

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; requiring the Office of
25 Program Policy Analysis and Government
26 Accountability to submit a report relating to
27 hospice care; providing issues to be addressed
28 in the report; requiring a report to the
29 Legislative Budget Commission; providing an
30 effective date.
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1 WHEREAS, the state of Florida experienced four major
2 hurricanes during 2004, and

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

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

11 WHEREAS, many hospitals and health care facilities
12 sustained significant structural damage to their facilities in
13 2004, and

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

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

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

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

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

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30 Section 1. (1) STUDY COMMISSION.--There is created a
31 study commission to address critical issues relating to

1 hospitals serving indigent populations and licensed under
2 chapter 395, Florida Statutes, which sustained significant
3 damage to their facilities during the 2004 hurricane season.

4 (2) SUBJECT OF STUDY.--

5 (a) The commission shall identify:

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

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

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

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

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

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

3 (a) The Secretary of Community Affairs, or his or her
4 designee;

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

7 (c) The Secretary of Health Care Administration, or
8 his or her designee;

9 (d) Four representatives of hospitals from regions of
10 the state where hospitals experienced significant hurricane
11 damage during 2004, with two members appointed by the
12 President of the Senate and two members appointed by the
13 Speaker of the House of Representatives;

14 (e) The Secretary of Health, or his or her designee;
15 and

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

18 (5) REIMBURSEMENT.--Members of the study commission
19 shall serve without remuneration, but are entitled to
20 reimbursement in accordance with section 112.061, Florida
21 Statutes, for per diem and travel expenses incurred in
22 performing their duties in accordance with this section.

23 Section 2. (1) A 13-member
24 high-deductible-health-insurance plan study group is created,
25 to be composed of:

26 (a) Three representatives of employers offering
27 high-deductible health plans to their employees, one of whom
28 shall be a small employer as defined in section 627.6699,
29 Florida Statutes, who shall be appointed by the Florida
30 Chamber of Commerce.

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

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

5 (d) Two physician representatives, one to be appointed
6 by the Florida Medical Association and one to be appointed by
7 the Florida Osteopathic Medical Association.

8 (e) The Secretary of the Health Care Administration,
9 who shall serve as co-chair.

10 (f) The Director of the Office of Insurance Regulation
11 or his or her designee, who shall serve as co-chair.

12 (2) The study group shall study the following issues
13 related to high-deductible health insurance plans, including,
14 but not limited to, health savings accounts and health
15 reimbursement arrangements:

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

18 (b) The impact of high deductibles on utilization of
19 health care services and overutilization of health care
20 services.

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

23 (d) The ability of hospitals, physicians, and insureds
24 to determine, prior to service delivery, the level of
25 deductible and copayment required of the insured.

26 (e) Methods to assist hospitals, physicians, and
27 insureds in determining prior to service delivery the status
28 of the insured in meeting annual deductible requirements and
29 any subsequent copayments.

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1 (f) Methods to assist hospitals and physicians in the
2 collection of deductibles and copayments, including electronic
3 payments.

4 (g) Alternative approaches to the collection of
5 deductibles and copayments when either the amounts of patient
6 financial responsibility are unknown in advance or there are
7 no funds electronically available from the patient to pay for
8 the deductible and any associated copayment.

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

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

13 (b) The standardization of insured or subscriber
14 identification cards.

15 (c) The standardization of claim edits or ensuring
16 that claim edits comply with nationally recognized editing
17 guidelines.

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

20 (4) The study group shall meet by August 1, 2005, and
21 shall submit recommendations to the Governor, the President of
22 the Senate, and the Speaker of the House of Representatives by
23 January 1, 2006.

24 Section 3. The Office of Program Policy Analysis and
25 Government Accountability (OPPAGA) shall conduct a study to
26 evaluate whether the State of Florida should join the Nurse
27 Licensure Compact. The study's scope shall include, but not be
28 limited to, identifying the potential impact on the state's
29 nursing shortage, benefits to the state, implementation
30 barriers, and any fiscal impact. OPPAGA shall submit a report
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1 to the President of the Senate and the Speaker of the House of
2 Representatives by February 1, 2006.

3 Section 4. No later than January 1, 2006, the Office
4 of Program Policy Analysis and Government Accountability, in
5 consultation with the Agency for Health Care Administration,
6 shall submit a report to the Legislature analyzing the impact
7 of hospices on the delivery of care to terminally ill
8 patients. The Office of Program Policy Analysis and Government
9 Accountability shall consult with appropriate legislative
10 committees to identify issues to address from among the
11 following:

12 (1) A comprehensive statistical analysis of hospice
13 care in this state from January 1, 1999, to June 30, 2005.

14 (2) A comprehensive analysis of the scope of services
15 provided by hospices in this state and a comparison of those
16 services to the minimum service requirements of Medicare and
17 Medicaid.

18 (3) An analysis of hospice service areas and
19 penetration rates of hospice services by hospice service area,
20 including a discussion of reasons for the existence of
21 regional monopolies.

22 (4) An analysis of the services provided to and
23 quality of care experienced by patients of for-profit hospices
24 in this state and other states.

25 (5) An analysis of potential changes in the
26 competitive marketplace in this state which may be produced by
27 the introduction of additional for-profit hospices.

28 (6) An analysis of the effect that the presence of
29 for-profit hospices has had on hospice service delivery and
30 quality in other states.

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1 (7) The projected cost of an introduction of
2 additional for-profit hospices in this state to the Medicaid
3 program.

4 (8) Any other relevant information.

5 Section 5. The study commission created in this act to
6 address the effects of the 2004 hurricane season on certain
7 hospitals must submit a report to the Legislative Budget
8 Commission by December 1, 2005, regarding the types of
9 structural damage caused by hurricanes in 2004 to
10 not-for-profit hospitals' facilities and the cost of each type
11 of damage suffered by each facility.

12 Section 6. This act shall take effect upon becoming a
13 law.

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