



204760

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/01/2018	.	
	.	
	.	
	.	

The Committee on Rules (Broxson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 456.0541, Florida Statutes is created to
read:

456.0541 Physician Fee Sharing Task Force.-

(1) The Physician Fee Sharing Task Force is created within
the department. The department shall use existing and available
resources to administer and support the activities of the task
force under this section.



204760

12 (2) Members of the task force shall serve without
13 compensation and are not entitled to reimbursement for per diem
14 or travel expenses. The task force shall consist, at a minimum,
15 of the following members:

16 (a) The State Surgeon General or his or her designee, who
17 shall serve as the chair of the task force.

18 (b) The Secretary of Health Care Administration or his or
19 her designee.

20 (c) The Attorney General or his or her designee.

21 (d) Two members of the Legislature appointed by the
22 Governor.

23 (e) Two members of the Senate appointed by the President of
24 the Senate.

25 (f) Two members of the House of Representatives appointed
26 by the Speaker of the House of Representatives.

27 (g) Two representatives of hospitals or facilities licensed
28 under chapter 395, who each regularly deal with health care
29 fraud and abuse matters, particularly those relating to the
30 federal False Claims Act, the federal Ethics in Patient
31 Referrals Act of 1989, and anti-kickback issues, appointed by
32 the Secretary of Health Care Administration.

33 (h) One general counsel of a health insurer or his or her
34 designee, who is familiar with health care fraud and abuse
35 matters, particularly those relating to the federal False Claims
36 Act, federal Ethics in Patient Referrals Act of 1989, and anti-
37 kickback issues, appointed by the Secretary of Health Care
38 Administration.

39 (i) Five health care practitioners, each of whom practices
40 in a different area of medicine, appointed by the State Surgeon



204760

41 General.

42 (j) One representative of an organization that represents
43 health care practitioners and who is familiar with health care
44 fraud and abuse matters, particularly those relating to the
45 federal False Claims Act, federal Ethics in Patient Referrals
46 Act of 1989, and anti-kickback issues, appointed by the
47 President of the Senate.

48 (k) One representative of The Florida Bar, whose practice
49 area primarily involves health care fraud and abuse matters,
50 particularly those relating to the federal False Claims Act,
51 federal Ethics in Patient Referrals Act of 1989, and anti-
52 kickback issues, appointed by the Executive Director of The
53 Florida Bar.

54 (l) Two representatives from companies whose primary
55 business function is the development and deployment of a
56 certified electronic health record, appointed by the Speaker of
57 the House of Representatives.

58 (m) Two representatives from companies whose primary
59 business function is the development and deployment of health
60 information technology, such as population health or data
61 analytics, which is not a certified electronic health record,
62 appointed by the President of the Senate.

63 (n) Two representatives from a company whose primary
64 business function is the development and deployment of smart
65 medical devices, such as remote patient monitoring, appointed by
66 the Speaker of the House of Representatives.

67 (o) One representative from an investment company whose
68 investment portfolio is comprised of at least 20 percent in
69 health information technology investments, appointed by the



204760

70 President of the Senate.
71 (3) The task force shall develop and evaluate policy
72 proposals to address barriers to innovation and modernization of
73 provider payment models created by the federal Ethics in Patient
74 Referrals Act of 1989, the Florida Patient Self-Referral Act of
75 1992, federal and state anti-kickback laws, and the state
76 patient brokering law, including policy proposals for:
77 (a) Implementing and maintaining alternative payment
78 models.
79 (b) Increasing or extending existing safe harbor provisions
80 to include physician practice groups.
81 (c) Reforming the liability standard for violations.
82 (4) The task force shall convene its first meeting by June
83 1, 2018, and shall meet as often as necessary to fulfill its
84 responsibilities under this section. Meetings may be conducted
85 in person, by teleconference, or by other electronic means.
86 (5) The task force shall submit a report by December 1,
87 2018, to the Governor, the President of the Senate, and the
88 Speaker of the House of Representatives which includes its
89 findings, conclusions, and recommendations.
90 (6) This section expires January 1, 2019.

91 Section 2. This act shall take effect upon becoming a law.
92

93 ===== T I T L E A M E N D M E N T =====

94 And the title is amended as follows:

95 Delete everything before the enacting clause
96 and insert:

97 A bill to be entitled
98 An act relating to the Physician Fee Sharing Task



204760

99 Force; creating s. 456.0541, F.S.; establishing the
100 Physician Fee Sharing Task Force within the Department
101 of Health; providing for duties, membership, and
102 meetings of the task force; requiring a report to the
103 Governor and Legislature by a specified date;
104 providing for expiration of the task force; providing
105 an effective date.