

STORAGE NAME: h4043s1.hcl

DATE: March 17, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
HEALTH CARE LICENSING & REGULATION
ANALYSIS**

BILL #: CS/HB 4043 (PCB RC 00-22)

RELATING TO: Obsolete, Expired, or Repealed Provisions of Law

SPONSOR(S): Committee on Health Care Licensing & Regulation, Committee on Rules & Calendar and Representative Arnall

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) RULES AND CALENDAR YEAS 19 NAYS 0
 - (2) HEALTH CARE LICENSING & REGULATION YEAS 11 NAYS 0
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill repeals or amends statutes and sections of the Laws of Florida that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded that relate to the regulation of certain professions with the Department of Health. Other provisions identified by the Agency for Health Care Administration deemed obsolete are included. The bill also repeals several task forces and work groups required to conduct a study and issue a report to the Legislature no later than February 1, 2000.

The bill takes effect upon becoming a law.

The bill does not appear to have a fiscal impact on state or local government.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

The staff of the Committee on Health Care Licensing & Regulation was asked to review a number of sections of the Florida Statutes and Laws of Florida to determine if those sections have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded. The committee staff, in consultation with the Department of Health and appropriate Senate staff, identified a number of such sections and referred that information to the House Committee on Rules and Calendar, which resulted in the drafting and passage of Proposed Committee Bill RC 00-22 by that committee. Upon introduction, the Proposed Committee Bill became HB 4043. See "Section-by-Section Analysis" for present situation on each of the sections of the bill.

C. EFFECT OF PROPOSED CHANGES:

The bill repeals or amends statutes and sections of the Laws of Florida that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded that relate to the regulation of certain professions with the Department of Health. Other provisions identified by the Agency for Health Care Administration deemed obsolete are included. Several task forces and work groups required to conduct a study and issue a report to the Legislature no later than February 1, 2000, are repealed.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Repeals s. 404.22(5)(c), F.S., relating to adoption of a fee schedule for fiscal year 1981-1982 for registration and inspection of radiation machines. The section required the fee schedule for fiscal year 1981-1982 for registration and inspection of radiation machines to be the minimum fee listed in s. 404.22(5)(b)1.- 6., F.S. The fees listed in Administrative Rule 64E-5.511(2), Florida Administrative Code, adopted by the Department of Health are already at the statutory fee cap specified in s. 404.22(5)(b)1.- 6., F.S.

Section 2. Repeals s. 408.02(5), F.S., relating to the development and adoption by rules of practice parameters for services provided by diagnostic-imaging centers, radiation therapy services, clinical laboratory services, physical therapy services, and comprehensive rehabilitative services. The practice parameters for diagnostic-imaging services were required to be developed by December 31, 1993.

Repeals s. 408.02(6), F.S., relating to practice parameters and guidelines for the delivery of mammography services. According to the Agency for Health Care Administration, this provision is obsolete.

Sections 3 & 4. Amend ss. 627.6418(1) and 627.6613(1), F.S., deleting references to practice parameters for the delivery of mammography services to conform to the repeal of s. 408.02(6), F.S.

Section 5. Repeals s. 408.062(3), F.S., relating to annual assessment and reporting on caesarean section rate and the impact of practice parameters. This provision authorizes the Agency for Health Care Administration to annually assess the caesarean section rate in Florida hospitals using the analysis methodology that the agency determines most appropriate. Hospitals are directed to report to the agency the date of implementation of practice parameters and the date of the first meeting of the hospital peer review board. The first annual report was to be submitted on January 1, 1993.

Section 6. Repeals s. 458.349, F.S., relating to savings clauses applicable to repeal and reenactment in 1979 of chapter 458, F.S., relating to medical practice (Board of Medicine). The savings clause is obsolete since there is a two year renewal cycle for all licenses. The section provides that all licenses or certificates valid on (July 1, 1979) the effective date of this act shall remain in full force and effect and shall be applied for and renewed in accordance with this act.

Section 7. Repeals s. 459.024, F.S., relating to savings clauses applicable to repeal and reenactment in 1979 of chapter 459, F.S., relating to osteopathic medicine (Board of Osteopathic Medicine). The savings clause is obsolete since there is a two year renewal cycle for all licenses. The section provides that all licenses or certificates valid on (July 1, 1979) the effective date of this act shall remain in full force and effect and shall be applied for and renewed in accordance with this act.

Section 8. Repeals s. 461.015, F.S., relating to savings clauses applicable to repeal and reenactment in 1979 of chapter 461, F.S., relating to podiatric medicine (Board of Podiatric Medicine). The savings clause is obsolete since there is a two year renewal cycle for all licenses. The section provides that each podiatric physician who is duly licensed on June 30, 1979 shall be entitled to hold such license. Such license shall be applied for and renewed in accordance with this act.

