For several years telehealth has been considered in the legislature and the Florida Telehealth Advisory Committee was created to provide recommendations. SB 280 (Bean) and HB 793 (Masullo) were introduced to begin an incremental attempt at creating a statutory framework for telehealth implementation.

As a response to the situation at the Hollywood Hills Rehabilitation Center, where the storm knocked out power to the air conditioning system, leading to the deaths of 12 people, several bills have been filed requiring back-up power sources during hurricanes.

“"If an insurance company makes a promise, it should keep the promise." ~ Rep. Bill Hager
SB 162-CS/HB 217 would prevent carriers from approving treatment and then demanding repayment from the policyholder or treatment provider later.

“"Plus ça change, plus c'est la même chose." ~ Alphonse Karr
“The more things change the more they stay the same.”

The House and Senate Appropriations Committees amended and passed appropriations bills this week. Although the bills are only about $100 million apart with large reserve fund amounts are established by both appropriations bills, the policy driving the budget allocations differ.
## Week 4

### Senior Legislation ~

Last September, Hurricane Irma swept across Florida causing heavy damage and widespread loss of power. After the hurricane swept through South Florida, the nursing home Rehabilitation Center at Hollywood Hills was left without power and air conditioning for multiple days, resulting in uncontrolled heat and ultimate death of 12 residents who died from heat exposure.

**CS/SB 1874 (Passidomo) require, by June 1, 2018, that nursing homes and assisted living facilities have an operational emergency power source and fuel to sustain an certain air temperature for at least 96 hours. The bill requires that each facility have a plan to monitor residents to ensure that they do not suffer from complications from heat exposure and a plan to safely transport residents to an appropriate facility if the facility’s management knows it will be unable to sustain safe temperatures. The bill also requires that each ALF to have an operational carbon monoxide alarm installed that is approved by the Florida Building Commission. The bill passed the Senate Health Policy Committee unanimously. Similar bills in the House have not yet been considered.**

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### Appropriations Bills continued

The budget is a statement of values or priorities. Each presiding officer has indicated the priorities for the majorities in their chambers. For the Senate, higher education and environmental funding are winners in SB 2500. For the House, K-12 education especially charter schools and public safety are winners in HB 5001. The opioid crisis and hurricane response are also important for both chambers. Eleven amendments were filed in the House Appropriations Committee, while 140 amendments were filed in the Senate Appropriations Committee.

The Senate bill increases higher education spending by $383 million. The House already cut over $200 million in state university reserves and added to the reduction by cutting funds from the state university system World Class Scholars Program and Graduate and Professional Excellence Program. The funds were transferred to the Florida College System to replicate these programs to recruit exemplary faculty and enhance baccalaureate programs.

Another difference is in the Medicaid payments to hospitals. The Senate spreads funds to all hospitals, rather than targeting hospitals that serve larger volumes of Medicaid patients. Safety Net hospitals would be reduced and payments to private hospitals would be increased.

Mirroring last year’s tactics, the House Appropriations Committee also created a “train” of several policy bills as a “conforming” bill (HB 7055) accompanying HB 5001. In other pre-conference positioning, the House adopted an amendment that transferred UF Health Jacksonville’s exemption payment funds to UF Health Shands Hospital. Also, funds for the DOH salaries were made contingent on speedy implementation of the Medical Marijuana law provisions.

Next week the appropriations bills will be considered and passed in each chamber. Major factors that will influence the coming Appropriations Conference Committee include: 1) results from the Feb. 9 General Revenue Estimating Conference, which is expected to provide more funds; 2) how much revenue will be used for a tax cut bill that both chambers are committed to passing; 3) which Senate projects will be cut to align with the lesser number of House projects; 4) where the Senate will reduce their budget should the hardline House position prevail concerning the use of $434 million more in property tax payments from homeowners due to rising property values; and 5) whether the new pressure for a gaming resolution (the Seminole Compact is worth $3 billion over seven years) can be developed under the shadow of the “Voter Control of Gambling Amendment” constitutional amendment, which would remove much legislative authority. “This is the beginning of the end.” ~ George Noory
Health Insurance Claims

CS/HB 217 (Hager) prohibits a health insurer or health maintenance organization (HMO) from retroactively denying a claim at any time because of insured ineligibility, if the insurer or HMO previously verified the eligibility of the patient at the time of treatment and provided an authorization number.

Usually, when a patient makes an appointment with a health care provider, the provider verifies their insurance coverage. Once this verification is made, services are provided and claims generated. Later, an insurer may determine that a patient was not eligible for certain coverage at the time of service delivery, a medical claim may be denied, which is retroactive denial. Under existing law, the patient is responsible for those claims, which potentially exposes the physician to financial risk if the patient does not pay the claims.

