



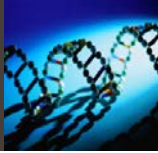
FSU College of Medicine Legislative Report

Week 6

April 8 – 12, 2019

Keeping Genetic Tests Private

Insurers Want Your Ancestry Genetic Tests



Differing bills moved through committee and passed the House this week on the privacy of genetic testing results. Federal law prohibits use of genetic information except for life insurance, disability insurance or long-term care insurance. These bills prohibit the use of genetics tests in these policies.

4

FSU Day at the Capitol

Softball & Soccer Teams Honored



FSU President John Thrasher, Jean Thrasher, CFO Patronis and several legislators participated in a celebration of the academic success and athletic achievements of the women's softball and soccer teams.

3

Telehealth Bills Move Forward

House & Senate Bills Use Different Approaches



The House and Senate are moving telehealth bills, which encompass different approaches to the delivery of telemedicine and the use of a "carrot" versus a "stick" approach to offering incentives.

4

Quote of the Week:

"Bills are dying."

~ Tweet by Kathy Mears this Week



Florida State University Day at the Capitol

Dean J. Fogarty and Dr. Christie Alexander Serve Respectively as "Doctor of the Day" for the Senate and House





FSU Day at The Florida Capitol

Above: FSU President John Thrasher and Jean Thrasher attending FSU festivities. Photo by Colin Hackney, photographer extraordinaire.
Below: Seniors Line Dancing at the Capitol, Tallahassee. 2018.

Senate Health Bills on the Move ~

Closing the Gap Grant Proposals. CS/CS/SB 1436 (Gibson) passed Senate Appropriations Committee unanimously this week. The bill adds an additional priority area eligible for funding under the “Closing the Gap” grant program to include Alzheimer’s disease and dementia.

Elder Abuse Fatality Review Teams. CS/CS/CS/SB 452 (Gibson) unanimously passed the Senate Appropriations Committee this week. The bill establishes elder abuse fatality review teams, composed of volunteer members, in each of the 20 judicial circuits. The teams must review closed cases of fatal incidents of elder abuse and make policy and other recommendations to help prevent future incidents of elder abuse-related fatalities.

Preexisting Conditions. CS/CS/SB 322 (Simpson) passed the Rules Committee 16-1 and is on the Senate Special Order Calendar. The bill requires insurers or health maintenance organizations (HMOs) to offer at least one comprehensive major medical policy or contract that does not exclude, limit, deny, or delay coverage due to one or more preexisting medical conditions.

Aging Programs. CS/SB 184 (Book) passed the House of Representatives by a vote of 116-0 and heads to the Governor. The bill moves rulemaking authority for certain programs from the Department of Elder Affairs to the Agency for Health Care Administration (AHCA). These programs include hospice care, assisted living facilities, adult family care homes, and adult day care programs. Currently both agencies develop rules, while licensing and inspection is solely performed by the AHCA.

Health Care Bills Continue Rapid Movement in the House

In addition to the genetic testing and telehealth bills highlighted elsewhere in this report, the House continued to pass health care legislation encompassing Speaker Oliva’s priorities. Many of the Senate companions differ. The following bills passed the full House this week.

Drug Importation Program. CS/HB 19 (Leek) passed the House by a vote of 93-22. The bill creates the Canadian Drug Importation Program and the International Drug Importation Program, which would require federal approval. As expected, the pharmaceutical industry is opposed to the bill, and in committee testimony tends to blame insurance companies for high drug prices.

Medicaid Transportation Alternatives. CS/HB 411 (Perez) passed the House by a vote of 116-0. The bill would allow companies, such as Uber and Lyft, through managed care providers, to take patients with Medicaid insurance to and from doctors’ appointments that don’t require an ambulance.

Hospital Mergers, Acquisitions, & Other Transactions. CS/CS/HB 1243 (Burton) passed the House by a vote of 115-0. The bill imposes certain reporting requirements when a transaction between two entities in the health care market results in an affiliation or a material change to the health care market, which could create a monopoly.

Health Insurance Savings Programs. CS/HB 1113 (Renner) passed the House by a vote of 114-0. The bill creates the Patient Savings Act, which allows health insurers to create a shared savings incentive program beginning on January 1, 2020, to encourage insured individuals to shop for high quality, lower cost health care services and share any savings realized as a result of the insured’s choice.







Telehealth Bills Differ

The use of telehealth is rapidly growing in Florida as well as nationally. For several years, the legislature has wrestled with the best approach for creating a statutory framework for the use of telehealth in Florida. In 2016, the Telehealth Advisory Council made several recommendations for to increase the use and accessibility of services provided via telehealth and a subsequent survey was conducted on the use of telehealth services. The health care practitioners indicated that the major factors in adopting the use of telehealth in their private practice include the lack of insurance reimbursement for services provided using telehealth.