Section 9. Repeals s. 463.019, F.S., relating to savings clauses applicable to repeal and reenactment in 1986 of chapter 463, F.S., relating to optometry (Board of Optometry). The savings clause is obsolete since there is a two year renewal cycle for all licenses. The section provides that all licenses or certificates valid on (October 1, 1986) the effective date of this act shall remain in full force and effect and shall be applied for and renewed in accordance with this act.

Section 10. Repeals s. 464.0035, F.S., relating to staggering of initial terms on the joint committee appointed to approve acts of medical diagnosis and treatment, prescription, and operation that are authorized as advanced or specialized nursing practice.

Section 11. Repeals s. 464.023, F.S., relating to savings clauses applicable to repeal and reenactment in 1979 of chapter 464, F.S., relating to nursing (Board of Nursing). The savings clause is obsolete since there is a two year renewal cycle for all licenses. The section provides that each licensee or holder of a certificate who is duly licensed on June

30, 1979 shall be entitled to hold such license. Such license shall be applied for and renewed in accordance with this act.

Section 12. Repeals s. 468.804, F.S., relating to the Orthotists and Prosthetists Educational Programs Task Force. The task force was required to make its recommendations by January 15, 1998.

Section 13. Repeals s. 484.019, F.S., relating to savings clauses applicable to repeal and reenactment in 1986 of part I, chapter 484, F.S., relating to preparing and dispensing of eyeglasses and other optical devices (Board of Hearing Aid Specialists). The savings clause is obsolete since there is a two year renewal cycle for all licenses. The section provides that all licenses valid on October 1, 1986 shall remain in full force and effect and shall be applied for and renewed in accordance with this act.

Section 14. Repeals s. 499.003(16) and (28), F.S., relating to the definitions of "investigational drug" and "technical panel" to conform. Repeals ss. 499.018, 499.019, 499.02, 499.021, and 499.022, F.S., to abolish the investigational drug program and the Florida Drug Technical Review Panel.

According to information provided by the Department of Health, when the investigational drug program and Drug Technical Review Panel were created by the Legislature in 1981, the apparent intent was to make life-saving investigational drugs available to Florida citizens quicker due to the U.S. Food and Drug Administration's (FDA) delayed drug approval process. There have been no investigational drug applications submitted to the review panel since 1988 and during intervening years, the federal FDA drug approval process has been revamped to be a fast-track FDA drug approval process. Investigational drugs with life-saving potential are available to needy patients before the drugs are available to the general public. The last meeting of the review panel was in November, 1994.

Sections 15 - 21. Amend ss. 381.0203, 499.015, 499.024, 499.03, 499.04, 499.041, and 499.067, F.S., to conform to the repeal of the investigational drug program and the repeal of the Florida Drug Technical Review Panel.

Section 22. Repeals s. 499.025(5), F.S., relating to applicability of provisions establishing identification requirements for drug products in finished, solid, oral dosage form manufactured after January 1, 1982.

Section 23. Repeals s. 103 of chapter 97-261, Laws of Florida, and s. 2 of chapter 98-226, Laws of Florida, relating to the task force on the Health Care Practitioner Credentialing Program.

Section 24. Repeals s. 13 of chapter 99-332, Laws of Florida, relating to the Task Force on Home Health Services Licensure Provisions. Task Force report was due on or before December 31, 1999.

Section 25. Repeals s. 28 of chapter 99-394, Laws of Florida, relating to the certified nursing assistant study group. The Department of Elderly Affairs was required to submit a report to the Legislature by January 15, 2000.

Section 26. Repeals ss. 125 and 175 of chapter 99-397, Laws of Florida, relating to the Task Force for the Study of Collaborative Drug Therapy Management and the Task Force on Telehealth. A report from the Collaborative Drug Therapy Task Force was due not later

than December 31, 1999, and the Telehealth Task Force report was due on January 1, 2000.

Section 27. Provides an effective date of upon becoming a law.

III. **FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:**

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

IV. **CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:**

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to expend funds or to take any action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the percentage of state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

At the March 8, 2000, meeting of the Health Care Licensing & Regulation Committee, two amendments were adopted affecting three statutory provisions which were determined by the Agency for Health Care Administration to be obsolete. Amendment #1 repeals the requirement for an annual report to the Governor, Speaker, and President relating to monitoring and assessment of caesarean section rates in Florida hospitals. The Agency for Health Care Administration was required to issue the first annual report on January 1, 1993. Amendment #2 repeals provisions that require the Agency for Health Care Administration to develop practice parameters applicable to diagnostic-imaging services by December 31, 1993, and practice parameters for the delivery of mammography services. The bill passed as a committee substitute.

VII. SIGNATURES:

COMMITTEE ON HEALTH CARE LICENSING & REGULATION:

Prepared by:

Staff Director:

Lucretia Shaw Collins

Lucretia Shaw Collins