

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: 06/18/2012  
POSITION: Neutral, note concerns

BILL NUMBER: SB 1236  
AUTHOR: Price, Curren

**BILL SUMMARY: Healing arts boards.**

This bill would extend the sunset date for the Board of Podiatric Medicine (Board) and the Physician Assistant Committee until January 1, 2017.

**FISCAL SUMMARY**

This bill would result in costs that are minor and absorbable to the DCA.

**COMMENTS**

The Department of Finance is neutral on this bill but notes concern. This bill is necessary to extend the provisions authorizing the Board and the Physician Assistant Committee from January 1, 2013 to January 1, 2015 and would not result in any additional costs to the state. However, we concur with the State and Consumer Services Agency's (Agency) concerns that this bill would allow a graduate from an approved school of podiatric medicine to practice under a resident's license indefinitely and that it is vague and overly restrictive to vendors of orthotics.

Current law:

- Licenses and regulates doctors of podiatric medicine (DPMs) by the Board.
- Specifies the membership of the Board.
- Prohibits DPMs from performing a history and physical examination on a patient in an acute care hospital where doing so would violate the regulations governing the Medicare program.
- Authorizes a graduate from an approved school of podiatric medicine to apply for and obtain a resident's license from the Board. These licenses may be renewed annually for up to four years.
- Provides that podiatric law does not prohibit the manufacturing, recommending, or sale of either corrective shoes or appliances for the human feet.
- Specifies disciplinary procedures for DPMs.
- Licenses and regulates physicians assistants (PAs) by the Physician Assistant Committee.
- Specifies the membership of the Physician Assistant Committee.

This bill would:

- Extend the sunset date for the Board and the Physician Assistant Committee from January 1, 2013 to January 1, 2017.

Analyst/Principal (0221) J.Carosone	Date	Program Budget Manager Lisa Ann Mangat	Date
Department Deputy Director		Date	
Governor's Office:	By:	Date:	Position Approved _____ Position Disapproved _____
BILL ANALYSIS			Form DF-43 (Rev 03/95 Buff)

Price, Curren

06/18/2012

SB 1236

**COMMENTS** (continued)

- Repeal an obsolete restriction on DPMs performing a history and physical examination when doing so would violate regulations governing the Medicare program. Federal law was changed to allow Medicare Part B to pay for services of a DPM, when the DPM is acting within the scope of his or her license.
- Eliminate the four year limit on the renewal of a resident's license for DPMs in postgraduate training programs.
- Require a medical license for diagnosing and prescribing medical conditions that may necessitate corrective shoes or orthotics.
- Remove the requirement that applicants for a DPM license receive a passing score on the American Podiatric Medical Licensing Examination.
- Clarify that the vote of only one member is required to defer a final decision on an ALJ's proposed decision.
- Change the composition of the Physician Assistant Committee.
- Authorize the Physician Assistant Committee to issue retired licenses.
- Specify that changes to the status of a license does not deprive the Physician Assistant Committee the jurisdiction to investigate or take disciplinary action against a current or former licensee.
- Makes the Physician Assistant Committee and PA licenses subject to the same requirements as other healing arts boards.
- Change the name of the Physician Assistant Committee to the Physician Assistant Board.

The Agency has noted concerns with two provisions of this bill and is opposed unless these provisions are amended. The Agency notes that this bill would:

- Eliminate the four year limit on the renewal of a resident's license for DPMs in postgraduate training programs. The Agency notes that existing law provides that a graduate of an approved school of podiatric medicine may apply for and obtain a resident's license from the Board which authorizes them to practice under the license, and with the supervision of a licensed physician, for up to four years. This bill would eliminate the time restriction on the resident's license. The Agency notes that requiring licensure after four years does not restrict a resident licensee to continue education if they so choose. Absent a cap, a graduate could practice with a resident's license in perpetuity, and not progress to full licensure. The agency notes that the Board of Behavioral Sciences has a six year cap for its post-graduate license.
- Require a medical license for diagnosing and prescribing medical conditions that may necessitate corrective shoes or orthotics. The Agency notes that these provisions are unclear and could restrict vendors from recommending orthotics or new devices introduced into the market. The Agency recommends deleting this amendment.

**BILL ANALYSIS--(CONTINUED)**

**AUTHOR**

**AMENDMENT DATE**

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SB 1236

Code/Department Agency or Revenue Type	SO LA CO RV	PROP 98	FC	(Fiscal Impact by Fiscal Year)			Fund Code
				(Dollars in Thousands)			
				2012-2013 FC	2013-2014 FC	2014-2015	
1110/ConAfr-ReqBd	SO	No		-----	No/Minor Fiscal Impact	-----	0280
1110/ConAfr-ReqBd	SO	No		-----	No/Minor Fiscal Impact	-----	0295
<u>Fund Code</u>	<u>Title</u>						
0280	Physician Assistant Fund						
0295	Podiatric Medicine Fund, Board of						