This week **CS/CS/HB 23** (Yarborough) passed the House by a vote of 102-14. The bill allows Florida licensed health care professionals to use telehealth to deliver health care services within their respective scopes of practice. The bill also authorizes out-of-state health care professionals to use telehealth to deliver health care services to Florida patients if they register with the Department of Health (DOH) or the applicable board, meet certain eligibility requirements, and pay a fee. Beginning on January 1, 2020, the bill creates a tax credit for health insurers and health maintenance organizations (HMOs) that cover services provided by telehealth. A tax credit for insurance companies is included. The bill will have a negative impact on recurring General Revenue of \$31.4 million. Several legislators supporting telehealth voted against the bill because of these provisions providing a tax credit for insurance companies, calling it “corporate welfare.”

The Senate telehealth bill, **SB 1526** (Harrell), creates a telehealth statute and does not include a tax credit for insurance companies. The bill prohibits individual, group, blanket, franchise health insurance and health maintenance organization (HMO) policies from denying coverage for telehealth services on any insurance policy delivered, renewed, or issued, to any insured person in this state on or after January 1, 2020 on the basis of the service being provided through telehealth if the same service would be covered if provided through an in-person encounter. The bill will be considered in its second committee of reference next week.

Underground Power Lines ~

Sounds great! Who pays? **CS/CS/HB 797 & CS/CS/SB 796** provide plans to move power lines underground with charges that will be passed on by investor owned utilities to consumers through (a “recovery clause” in) their utility bills.



Keeping Genetic Tests Private

House Debates the Use of Genetic Tests by the Insurance Industry to Deny Coverage or Raise Rates

Genetic testing for ancestry and health issues is a growing industry in the public domain. This week the House passed **CS/HB 879** (Williamson) prohibiting insurance companies from using these personal genetic tests by a vote of 88 – 26. For policies entered into or renewed on or after January 1, 2020, the bill expands current prohibitions on the use of genetic information by insurers to include policies for life insurance and long-term care insurance. Insurers may not cancel, limit or deny coverage or set different premium rates without a specific diagnosis related to the genetic information. The bill also prohibits life insurers and long-term care insurers from requiring or soliciting genetic information, using genetic test results, or considering a person’s decisions or actions relating to genetic testing for any insurance purpose.

The bill is opposed by the insurance industry, whose representatives have testified against it in committee hearings. In the House Chamber debate, Rep. Richard Stark argued that the bill was premature and was concerned that if the genetic testing results were already in the medical record that insurers would not be able to review the results to help with the underwriting processes.

Rep. Ralph Massullo countered that insurance companies currently require a great deal of information on activities and health to assess risk. Certain risks have been deemed actuarially acceptable. Genetic testing is new, but the risk of rare diseases is not new, and currently the insurance companies price in those risks. For example, Huntington’s Disease, which is often referred to by the insurance industry, has an occurrence of only 4 to 5 per 100,000. He asked, “Do we want to add another form of discrimination into our society? A form that is more technical, evolving and scientific?” Rep. Blaise Ingoglia said that the insurance industry has actuarial models and would not answer the question about whether they would reduce rates if the genetic tests revealed no markers for diseases.

Unlike the House bill, the Senate companion bill, **CS/SB 258** (Bean) would not prohibit insurers from using genetic information in people’s medical records. Insurers are also prohibited from forcing consumers to take DNA tests, nor can they use specific results of those tests in actuarial decisions. On the consumer side, the bill also prohibits a person, including a company like *23andMe*, from selling, releasing, or sharing any personal identifying health information about a consumer with a life or health insurance company without a prior written authorization and a written request from the consumer for release of the information. The bill is now in the Rules Committee.



Florida State University Day at the Capitol

Members of the Florida State University band performed on FSU Day while 4 Rivers Smokehouse served food to the multitudes, including visitors, legislators, staff, softball and soccer teams and coaches in the courtyard between the old and new Capitols.

Photos of FSU Day are from the author, Twitter, Facebook, the Tallahassee Democrat, and the FSU Website (Colin Hackney & Tori Schneider). Sources included articles from Christine Jordan Sexton, Gary Fineout, Danny McAuliffe, Drew Wilson, Dara Kam, James Turner, Janelle Irwin Taylor, 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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Dogs of the Week

INDIE & EAGLE, fun "children" of Andrea La Douceur, Daytona Campus Administrator, FSU College of Medicine