Insurance groups opposed the bill. Paul Sanford, representing Florida Blue and the Florida Insurance Council, opposed the bill. He said that the bill prohibits insurers from recovering claims where premiums are not paid. Wences Troncoso, General Counsel for Florida Association of Health Plans, spoke against the bill, linking it to an Obamacare rule that may be overturned soon. He advocated better communication between the two parties. Brewster Bevis, with Associated Industries, spoke against the bill, indicating the employees may game the system using the bill, resulting in increased insurance costs around the state, ultimately expanding Obamacare in Florida.

Supporters included health care provider groups. Dr. Mark Dobbertien representing the Florida Medical Association spoke in favor of the bill. He said the amendment narrows the bill but would still make progress. Often claims are denied on the basis of eligibility rather than medical necessity. Chris Nuland, representing the Florida Chapter, American College of Physicians, spoke in favor of the bill. He said that much discussion centered on the 30-day grace period, which is already in Florida law and the bill does not add to that provision. The bill as amended does not apply to Obamacare policies. This was done intentionally to ensure that the federal regulation would not affect these policies. Finally, discussions between insurers and providers are allowed under HIPPA’s explicit provision on “treatment and payment operations,” TPO.

CS/HB 217 passed the subcommittee by a vote of 10-2. The Senate companion bill, SB 162 (Steube), has passed three committees unanimously and is on the Senate Calendar.

Move the Capitol to Orlando?

HB 1335 (Hager) would create a task force to examine options for relocating the Capitol building, executive-branch offices and the Legislature. The bill has been referred to committees and not heard. There is no Senate companion bill.

Telehealth Bill Considered This Week

Many doctors, hospitals and clinics are not waiting for legislation and are using their own forms of telehealth technology. Florida law does not address whether insurers should pay for telehealth. Since 2014 the legislature has considered various approaches to telehealth and ultimately created the Florida Telehealth Advisory Committee two years ago. The Advisory Committee recommended legislatively required insurance coverage and equal reimbursement from insurers. As originally filed, SB 280 (Bean) established definitions, practice standards, and Agency for Health Care Administration (AHCA) reimbursement for live video conferencing. It also encouraged the State Group Insurance program to offer a selection of plans that include coverage of services provided through telehealth, as well as urging insurers offering workers’ compensation insurance to include in the plan services provided through telehealth.

SB 280 was first heard in the Senate Banking and Insurance Committee, where an amendment was adopted that stripping telehealth provisions relating to the State Group Insurance program, Medicaid, and the Insurance Code. Public testimony emphasized the perpetual benefits that telehealth provides and how the practice repeatedly bogs down in the “business of medicine.” Persons testifying from hospital systems argued that since coverage and equal reimbursement is not mandated, there are fewer participating clinicians and hospitals.

CS/SB 280 establishes practice standards, addresses the prescribing of controlled substances and issuance of a physician certification for medical marijuana through telehealth, and prescribes recordkeeping and patient consent. The bill was considered in the Senate Health Policy Committee this week. Supporters for the bill included the following: Linda Renn, past president, Florida Health Information Management Association; Layne Smith, Mayo Clinic; Jack McKay, AARP; Rivers Buford, American Heart Association; Paul Lambert, Florida Chiropractic Association; Chris Chaney representing Associated Industries; Mia Diaz, Florida Tax Watch; Larry Gonzalez, Florida Society of Health System Pharmacists; Brittney Hunt, Florida Chamber of Commerce; Marti Coley Eubanks, Nemours Children’s Health System; Ron Watson, Florida Renal Coalition; Joe Anne Hart, Florida Dental Association; Professor Fabio Naranjo, Barry University and several social work students. Oliver Oyama, Ph.D., who represented the USF family medicine residency program, which has a telehealth grant focused on diabetes, listed the benefits of combining live visits with telehealth. (Rhetorical question: What associations/organizations are missing from this list?) After the public testimony, the bill passed unanimously. The House companion bill, HB 793 (Massullo) has been referred to the House Health Quality Subcommittee and the Health and Human Services Committee but not had a hearing yet.
Florida Senate Reunion

Former senators gathered for reunion festivities and tours for two days at the Capitol. Former & current senators are in the photo, courtesy of the Florida Senate Twitter and Facebook Pages.

On page 1 the photo is from the House of Representatives website. The photo on Page 3 is Destruction of the east front columns and steps in preparation for the restoration to the 1902 capitol - Tallahassee, Florida. 1980. State Archives of Florida, Florida Memory. Sources included articles from Christine Jordan Sexton, Steve Bousquet, Gary Fineout, Dara Kam, James Rosica, 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/

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