

STORAGE NAME: h4045s1z.hcs
DATE: May 22, 2000

****AS PASSED BY THE LEGISLATURE****
CHAPTER #: 2000-209, Laws of Florida

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
HEALTH CARE SERVICES
FINAL ANALYSIS**

BILL #: CS/HB 4045 (PCB RC 00-23) (Passed as SB 1766)

RELATING TO: Obsolete, Expired, or Repealed Provisions of Law

SPONSOR(S): Committee on Health Care Services, Committee on Rules & Calendar, and Rep. Arnall

TIED BILL(S):

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

- (1) HEALTH CARE SERVICES YEAS 15 NAYS 0
- (2)
- (3)
- (4)
- (5)

I. SUMMARY:

Passed by the Legislature as SB 1766. On June 5, 2000, SB 1766 became Ch. 2000-209, Laws of Florida, with the Governor's signature.

CS/HB 4045 repeals or amends various provisions of law that are obsolete, have had their effect, or have been impliedly repealed or superseded, related to the Agency for Health Care Administration and the public health functions of the Department of Health. The bill also repeals provisions of statute, Laws of Florida, and the General Appropriations Act which relate to several work groups, task forces, and study panels whose work has been, or will be, completed by July 1, 2000.

The bill takes effect upon becoming law.

The bill has no fiscal impact.

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 Services 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if those sections have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded.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, working with the respective staff of the Department of Health and the Agency for Health Care Administration 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 00-23 by that committee. The Proposed Committee Bill, as approved by the Committee on Rules and Calendar, was filed as House Bill 4045. See the "Section-by-Section Analysis" for the justification for the repeal or amendment of each of the sections of statute or law by the bill.

C. EFFECT OF PROPOSED CHANGES:

CS/HB 4045 relates to the Agency for Health Care Administration and the public health functions of the Department of Health. The bill repeals or amends various provisions of law that are obsolete, have had their effect, or have been impliedly repealed or superseded. The bill repeals provisions of statute, Laws of Florida, and the General Appropriations Act which relate to several work groups, task forces, and study panels whose work has been, or will be, completed by July 1, 2000.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Repeals s. 154.013, F.S., relating to non-functional county primary health care panels.

Section 2. Amends s. 154.011(1), F.S., relating to county health department primary care services, to conform to the deletion of the primary care panel per the previous section of the bill, and to delete reference to a date that has passed.

Section 3. Repeals subsection (2) of s. 154.12, F.S., which requires county health trusts to operate in accordance with s. 732.29, F.S., relating to filing of caveats, a provision which was repealed in 1974.

Section 4. Repeals s. 408.30, F.S., relating to an obsolete 1979 rule saving clause specific to the old Health Care Cost Containment Board.

Section 5. Repeals paragraph (f) of subsection (35) of s. 409.912, F.S., relating to an outpatient specialty services pilot project tied to the 1997-98 General Appropriations Act, and amends paragraph (c) of subsection (3) of that section to delete obsolete language relating to the requirements under which federally qualified health centers become Medicaid prepaid health plan providers.

Section 6. Repeals s. 381.0408, F.S., relating to the Public Health Partnership Council on Stroke, a short-term advisory group whose mission has been completed, and that is no longer funded.

Section 7. Repeals s. 408.0014, F.S., relating to the now defunct Florida Health Access Corporation Board of Directors.

Section 8. Amends paragraphs (b) and (c) of subsection (2) of s. 20.42, F.S., relating to the organization of the Agency for Health Care Administration, to delete reference to the Florida Health Plan and the Florida Health Access Corporation.

Section 9. Amends paragraph (h) of subsection (2) of s. 409.9117, F.S., relating to the collaboration requirements for hospitals under the Primary Care Disproportionate Share Program, to delete reference to the Florida Health Access Corporation.

Section 10. Repeals the following sections of the Florida Statutes relating to various aspects of the Florida Health Plan, a 1992 directive that has served its usefulness:

s. 408.002, F.S., Florida Health Plan, findings and intent;

s. 408.004, F.S., Florida Health Plan, creation;

s. 408.005, F.S., Florida Health Plan, findings and intent;

s. 408.006, F.S., Florida Health Plan, goals and report.

Section 11. Amends paragraph (a) of subsection (4) of s. 408.061, F.S., relating to health facility data collection and financial reporting, to delete reference to the Florida Health Plan.

Section 12. Amends subsections (6) and (7) of s. 408.15, F.S., relating to responsibilities of the Agency for Health Care Administration, to delete reference to the Florida Health Plan.

Section 13. Amends s. 408.301, F.S., relating to legislative findings regarding access to quality, affordable health care, to delete reference to the Florida Health Plan.

Section 14. Amends paragraph (b) of subsection (5) of s. 408.704, F.S., relating to a data system for accountable health partnerships, to delete reference to the Florida Health Plan, and to delete reference to a date that has passed.

Section 15. Repeals s. 408.01, F.S., relating to voluntary private health insurance coverage and insurance cost containment. The provisions of this section, created as part of the Florida Health Plan language, are out of date and serve no purpose.

Section 16. Repeals subsection (9) of s. 408.02, F.S., relating to an out-of-date provision requiring a demonstration project on the effectiveness of practice parameters with regard to the costs of defensive medicine and professional liability insurance.

