

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

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26           WHEREAS, the state of Florida experienced four major  
27   hurricanes during 2004, and

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

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

6 WHEREAS, many hospitals and health care facilities  
7 sustained significant structural damage to their facilities in  
8 2004, and

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

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

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

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

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

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

30 (2) SUBJECT OF STUDY.--

31 (a) The commission shall identify:

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

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

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

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

18           (3) REPORT.--The commission shall meet by September 1,  
19 2005, and shall submit recommendations, including  
20 recommendations for statutory changes, to the Governor, the  
21 President of the Senate, and the Speaker of the House of  
22 Representatives by January 1, 2006. Such recommendations shall  
23 also include an evaluation of whether grant funds should be  
24 made available to assist hospitals with the cost of  
25 reconstructing existing facilities.

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

28           (a) The Secretary of Community Affairs, or his or her  
29 designee;

30           (b) The Director of the Division of Emergency  
31 Management, or his or her designee;

- 1           (c) The Secretary of Health Care Administration, or  
2 his or her designee;
- 3           (d) Four representatives of hospitals from regions of  
4 the state where hospitals experienced significant hurricane  
5 damage during 2004, with two members appointed by the  
6 President of the Senate and two members appointed by the  
7 Speaker of the House of Representatives;
- 8           (e) The Secretary of Health, or his or her designee;  
9 and
- 10           (f) A director of county emergency management,  
11 selected by the Florida Emergency Preparedness Association.
- 12           (5) REIMBURSEMENT.--Members of the study commission  
13 shall serve without remuneration, but are entitled to  
14 reimbursement in accordance with section 112.061, Florida  
15 Statutes, for per diem and travel expenses incurred in  
16 performing their duties in accordance with this section.
- 17           Section 2. (1) An 11-member  
18 high-deductible-health-insurance plan study group is created,  
19 to be composed of:
- 20           (a) Three representatives of employers offering  
21 high-deductible health plans to their employees, one of whom  
22 shall be a small employer as defined in section 627.6699,  
23 Florida Statutes, who shall be appointed by the Florida  
24 Chamber of Commerce.
- 25           (b) Three representatives of commercial health plans,  
26 to be appointed by America's Health Insurance Plans.
- 27           (c) Three representatives of hospitals, to be  
28 appointed by the Florida Hospital Association.
- 29           (d) The Secretary of the Health Care Administration,  
30 who shall serve as co-chair.  
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1           (e) The Director of the Office of Insurance  
2 Regulation, who shall serve as co-chair.

3           (2) The study group shall study the following issues  
4 related to high-deductible health insurance plans, including,  
5 but not limited to, health savings accounts and health  
6 reimbursement arrangements:

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

9           (b) The impact of high deductibles on utilization of  
10 health care services and overutilization of health care  
11 services.

12           (c) The impact on hospitals' inability to collect  
13 deductibles and copayments.

14           (d) The ability of hospitals and insureds to  
15 determine, prior to service delivery, the level of deductible  
16 and copayment required of the insured.

17           (e) Methods to assist hospitals and insureds in  
18 determining prior to service delivery the status of the  
19 insured in meeting annual deductible requirements and any  
20 subsequent copayments.

21           (f) Methods to assist hospitals in the collection of  
22 deductibles and copayments, including electronic payments.

23           (g) Alternative approaches to the collection of  
24 deductibles and copayments when either the amounts of patient  
25 financial responsibility are unknown in advance or there are  
26 no funds electronically available from the patient to pay for  
27 the deductible and any associated copayment.

28           (3) The study group shall also study the following  
29 issues in addition to those specified in subsection (2):

30           (a) The assignment of benefits attestations and  
31 contract provisions that nullify the attestations of insureds.

1           (b) The standardization of insured or subscriber  
2 identification cards.

3           (c) The standardization of claim edits or ensuring  
4 that claim edits comply with nationally recognized editing  
5 guidelines.

6           (d) The provision of comparative-cost information to  
7 insureds and subscribers before service delivery.

8           (4) The study group shall meet by August 1, 2005, and  
9 shall submit recommendations to the Governor, the President of  
10 the Senate, and the Speaker of the House of Representatives by  
11 January 1, 2006.

12           Section 3. The Office of Program Policy Analysis and  
13 Government Accountability (OPPAGA) shall conduct a study to  
14 evaluate whether the State of Florida should join the Nurse  
15 Licensure Compact. The study's scope shall include, but not be  
16 limited to, identifying the potential impact on the state's  
17 nursing shortage, benefits to the state, implementation  
18 barriers, and any fiscal impact. OPPAGA shall submit a report  
19 to the President of the Senate and the Speaker of the House of  
20 Representatives by February 1, 2006.

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

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