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1989

Session Law 89-124
Florida Senate & House of Representatives

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S 784 GENERAL BILL/CS/1ST ENG by Economic, Professional and Utility Regulation; Grant (Similar CS/H 888)
Physical Therapy Practice; creates Physical Therapy Practice Board; provides for appointment of members; transfers powers & duties of Medical Practice Bd. in conjunction with Physical Therapy Council, re regulation of practice of physical therapy, to newly created Board; provides certain penalties for giving false information re certain provisions; provides for regulation of advertising by physical therapists, etc. Amends 20.30, Chs. 455, 486. Appropriation: $215,173. Effective Date: 10/01/89.

03/29/89 SENATE Prefiled
04/07/89 SENATE Introduced, referred to Economic, Professional and Utility Regulation; Appropriations -SJ 112
04/14/89 SENATE Extension of time granted Committee Economic, Professional and Utility Regulation
04/20/89 SENATE On Committee agenda—Economic, Professional and Utility Regulation, 04/24/89, 2:00 pm, Room-1C-(309)
04/24/89 SENATE Comm. Report: CS by Economic, Professional and Utility Regulation -SJ 211
04/27/89 SENATE CS read first time -SJ 227; Now in Appropriations -SJ 211
05/02/89 SENATE Withdrawn from Appropriations -SJ 246; Placed on Calendar
05/09/89 SENATE Placed on Special Order Calendar -SJ 275
05/10/89 SENATE Placed on Special Order Calendar -SJ 275
05/16/89 SENATE Placed on Special Order Calendar -SJ 354; CS passed as amended; YEAS 39 NAYS 0 -SJ 369; Immediately certified -SJ 370
05/16/89 HOUSE In Messages
05/29/89 HOUSE Received, placed on Calendar -HJ 702; Substituted for CS/HB 836 -HJ 767; Read second time; Read third time; CS passed; YEAS 109 NAYS 0 -HJ 767
05/29/89 HOUSE Ordered enrolled -SJ 503
06/12/89 HOUSE Signed by Officers and presented to Governor
06/26/89 HOUSE Approved by Governor; Chapter No. 89-124

NOTES: Above bill history from Division of Legislative Information's FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.
I. SUMMARY:

A. Present Situation:

Chapter 486, Florida Statutes, provides for regulation of the practice of physical therapy by the Board of Medicine with the advice of the Physical Therapy Council within the Department of Professional Regulation. The chapter sets forth education, experience, and examination requirements for licensure as a physical therapist or physical therapist assistant. Practicing as a physical therapist or physical therapist assistant without a license is a first degree misdemeanor.

The chapter also provides procedures for licensure by endorsement for individuals licensed in other states, for renewal of licenses, for maintaining a license on inactive status, and for disciplinary actions by the board against individuals who commit certain acts enumerated in the statute. Maximum fees the board may set for licensure are: $100 for application for licensure, plus the cost of the national examination for physical therapists or physical therapist assistants; $200 for renewal of licensure as a physical therapist; and $150 for renewal of licensure as a physical therapist assistant.

Chapter 455, Florida Statutes, contains general provisions relating to the Department of Professional Regulation and the professions under its regulatory jurisdiction.

B. Effect of Proposed Changes:

The bill revises the current regulatory scheme by creating the Board of Physical Therapy Practice to regulate the practice of physical therapy. The board consists of seven members: five licensed physical therapists, one physician or osteopathic physician, and one laymember. No changes are made to the regulatory scheme other than transferring all the current functions of the Board of Medicine and the Physical Therapy Council to the Board of Physical Therapy Practice.

The bill includes practitioners licensed under chapter 486, F.S., in provisions contained in chapter 455, F.S. relating to penalties for giving false information, prohibitions on advertising by health care practitioners, requirements concerning release and disposition of health care practitioner records, and provisions relating to immediate suspension of health care practitioner licenses under certain circumstances. The bill also includes specific appropriations from the Professional Regulation Trust Fund to support the creation of the Board of Physical Therapy Practice and adds a career service position to the department's staff.

II. ECONOMIC IMPACT AND FISCAL NOTE:
A. Public:

The department does not anticipate the need to increase the fees currently paid by licensees to support the cost of the new board. Current fees charged licensees are as follows:

- Physical Therapist Licensure by Examination or Endorsement $175
- Physical Therapist Assistant Licensure by Examination or Endorsement $170
- Initial and renewal Licensure Fee for Physical Therapist or Physical Therapist Assistant $50

B. Government:

The department estimates the following additional regulatory costs as a result of the bill's provisions:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 89-90</td>
<td>$51,195</td>
</tr>
<tr>
<td>FY 90-91</td>
<td>37,118</td>
</tr>
<tr>
<td>FY 91-92</td>
<td>38,356</td>
</tr>
</tbody>
</table>

According to the department, fees currently collected from physical therapist and physical therapist assistant licensees are sufficient to cover these additional costs.

