

By the Committee on Rules; and Senator Broxson

595-03995-18

20181862c1

1                   A bill to be entitled  
2           An act relating to the Physician Fee Sharing Task  
3           Force; creating s. 456.0541, F.S.; establishing the  
4           Physician Fee Sharing Task Force within the Department  
5           of Health; providing for duties, membership, and  
6           meetings of the task force; requiring a report to the  
7           Governor and Legislature by a specified date;  
8           providing for expiration of the task force; providing  
9           an effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13           Section 1. Section 456.0541, Florida Statutes is created to  
14 read:

15           456.0541 Physician Fee Sharing Task Force.-

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

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

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

26           (b) The Secretary of Health Care Administration or his or  
27 her designee.

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

29           (d) Two members of the Legislature appointed by the

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30 Governor.

31 (e) Two members of the Senate appointed by the President of  
32 the Senate.

33 (f) Two members of the House of Representatives appointed  
34 by the Speaker of the House of Representatives.

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

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

47 (i) Five health care practitioners, each of whom practices  
48 in a different area of medicine, appointed by the State Surgeon  
49 General.

50 (j) One representative of an organization that represents  
51 health care practitioners who is familiar with health care fraud  
52 and abuse matters, particularly those relating to the federal  
53 False Claims Act, federal Ethics in Patient Referrals Act of  
54 1989, and anti-kickback issues, appointed by the President of  
55 the Senate.

56 (k) One representative of The Florida Bar, whose practice  
57 area primarily involves health care fraud and abuse matters,  
58 particularly those relating to the federal False Claims Act,

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59 federal Ethics in Patient Referrals Act of 1989, and anti-  
60 kickback issues, appointed by the Executive Director of The  
61 Florida Bar.

62 (l) Two representatives from companies whose primary  
63 business function is the development and deployment of a  
64 certified electronic health record, appointed by the Speaker of  
65 the House of Representatives.

66 (m) Two representatives from companies whose primary  
67 business function is the development and deployment of health  
68 information technology, such as population health or data  
69 analytics, which is not a certified electronic health record,  
70 appointed by the President of the Senate.

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

75 (o) One representative from an investment company whose  
76 investment portfolio is comprised of at least 20 percent in  
77 health information technology investments, appointed by the  
78 President of the Senate.

79 (3) The task force shall develop and evaluate policy  
80 proposals to address barriers to innovation and modernization of  
81 provider payment models created by the federal Ethics in Patient  
82 Referrals Act of 1989, the Florida Patient Self-Referral Act of  
83 1992, federal and state anti-kickback laws, and the state  
84 patient brokering law, including policy proposals for:

85 (a) Implementing and maintaining alternative payment  
86 models.

87 (b) Increasing or extending existing safe harbor provisions

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88 to include physician practice groups.

89 (c) Reforming the liability standard for violations.

90 (4) The task force shall convene its first meeting by June  
91 1, 2018, and shall meet as often as necessary to fulfill its  
92 responsibilities under this section. Meetings may be conducted  
93 in person, by teleconference, or by other electronic means.

94 (5) The task force shall submit a report by December 1,  
95 2018, to the Governor, the President of the Senate, and the  
96 Speaker of the House of Representatives which includes its  
97 findings, conclusions, and recommendations.

98 (6) This section expires January 1, 2019.

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