

CHAMBER ACTION

1 The Health & Families Council recommends the following:

2  
3 **Council/Committee Substitute**

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

HB 1125 CS

2005  
CS

24 |       Licensure Compact and to submit a report to the  
25 |       Legislature; providing that a licensee that failed to  
26 |       renew its ambulatory surgical center license may meet the  
27 |       requirements of the Florida Building Code under certain  
28 |       specified circumstances; providing an effective date.

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

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

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

40 |       WHEREAS, many hospitals and health care facilities  
41 |       sustained significant structural damage to their facilities in  
42 |       2004, and

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

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

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

HB 1125 CS

2005  
CS

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

55

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

57

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

63 (2) SUBJECT OF STUDY.--

64 (a) The commission shall identify:

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

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

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

72 (b) The study commission shall make recommendations for  
73 allowing these hospitals to find alternative methods of  
74 renovating their existing facility in order to meet the  
75 requirements of the Florida Building Code. The commission shall  
76 review all alternatives that could be made available to those  
77 hospitals when renovation is not financially practicable or  
78 structurally feasible. The commission shall review existing laws

79 and agency rules and recommend needed changes to address these  
80 issues.

81 (3) REPORT.--The commission shall meet by September 1,  
82 2005, and shall submit recommendations, including  
83 recommendations for statutory changes, to the Governor, the  
84 President of the Senate, and the Speaker of the House of  
85 Representatives by January 1, 2006. Such recommendations shall  
86 also include an evaluation of whether grant funds should be made  
87 available to assist hospitals with the cost of reconstructing  
88 existing facilities.

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

91 (a) The Secretary of Community Affairs, or his or her  
92 designee.

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

95 (c) The Secretary of Health Care Administration, or his or  
96 her designee.

97 (d) Four representatives of hospitals from regions of the  
98 state where hospitals experienced significant hurricane damage  
99 during 2004, with two members appointed by the President of the  
100 Senate and two members appointed by the Speaker of the House of  
101 Representatives.

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

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

105 (5) REIMBURSEMENT.--Members of the study commission shall  
106 serve without remuneration, but are entitled to reimbursement in

107 accordance with section 112.061, Florida Statutes, for per diem  
 108 and travel expenses incurred in performing their duties in  
 109 accordance with this section.

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

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

118 (b) Three representatives of commercial health plans, to  
 119 be appointed by America's Health Insurance Plans and the Florida  
 120 Insurance Council.

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

123 (d) Two physician representatives, one to be appointed by  
 124 the Florida Medical Association and one to be appointed by the  
 125 Florida Osteopathic Medical Association.

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

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

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

133 (3) The study group shall study the following issues  
 134 related to high deductible health insurance plans, health

135 savings accounts, and health reimbursement arrangements as they  
 136 relate to:

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

139 (b) The impact of high deductibles on utilization of  
 140 health care services and overutilization of health care  
 141 services.

142 (c) The impact on hospitals' and physicians' inability to  
 143 collect deductibles and copayments.

144 (d) The ability of hospitals, physicians, and insureds to  
 145 determine, prior to service delivery, the level of deductible  
 146 and copayment required of the insureds.

147 (e) The methods to assist hospitals, physicians, and  
 148 insureds to determine, prior to service delivery, the status of  
 149 the insureds in meeting annual deductible requirements and any  
 150 subsequent copayments.

151 (f) The methods to assist hospitals and physicians in the  
 152 collection of deductibles and copayments, including electric  
 153 payments.

154 (g) Alternative approaches to the collection of  
 155 deductibles and copayments when either the amounts of patient  
 156 financial responsibility are unknown in advance or there are no  
 157 funds electronically available from the patient to pay for the  
 158 deductible and any associated copayment.

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

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

163        (b) The standardization of insured or subscriber  
164 identifications cards.

165        (c) The standardization of claim edits or assurance that  
166 claim edits comply with nationally recognized editing  
167 guidelines.

168        (d) The provision of comparative cost information to  
169 insureds and subscribers.

170        (5) The study group shall meet by August 1, 2005, and  
171 shall submit recommendations to the Governor, the President of  
172 the Senate, and the Speaker of the House of Representatives by  
173 January 1, 2006.

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

183        Section 4. A licensee that failed to renew its ambulatory  
184 surgical center license may meet requirements of the Florida  
185 Building Code that were in effect at the time of original  
186 licensure for the purpose of an initial application if:

187        (1) The license expired between July 1, 2004, and December  
188 31, 2004.

189        (2) The initial license application was filed within 30  
190 days after the license expired.

HB 1125 CS

2005  
CS

191           (3) The ambulatory surgical center is in compliance with  
192 regulatory requirements based upon agency inspection.

193  
194 This section only applies to the initial application for  
195 licensure and does not circumvent any requirements to meet  
196 current Florida Building Code requirements or other  
197 modifications.

198           Section 5. This act shall take effect upon becoming a law.