

CHAMBER ACTION

1 The Health Care Regulation Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to studies on health care; creating a
7 commission to study the effect of the 2004 hurricane
8 season on certain hospitals and identify hospitals unable
9 to comply with the Florida Building Code or located in
10 flood-prone areas; providing for membership,
11 reimbursement, and duties of the study commission;
12 requiring the Department of Community Affairs to provide
13 staff for the study commission; requiring the commission
14 to submit a report and recommendations to the Governor and
15 the Legislature; creating a health insurance plan study
16 group; specifying membership; requiring the study group to
17 investigate certain issues relating to health insurance
18 plans; requiring the group to meet and submit
19 recommendations to the Governor and the Legislature;
20 directing the Office of Program Policy Analysis and
21 Government Accountability to conduct a study to evaluate
22 whether the State of Florida should join the Nurse
23 Licensure Compact; providing an effective date.

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WHEREAS, the State of Florida experienced four major hurricanes during 2004, and

WHEREAS, the state recognizes the importance of maintaining a system of hospitals throughout the state to ensure that the underserved population has access to hospitals when the need arises and acknowledges that these hospitals serve a critical state purpose in providing this care, and

WHEREAS, it is an important state interest to ensure that these hospitals continue to provide health care services to the state's underserved populations, and

WHEREAS, many hospitals and health care facilities sustained significant structural damage to their facilities in 2004, and

WHEREAS, hospitals that provide the majority of safety net care for indigent and charity cases were forced to operate in facilities that were not structurally sound, and

WHEREAS, these hospitals do not have the ability to care for patients at alternative sites during natural disasters, and

WHEREAS, these hospitals do not have the capital needed to invest in the significant infrastructure costs associated with hurricane damage, and

WHEREAS, these hospitals have been in existence for many years and have become geographically place-bound, with little opportunity to expand beyond their current property lines, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

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Section 1. (1) STUDY COMMISSION.--There is created a study commission to address critical issues relating to hospitals serving indigent populations and licensed under chapter 395, Florida Statutes, which sustained significant damage to their facilities during the 2004 hurricane season.

(2) SUBJECT OF STUDY.--

(a) The commission shall identify:

1. All hospitals that are currently not able to comply with the provisions of the Florida Building Code as defined in chapter 553, Florida Statutes, and any associated administrative rules;

2. Hospitals that are located within 10 miles of the coastline; and

3. Hospitals that are located in a designated flood zone.

(b) The study commission shall make recommendations for allowing these hospitals to find alternative methods of renovating their existing facility in order to meet the requirements of the Florida Building Code. The commission shall review all alternatives that could be made available to those hospitals when renovation is not financially practicable or structurally feasible. The commission shall review existing laws and agency rules and recommend needed changes to address these issues.

(3) REPORT.--The commission shall meet by September 1, 2005, and shall submit recommendations, including recommendations for statutory changes, to the Governor, the President of the Senate, and the Speaker of the House of

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80 Representatives by January 1, 2006. Such recommendations shall
 81 also include an evaluation of whether grant funds should be made
 82 available to assist hospitals with the cost of reconstructing
 83 existing facilities.

84 (4) MEMBERSHIP.--The study commission shall be staffed by
 85 the Department of Community Affairs and shall include:

86 (a) The Secretary of Community Affairs, or his or her
 87 designee.

88 (b) The director of the Division of Emergency Management,
 89 or his or her designee.

90 (c) The Secretary of Health Care Administration, or his or
 91 her designee.

92 (d) Four representatives of hospitals from regions of the
 93 state where hospitals experienced significant hurricane damage
 94 during 2004, with two members appointed by the President of the
 95 Senate and two members appointed by the Speaker of the House of
 96 Representatives.

97 (e) The Secretary of Health, or his or her designee.

98 (f) A director of county emergency management, selected by
 99 the Florida Emergency Preparedness Association.

100 (5) REIMBURSEMENT.--Members of the study commission shall
 101 serve without remuneration, but are entitled to reimbursement in
 102 accordance with section 112.061, Florida Statutes, for per diem
 103 and travel expenses incurred in performing their duties in
 104 accordance with this section.

105 Section 2. (1) A 13-member health insurance plan study
 106 group is created, to be composed of:

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107 (a) Three representatives of employers offering high
 108 deductible health plans to their employees, one each who will be
 109 appointed by the Florida Chamber of Commerce, the National
 110 Federation of Independent Business, and Associated Industries of
 111 Florida. Of these representatives, one shall be a small employer
 112 as defined in s. 627.6699, Florida Statutes.

113 (b) Three representatives of commercial health plans, to
 114 be appointed by America's Health Insurance Plans.

115 (c) Three representatives of hospitals, to be appointed by
 116 the Florida Hospital Association.

117 (d) Two physician representatives, one to be appointed by
 118 the Florida Medical Association and one to be appointed by the
 119 Florida Osteopathic Medical Association.

120 (e) The Secretary of Health Care Administration, who shall
 121 serve as co-chair.

122 (f) The Director of the Office of Insurance Regulation,
 123 who shall serve as co-chair.

124 (2) Staff support for the study group shall be provided
 125 jointly by the Agency for Health Care Administration and the
 126 Office of Insurance Regulation.

127 (3) The study group shall study the following issues
 128 related to high deductible health insurance plans, including,
 129 but not limited to, health savings accounts and health
 130 reimbursement arrangements:

131 (a) The impact of high deductibles on access to health
 132 care services and pharmaceutical benefits.

133 (b) The impact of high deductibles on utilization of
 134 health care services and overutilization of health care
 135 services.

136 (c) The impact on hospitals' inability to collect
 137 deductibles and copayments.

138 (d) The ability of hospitals and insureds to determine,
 139 prior to service delivery, the level of deductible and copayment
 140 required of the insured.

141 (e) The methods to assist hospitals and insureds to
 142 determine, prior to service delivery, status of the insured in
 143 meeting annual deductible requirements and any subsequent
 144 copayments.

145 (f) The methods to assist hospitals in the collection of
 146 deductibles and copayments, including electronic payments.

147 (g) Alternative approaches to the collection of
 148 deductibles and copayments when either the amounts of patient
 149 financial responsibility are unknown in advance or there are no
 150 funds electronically available from the patient to pay for the
 151 deductible and any associated copayment.

152 (4) The study group shall also study the following issues
 153 in addition to those specified in subsection (3):

154 (a) The assignment of benefits attestations and contract
 155 provisions which nullify the attestations of insureds.

156 (b) The standardization of insured or subscriber
 157 identifications cards.

158 (c) The standardization of claim edits or assurance that
 159 claim edits comply with nationally recognized editing
 160 guidelines.

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161 (d) The provision of comparative cost information to
 162 insureds and subscribers.

163 (5) The study group shall meet by August 1, 2005, and
 164 shall submit recommendations to the Governor, the President of
 165 the Senate, and the Speaker of the House of Representatives by
 166 January 1, 2006.

167 Section 3. The Office of Program Policy Analysis and
 168 Government Accountability (OPPAGA) shall conduct a study to
 169 evaluate whether the State of Florida should join the Nurse
 170 Licensure Compact. The study's scope shall include, but not be
 171 limited to, identifying the potential impact on the state's
 172 nursing shortage, benefits to the state, implementation
 173 barriers, and any fiscal impact. OPPAGA shall submit a report to
 174 the President of the Senate and the Speaker of the House of
 175 Representatives by February 1, 2006.

176 Section 4. This act shall take effect upon becoming a law.