III. COMMENTS:


A similar bill, HB 836, has been filed in the House for the 1989 session, and has been referred to the Regulatory Reform and Appropriations Committees.

IV. AMENDMENTS:

None.
HOUSE OF REPRESENTATIVES  
COMMITTEE ON REGULATORY REFORM  
as revised by the Committee on  
APPROPRIATIONS  
STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT  

BILL #: CS/HB 836 (similar provisions were passed in CS/SB 784)  
RELATING TO: Physical Therapy  
SPONSOR(S): Representative Mackey  
EFFECTIVE DATE: October 1, 1989  
COMpanion BILL(S): CS/SB 784  
OTHER COMMITTEES OF REFERENCE: (1) Appropriations  

I. SUMMARY:  
CS/HB 836 would create a Board of Physical Therapy Practice within  
the Department of Professional Regulation; would transfer the  
regulation of physical therapy practitioners from the Board of  
Medicine to the newly created Board of Physical Therapy; would make a  
number of name changes to the Physical Therapy Practice Act (chapter  
486, Florida Statutes); and would provide for sunset review and  
repeal.  

A. PRESENT SITUATION:  
Chapter 486, Florida Statutes, known as the Physical Therapy  
Practice Act, mandates the 15-member Board of Medicine, within  
the Department of Professional Regulation, to regulate physical  
therapy practitioners. Currently, no Board of Medicine member is  
a physical therapy practitioner. However, in 1983, the  
Legislature did create the three-member Physical Therapy Council  
-- which is appointed by the Board of Medicine -- to assist the  
Board of Medicine in the administration of the regulation of  
physical therapist practitioners. The council's powers and  
duties include:  

- Certification of examination and licensure applicants.  
- Adopting rules to administer the Physical Therapy Practice  
  Act.  
- Any other powers and duties the Board of Medicine deems  
  necessary to carry out the provisions of the Act.  

The Department of Professional Regulation reports there are  
approximately 7,413 physical therapist practitioners, 5,513 of  
which are active practitioners. When the council was created in
1983, the Senate staff analysis for the implementing bill (CS/SB 1049) reported there were 2,738 registered physical therapist practitioners. Since the creation of the council, the number of physical therapist have more than doubled.

The Board of Medicine regulates approximately 49,016 active and inactive practitioners; these include -- in addition to the 7,413 physical therapist practitioners -- approximately 1,800 dietitians and nutritionists, 2,124 occupational therapists, 5,059 respiratory practitioners, and 32,620 physician practitioners.

Although physical therapy practitioners are the second largest number of practitioners regulated by the Board of Medicine, the Department of Professional Regulation reports that approximately one percent (1%) of the Board of Medicine's work-load is devoted to the regulation of physical therapist practitioners.

B. EFFECT OF PROPOSED CHANGES:

CS/HB 836 would create a seven-member Board of Physical Therapy Practice within the Department of Professional Regulation, and would transfer the regulation of physical therapy practitioners from the Board of Medicine to the newly created Board of Physical Therapy.

The bill would also make a number of name changes in the Physical Therapy Practice Act, which have been detailed in the section-by-section analysis.

C. SECTION-BY-SECTION ANALYSIS:

Section 1. Would amend section 20.30, Florida Statutes, creating the Board of Physical Therapy Practice within the Department of Professional Regulation, Division of Medical Quality Assurance.

Section 2. Would amend section 486.021, Florida Statutes, changing the definition of "board" from the Board of Medical Practice to reflect the Board of Physical Therapy Practice.

Section 3. Would create section 486.023, Florida Statutes, providing for the creation of the Board of Physical Therapy Practice, and would provide for the nomination, appointment, qualifications, and terms of the seven-member board.

Section 4. Would amend section 486.025, Florida Statutes, providing the powers and duties of the board; would authorize the board to establish rules for administering the act; and would allow the board to review the standing and standards of schools and colleges offering courses in physical therapy.

Section 5. Would amend section 486.031, Florida Statutes, reflecting physical therapists requirements for licensure.
Section 6. Would amend section 486.061, Florida Statutes, reflecting the board's authority to grant licenses to physical therapists.

Section 7. Would amend section 486.081, Florida Statutes, authorizing the board to grant licenses to physical therapists through endorsement.

Section 8. Would amend section 486.102, Florida Statutes, reflecting physical therapist assistant requirements for licensure.

Section 9. Would amend section 486.106, Florida Statutes, reflecting the board's authority to grant licenses to physical therapist assistants.