Section 17. Repeals paragraph (g) of subsection (1) of s. 408.062, F.S., relating to an alternative system for hospital financial reporting, the recommendations and report from which were to be completed by July 1, 1993.

Section 18. Repeals s. 408.7071, F.S., relating to the responsibility of the Agency for Health Care Administration to develop a standardized claim form, an outdated function related to the Florida Health Plan.

Section 19. Repeals paragraph (c) of subsection (12) of s. 409.908, F.S., relating to a December 31, 1996, report regarding monitoring of implementation of the resource-based relative value scale fee schedule under Medicaid, and subsection (22) of that section relating to a July 1, 1999, deadline for a report relating to consideration of any changes to the Medicaid reimbursement of developmental services facilities.

Section 20. Repeals s. 514.081, F.S., relating to a 1978 saving clause for rules relating to the Department of Health's public swimming and bathing facilities functions.

Section 21. Amends s. 636.045, F.S., relating to minimum surplus requirements for prepaid limited health service organizations, to delete outdated surplus requirements, the applicability time periods of which are passed.

Section 22. Repeals s. 859.03, F.S., relating to a law created in 1872 governing the sale of morphine. Chapter 465, F.S., relating to the Florida Pharmacy Act, and ch. 893, F.S., relating to drug abuse prevention and control, now adequately address these issues.

Section 23. Repeals s. 859.05, F.S., relating to a 1909 prohibition on the sale of narcotics except on prescription. Chapter 465, F.S., relating to the Florida Pharmacy Act, and ch. 893, F.S., relating to drug abuse prevention and control, now adequately address these issues.

Section 24. Repeals section 35 of ch. 93-129, Laws of Florida, relating to the Rural Hospital Work Group, the report from which was to be completed by December 31, 1993.

Section 25. Repeals section 19 of ch. 96-403, Laws of Florida, relating to the Task Force to Study the Organization and Structure of State Health programs, the report from which was to be completed by December 31, 1996.

Section 26. Repeals section 3 of ch. 98-21, Laws of Florida, relating to the Rural Hospital Redefinition Study Group, the report from which was to be completed by December 31, 1999.

Section 27. Repeals section 1 of ch. 98-305, Laws of Florida, relating to the Prostate Cancer Task Force, the report from which was to be completed by December 31, 1999, and which is scheduled for repeal on July 1, 2000.

Section 28. Repeals section 4 of ch. 99-214, Laws of Florida, relating to the School Nurse Training Study group, the report from which was to be completed by February 1, 2000.

Section 29. Repeals section 6 of ch. 99-393, Laws of Florida, relating to the Advisory Group on the Study of Submission and Payment of Health Claims, the report from which was to be completed by December 31, 1999.

Section 30. Repeals section 192 of ch. 99-397, Laws of Florida, relating to the Public Medical Assistance Trust Fund Task Force, the report from which was to be completed by December 1, 1999.

Section 31. Amends the proviso language following Specific Appropriation 224 of ch. 99-226, Laws of Florida, the 1999-2000 General Appropriations Act, to delete reference to the Medicaid Formulary Study Panel, which was to have completed its tasks by January 15, 2000.

Section 32. Provides for the bill to take effect upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

N/A

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

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

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

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

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Health Care Services adopted 5 amendments when the bill was heard on March 8, 2000. These amendments:

- Deleted reference to the repeal of s. 154.3105, F.S., relating to a rule making work group specific to the Agency for Health Care Administration's responsibilities under the Health Care Responsibility Act, and related cross-references contained in s. 154.308 and 154.309, F.S.
- Repealed s. 408.30, F.S., relating to a saving clause for rules of the Health Care Cost Containment Board, as provided in 1979.
- Repealed s. 408.7071, F.S., relating to the requirement that the agency develop a standardized claim form, rather than amending the section to delete outdated language.
- Amended s. 409.912(3)(c)2, F.S., relating to the requirements under which federally qualified health centers could be Medicaid prepaid providers, the time period for which was

January 1, 1998, and repeal paragraph (35)(f) of that same section, relating to an outpatient specialty services pilot project provision tied to the 1997-98 General Appropriations Act

- Repealed s. 641.51(9), F.S., relating to preventive pediatric health care. This provision is unnecessary because this requirement was incorporated into subsection (8) of this same section by 1999 legislation.

These amendments were incorporated into a Committee Substitute.

When the House of Representatives took up SB 1766 on May 4, 2000, the Senate bill was amended to reflect agreed-to revisions, and returned to the Senate. The one amendment which the House adopted to accomplish this:

- Restored language relating to rule making authority for the Health Care Responsibility Act (s. 154.3105, F.S.);
- Repealed rule-making authority relating to the Health Care Cost Containment Board (s. 408.30, F.S.);
- Repealed an outdated 1997-98 Medicaid specialty services pilot project provision (s. 409.912(35)(f), F.S.); and
- Deleted an outdated provision relating to Medicaid prepaid plan providers (s. 409.912(3)(c), F.S.).

VII. SIGNATURES:

COMMITTEE ON HEALTH CARE SERVICES:

Prepared by:

Staff Director:

Phil E. Williams

Phil E. Williams

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON HEALTH CARE SERVICES:

Prepared by:

Staff Director:

Phil E. Williams

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