree or a master's degree to be eligible for licensure. These changes created a situation where otherwise eligible PA licensure applicants were rendered ineligible. Specifically, there are individuals who began their PA bachelor's degree program prior to the change in law who would have been eligible for licensure upon graduation but because they graduated after December 31, 2020, they were ineligible for licensure.

CS/HB 1133 changes the eligibility requirements for PA licensure to applicants who matriculated into, rather than graduated from, an approved program prior to before December 31, 2020. The bill also authorizes the BOM and BOOM to grant a license to a PA applicant who does not meet the educational requirements in statute, but passed the Physician Assistant National Certifying Examination. These changes reinstate licensure eligibility for PA bachelor degree program graduates effected by the 2021 change to the PA licensure statute.

The bill has no fiscal impact on state or local government.

The bill takes effect upon becoming law.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Current Situation

##### Physician Assistants

A physician assistant (PA) is a health care practitioner who practices under the direct or indirect supervision of an allopathic or osteopathic physician. PAs may provide a number of medical services including:<sup>1</sup>

- Physical examinations;
- Diagnosis and treatment of illness;
- Counsel on preventative health care;
- Assistance in surgery; and
- Prescribing of medication.

In Florida, PAs are regulated under the Department of Health (DOH) by the Council on Physician Assistants (Council), in conjunction with either the Board of Medicine for PAs licensed under ch. 458, F.S., or the Board of Osteopathic Medicine (collectively, “the Boards”) for PAs licensed under ch. 459, F.S. PAs are governed by the respective physician practice acts since PAs may only practice under the supervision of an allopathic or osteopathic physician.

##### *PA Scope of Practice*

PAs may only practice under the direct or indirect supervision of an allopathic or osteopathic physician with whom they have a clinical relationship.<sup>2</sup> A supervising physician may only delegate tasks and procedures to the PA that are within the supervising physician’s scope of practice.<sup>3</sup> The supervising physician is responsible and liable for any acts or omissions of the PA and may not supervise more than ten PAs at any time.<sup>4</sup>

The Boards have established by rule that “responsible supervision” of a PA means the ability of the supervising physician to exercise control and provide direction over the services or tasks performed by the PA. Whether the supervision of a PA is adequate is dependent upon the:<sup>5</sup>

- Complexity of the task;
- Risk to the patient;
- Background, training and skill of the PA;
- Adequacy of the direction in terms of its form;
- Setting in which the tasks are performed;
- Availability of the supervising physician;
- Necessity for immediate attention; and
- Number of other persons that the supervising physician must supervise.

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<sup>1</sup> Florida Academy of Physician Assistants, *What is a PA*, available at <https://www.fapaonline.org/page/whatisapa> (last visited March 14, 2023).

<sup>2</sup> Sections 458.347(2)(f), F.S., and 459.022(2)(f), F.S., define supervision as responsible supervision and control which requires the easy availability or physical presence of the licensed physician for consultation and direction of the PA.

<sup>3</sup> Rules 64B8-30.012, F.A.C., and 64B15-6.010, F.A.C.

<sup>4</sup> Ss. 458.347(15), F.S., and 459.022(15), F.S.

<sup>5</sup> Rules 64B8-30.001, F.A.C., and 64B15-6.001, F.A.C.

A supervising physician decides whether to permit a PA to perform a task or procedure under direct or indirect supervision based on reasonable medical judgment regarding the probability of morbidity and mortality to the patient.<sup>6</sup>

### *Licensure and Regulation of Physician Assistants*

In 2021, the Legislature revised the PA licensure statute, including changes to the educational requirements for licensure. To qualify for a PA license, an applicant must submit a completed application form to DOH and pay the required fee set by the Boards. DOH must issue a license to an applicant certified by the Council as having met all of the following requirements:<sup>7</sup>

- Is at least 18 years of age;
- Has graduated from an approved program:
  - For an applicant who graduated **after** December 31, 2020, has received a master's degree in accordance with the Accreditation Review Commission on Education for the Physician Assistant or, before 2001, its equivalent or predecessor organization;
  - For an applicant who graduated on or **before** December 31, 2020, has received a bachelor's or master's degree from an approved program;
  - For an applicant who graduated before July 1, 1994, has graduated from an approved program of instruction in primary health care or surgery;
  - For an applicant who graduated before July 1, 1983, has received a certification as a physician assistant from the boards; and
- Obtained a passing score on the Physician Assistant National Certifying Examination (PANCE) as established by the National Commission on Certification of Physician Assistants and has been nationally certified.<sup>8</sup>

The boards may also grant a license to an applicant who does not meet the preceding educational requirements but who has passed the Physician Assistant National Certifying Examination administered by the National Commission on Certification of Physician Assistants before 1986.

The 2021 changes to the educational requirements for PA licensure created a situation where otherwise eligible PA licensure applicants were rendered ineligible. Specifically, there are individuals who began their PA bachelor's degree program prior to the change in law who would have been eligible for licensure upon graduation but because they graduated after December 31, 2020, they were ineligible for licensure.

### **Effect of the Bill**

CS/HB 1133 changes the eligibility requirements for PA licensure to applicants who matriculated into, rather than graduated from, an approved program prior to before December 31, 2020. The bill also authorizes the BOM and BOOM to grant a license to a PA applicant who does not meet the educational requirements in statute, but passed the Physician Assistant National Certifying Examination. These changes reinstate licensure eligibility for PA bachelor degree program graduates effected by the 2021 change to the PA licensure statute.

The bill takes effect upon becoming law.

### **B. SECTION DIRECTORY:**

**Section 1:** Amends s. 458.347, F.S., relating to physician assistants.

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<sup>6</sup> "Direct supervision" refers to the physical presence of the supervising physician so that the physician is immediately available to the PA when needed. "Indirect supervision" refers to the reasonable physical proximity of the supervising physician to the PA or availability by telecommunication. See Rules 64B8-30.001, F.A.C., and 64B15-6.001, F.A.C.

<sup>7</sup> Ss. 458.347(6) and 459.022(7), F.S.

<sup>8</sup> See ss. 458.347(6) and 459.022(6), F.S. If an applicant does not hold a current certificate issued by the National Commission on Certification of Physician Assistants or its equivalent or successor organization and has not actively practiced as a physician assistant within the immediately preceding 4 years, the applicant must retake and successfully complete the entry-level examination of the National Commission on Certification of Physician Assistants or its equivalent or successor organization to be eligible for licensure.

**Section 2:** Amends s. 459.022, F.S., relating to physician assistants.

**Section 3:** Provides that the bill is effective upon becoming law.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

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:

DOH and the Boards have sufficient rulemaking authority to implement the bill's provisions.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 22, 2023, the Healthcare Regulation Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment revises the PA licensure eligibility requirements from "graduated" to "matriculated" into a master's degree or bachelor's degree program by a certain date.

The bill was reported favorably as amended. The analysis is drafted to the amended bill as passed by the Healthcare Regulation Subcommittee.