Section 10. Would amend section 486.107, Florida Statutes, authorizing the board to grant licenses to physical therapist assistants through endorsement.

Section 11. Would amend section 486.125, Florida Statutes, authorizing the board to discipline licensees for failure to comply with standards of practice.

Section 12. Would amend section 455.2275, Florida Statutes, by adding physical therapist practitioners to the list of other health care practitioners who are subject to penalty of a felony of the third degree for giving false information when applying for licensure.

Section 13. Would amend section 455.24, Florida Statutes, by adding physical therapist practitioners to the list of other health care practitioners who, when advertising free or discounted services, must provide a disclosure statement in the advertisement.

Section 14. Would amend section 455.241, Florida Statutes, by adding physical therapist practitioners to the list of other health care practitioners who are required to release all patient reports upon request by a patient or his legal representative.

Section 15. Would amend section 455.242, Florida Statutes, by adding the Board of Physical Therapy Practice to the list of other boards who are required to adopt rules providing for disposition of patient records of deceased practitioners.

Section 16. Would amend section 455.245, Florida Statutes, classifying physical therapy practitioners as health care practitioners, and adding them to the list of health care practitioners the Department of Professional Regulation is authorized to issue an emergency order to suspend a license for a drug-related felony conviction.

Section 17. Would provide an appropriation for the bill.
Section 18. Would provide for future review and repeal of section 486.023, Florida Statutes, which would establish the Board of Physical Therapy Practice.

Section 19. Would provide an effective date of October 1, 1989.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT: FY 89-90 FY 90-91

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

<table>
<thead>
<tr>
<th>EXPENDITURES:</th>
<th>FY 89-90</th>
<th>FY 90-91</th>
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</thead>
<tbody>
<tr>
<td>Department of Professional Regulation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Personal Services (OPS) Expenses</td>
<td>$ 1,400</td>
<td>$ 0</td>
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<tr>
<td>Operating Capital Outlay (OCO)</td>
<td>19,900</td>
<td>0</td>
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<tr>
<td>Total</td>
<td>$ 27,181</td>
<td>$ 0</td>
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2. Recurring or Annualized Continuation Effects:

<table>
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<tr>
<th>EXPENDITURES:</th>
<th>FY 89-90</th>
<th>FY 90-91</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Professional Regulation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and Benefits (3 FTE)</td>
<td>48,253</td>
<td>65,024</td>
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<tr>
<td>Other Personal Services (OPS) Expenses</td>
<td>1,600</td>
<td>1,600</td>
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<tr>
<td>Total</td>
<td>49,853</td>
<td>66,624</td>
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3. Long Run Effects Other Than Normal Growth:

None

4. Appropriations Consequences:

<table>
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<tr>
<th>EXPENDITURES:</th>
<th>FY 89-90</th>
<th>FY 90-91</th>
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</thead>
<tbody>
<tr>
<td>Professional Regulation Trust Fund</td>
<td>91,027</td>
<td>85,790</td>
</tr>
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</table>

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

None

3. Long Run Effects Other Than Normal Growth:

None
C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

   It can be expected that the professional fees, which would pay for the newly created Board of Physical Therapy Practice, will be passed on to the consumer.

2. Direct Private Sector Benefits:

   None

3. Effects on Competition, Private Enterprise, and Employment Markets:

   None

D. FISCAL COMMENTS:

   An amendment was adopted by the Full Committee on Appropriations, providing adequate funding for the bill's provisions.

III. LONG RANGE CONSEQUENCES:

   CS/HB 836 is consistent with section 187.201(21), Florida Statutes, the State Comprehensive Plan for government to economically and efficiently provide the amount and quality of services required by the public.

IV. COMMENTS:

   CS/HB 836 would more appropriately accommodate the needs of the growing number of physical therapist practitioners, and would allow the Board of Medicine to devote more time to serving the other 41,603 practitioners it regulates.

   The bill would also be consistent with the House of Representatives mission statements set forth for the Regulatory Reform Committee to "Ensure that the statutes foster only necessary and effective regulations of Florida's business sector to protect the public interest" and to "Review and change regulatory laws dealing with professions, occupations and businesses so that they protect the public health, safety, and welfare, without having costs greater than the benefits conferred."
V. FINAL ACTION:

CS/HB 836 was laid on the Table under Rule. Similar provisions were passed by the Legislature in CS/SB 784 which was approved by the Governor on June 26, 1989, chapter 89-124, Laws of Florida.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by: Marcia A. Mathis

SECOND COMMITTEE OF REFERENCE:
Prepared by: Leo Lachat

APPROPRIATIONS:
Prepared by: Dr. James A. Zingale

Staff Director:
Patrick L. "Booter" Imhof

Staff Director:

Staff Director: