



## FSU College of Medicine Legislative Committee Meetings Summary

Week of Apr. 17-21,  
2017



*Several Health Care  
Bills passed  
Legislative  
Committees and  
Chambers this Week.*

## House and Senate Begin to Position Bills and Budget Issues in a Movement toward Appropriations Allocations

*“Honest disagreement is often a good sign of progress.” ~ Mahatma Gandhi*

Over the weekend House and Senate leadership continued to meet to hammer out allocations to bridge a \$3.8 billion gap between the two proposed appropriations bills. Two weeks remain in the regular 60-day legislative session, which is scheduled to end on May 5, 2017. Senate and House of Representatives’ legislative and budget priorities vastly differ.

The Senate priorities include: 1) obtaining additional water storage for Lake Okeechobee and issuing bonds to pay for water projects; 2) enhancing higher education; 3) providing a state employee pay raise; and 4) providing Low Income Pool funding for hospitals.

House priorities include: 1) abolition of Enterprise Florida funding; 2) revision of Visit Florida and reduction of funding; 3) back-filling education funding to avoid an increase local property taxes through the required local effort (RLE); and 4) providing \$200 million to “Schools of Hope.”

Governor Scott weighed in mid-week with an increased request for \$100 million for Visit Florida based on the potential to receive \$1.5 billion in Low Income Funding approved (without details yet) by the Trump Administration.

The Senate is considering a few House bills that were ignored in previous Senate sessions, and were dormant till this week. For example, the Senate Governmental Oversight and Accountability Committee is scheduled Monday to take up a

proposed committee bill (SPB 7030), similar to House priority HB 5007, that would automatically place public employees who are hired after Jan. 1, 2018 in the investment plan if they do not actively opt for the defined benefit plan.

The committee will also consider House priority HB 7007, which revises state employee insurance. Additionally, the Senate added a version of “schools of hope” amendment funding more charter schools, to an education bill (SB 1552), while the House is moving closer to Senate on changes to the state testing system.

In 2015, the Orlando Sentinel analyzed expenditures and estimated that each week of a special session costs Florida taxpayers approximately \$200,000.

### Inside This Report:

- 2 **Certificate-of-Need Repeal.** [CS/CS/HB 7](#) was approved by the House of Representatives by a vote of 75-42.
- 3 **Physician Assistant Legislation.** Bills affecting Physician Assistant practice passed House and Senate Committees in Week 7.

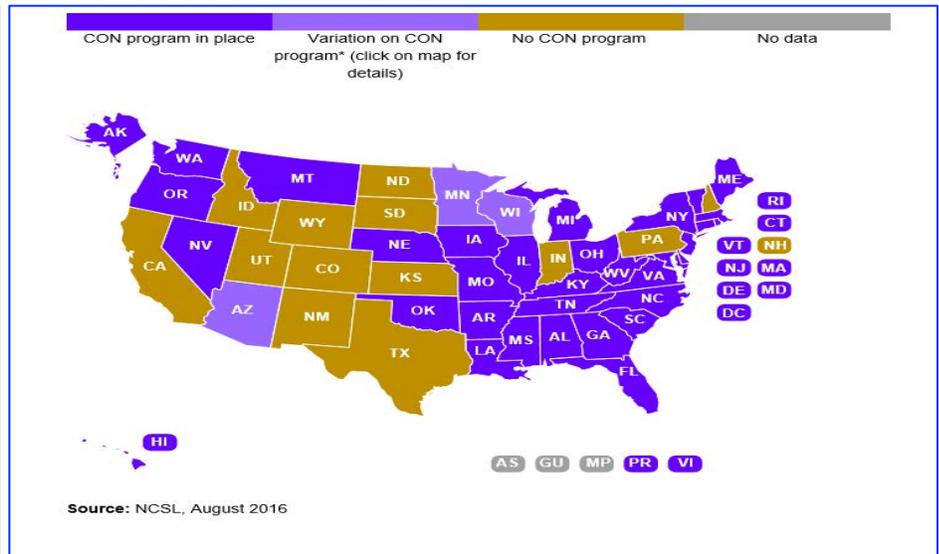


## Bills Moving in Week 7

**Newborn Screening.** CS/CS/SB 1124 (Book) relating to Newborn Screenings passed the Senate unanimously. Currently newborns are screened for 31 core disorders and 22 secondary disorders. Of these disorders, 50 are included on the federal Recommended Uniform Screening Panel (RUSP). The results are sent back to the hospital and forwarded to the baby’s doctor. The bill requires that every newborn in the state, at the appropriate age, to be tested for any condition included in the federal RUSP that the Genetics and Newborn Screening Advisory Council (GNSAC) advises should be included in the Newborn Screening Program’s (NSP) panel of hereditary and congenital disorders. The companion bill, CS/CS/HB 963 (Fitzenhagen), is on the House calendar.

**Guardianship.** CS/HB 399 (Diamond) and CS/CS/SB 172 (Passidomo) relating to guardianship passed the Senate unanimously and is headed to the Governor. The bill makes four changes to Florida’s guardianship laws: 1) It provides that reports of the examining committee are admissible without making examiners appear; 2) the bill streamlines filing dates for the annual guardianship reports; 3) the guardian may institute dissolution of marriage proceedings without consent of the spouse; and 4) the bill eliminates the \$6,000 cap for funeral expenses of a ward.

**Ridesharing - Uber & Lyft.** CS/HB 221 (Sprows) [and CS/CS/SB 340 (Brandes)] relating to transportation network companies (TNCs) passed the Senate 36-1 and is headed to the Governor. The bill preempts local ordinances or rules so that TNCs would be governed only by state laws. The bill also addresses minimum insurance requirements, national criminal background checks, driving record checks, and other matters.



Proposed Project	CON Applications Received	CON Applications Approved
Comprehensive Medical Rehabilitation Unit	6	1
Acute Care Hospital	20	9
Adult Inpatient Psychiatric Hospital	1	1
Long-Term Care Hospital	0	0
Establish a Replacement Acute Care Hospital	3	3
Establish a Child/Adolescent Psychiatric Hospital	2	2
<b>Total</b>	<b>32</b>	<b>16</b>

Source: Staff Analysis CS/CS/HB 7, House of Representatives

## Certificate-of-Need Repeal for Hospitals

CS/CS/HB 7 (A. Miller) relating to repeal of the certificate-of-need for hospitals passed the House by a vote of 75-42. The bill eliminates CON review requirements for hospitals and hospital services and makes necessary conforming changes throughout part I of chapter 408, F.S. The bill also removes the CON review requirement for increasing the number of comprehensive rehabilitation beds in a facility that offers comprehensive rehabilitation services. If an applicant can meet the licensure statutes and regulations, the applicant will be permitted to offer new or additional health care facilities or services to patients in the state without first obtaining a CON from AHCA. Recently, AHCA received 20 requests of which 9 were granted.

The House floor debate centered on the financial impact of current hospital systems. Proponents argued: 1) the law is antiquated and the free market should determine hospital building; 2) the CON has suppressed competition in the medical marketplace in Florida; 3) many financial incentives (tax exemptions, LIP funds, disproportionate share payments) exist for safety net and other hospitals to provide

charity care; 4) there is not an appetite to build new bed towers because they are very expensive—costing \$1.5 million per bed; 6) CON’s are provided in an illogical manner, setting up “mini-monopolies;” and 7) litigation is a lengthy and expensive part of the process.

Opponents argued: 1) there is no problem to be solved; 2) health care has distinct characteristics in the free market economy – federal law that requires hospitals to treat any patients who show up at emergency rooms; 3) that access to health care would be impaired and the safety net hospitals would be hardest hit by the repeal; 4) volume equals quality so safety may be at risk; 5) an industry trend exists so why should there be an all out building spree by private hospitals who will not serve the same volume of poor patients; 6) there is no guarantee that new hospitals will build in areas of need; 7) the large states with no CON pay more for each inpatient day; and 8) hospitals are at financial risk, especially with the proposed House budget cuts.

The companion bill, SB 676 (Bradley) has not been considered in committee.

## Physician Assistant Legislation

**CS/CS/HB 1307** (Placencia) relating to Physician Assistant (PA) Workforce Surveys passed the House Health and Human Services Committee unanimously, as amended. The committee adopted an amendment that eliminated the requirement that a PA employed by a multi-physician practice or facility have a designated supervising physician and the proposed revision of the Council on Physician Assistants. So everything in the bill was removed except the physician assistant survey.

As a part of the biennial licensure renewal process, **CS/CS/HB 1307** requires a PA to respond to a biennial workforce survey to collect information regarding the PA's practice, including information on critically needed services. The Department of Health (DOH) already collects this information as a part of a physician workforce survey. The information collected from the PA workforce survey must be reported to the Board of Medicine and the Board of Osteopathic Medicine every two years beginning July 1, 2018. The data will be used to support recommendations concern physician assistant practice in Florida. The Senate companion bill, **CS/SB 732** (Steube), is on the Senate Appropriations Committee agenda next week.

Also, **HB 645** (Lee) relating to Involuntary Examinations Under the Baker Act passed the House Health and Human Services Committee unanimously. The bill authorizes PAs and ARNPs to initiate involuntary examinations under The Baker Act. The PA or ARNP must execute a certificate stating that a person he or she examined within the preceding 48 hours appears to meet the criteria for an involuntary examination for mental illness. Under current law, only a physician, clinical psychologist, psychiatric nurse, mental health counselor, marriage and family therapist or clinical social worker may initiate an involuntary examination by executing such a certificate. A companion bill, **SB 634** (Campbell) passed three committees and is in the Senate Rules Committee.



## Lauren's Kids Display on Abuse Prevention

April is National Sexual Assault Awareness Month and National Child Abuse Prevention Month. This week, a "Walk In My Shoes" event was held at the Capitol by Lauren's Kids and the Florida Council Against Sexual Violence. The display featured more than 1,000 shoes worn by sexual assault survivors from across Florida. A blue tag with the survivors' stories was attached to each pair of shoes. Each of the 40 senators were given a pair of shoes from a constituent. Senator Lauren Book, founder of Lauren's Kids, her two-month old twins, her father, lobbyist Ron Book, Rep. Kristin Jacobs, Senator Greg Farmer, Rep. Lori Berman, former Senator/current Broward County Commissioner Nan Rich, and others were on hand to support the event. Of special note, the "Bikers Against Child Abuse" rode to Tallahassee to support survivors and participate in the event.

## Other Bills Passing out of Committee this Week

**Health Information Transparency.** CS/HB 1207 (Brodeur) relating to Health Information Transparency passed the House Health Care Committee unanimously. The bill requires the Agency for Health Care Administration (AHCA) to contract with a vendor to evaluate the health information technology in this state and identify best practices for developing data systems that will provide health care practitioners real-time access to patient information. The evaluation must identify methods to increase interoperability across delivery systems and geographic locations and allow health care practitioners to review eligibility for public health or private insurance, ensure that health care services are clinically appropriate, and avoid duplicative services or overutilization of services. AHCA must submit a report evaluating the contract outcomes to the President of the Senate and the Speaker of the House of Representatives by December 31, 2017. The Senate companion bill, CS/SB 1550 (Steube) is in the Appropriations Committee.

**Memory Disorder Clinic.** SB 1050 (Simmons) relating to memory disorder clinics passed the Senate Appropriations Subcommittee on Health and Human Services unanimously and is scheduled for Senate Appropriations Committee this week. The bill establishes a memory disorder clinic at Florida Hospital in Orange County. There are currently 15 memory disorder clinics in the state. The costs associated with the Memory Disorder Clinic at Florida Hospital in Orange County will be funded through Florida Hospital. They plan to compete for several local, state, and national grants, which may bring additional funds and resources to the state for Alzheimer's research. Receiving a statutory designation as a state Memory Disorder Clinic may help the hospital in its efforts to receive those grant and research dollars. The House companion bill, HB 883 (Plakon) passed the House unanimously this week.



*Photos & Credits: On page 1 area between the Old and New Capitols; on page 2 graphics from the House staff analysis on CS/CS/HB 7; on page 3 photos from Lauren's Kids press conference in the Capitol, and the House Health & Human Services Committee meeting; and on page 4 LuLu, child of Tanya Jackson & Robert Beck. Sources included articles from the following: Brandon Larrabee, Lloyd Dunkelberger, Antonio Fins, Michael Moline, as well as the Florida Channel, and House & Senate bill analyses.*

### Additional Resources:

Advocate for Florida State:

<http://www.advocateforfloridastate.fsu.edu/site/PageServer?pagename=deploymenthome>

FSU Governmental Relations:

<http://govrel.fsu.edu/>

The Florida Channel:

<http://thefloridachannel.org/>

Florida Senate: <http://www.flsenate.gov/>

Florida House of Representatives:

<http://www.myfloridahouse.gov/>

Florida Governor's Office:

<http://www.flgov.com/>

### For more information:

Laura E. Brock, Ph.D.

FSU College of Medicine

1115 West Call Street

Tallahassee, FL 32306-4300

Email: [laura.brock@med.fsu.edu](mailto:laura.brock@med.fsu.edu)

Office: 850.645.9429

Mobile: 850.566.1002



*LuLu Jackson-Beck*