

By Senator Gruters

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1 A bill to be entitled
2 An act relating to the Health Innovation Commission;
3 creating s. 381.995, F.S.; creating the Health
4 Innovation Commission within the Agency for Health
5 Care Administration; specifying the purpose of the
6 commission; providing for membership, meetings, and
7 duties of the commission; providing requirements for
8 proposals for innovative improvements to the health
9 care delivery system and requests for exemptions from
10 specified laws or rules; requiring the commission to
11 review such proposals with the assistance of relevant
12 state agencies, if needed; requiring the commission to
13 provide its findings and decision to the applicant
14 within a specified timeframe; providing limitations on
15 such exemptions; requiring the agency to submit an
16 annual report of the commission's activities to the
17 Governor and Legislature by a specified date;
18 providing rulemaking authority; providing an effective
19 date.

20
21 Be It Enacted by the Legislature of the State of Florida:

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23 Section 1. Section 381.995, Florida Statutes, is created to
24 read:

25 381.995 Health Innovation Commission.-

26 (1) The Health Innovation Commission, a commission as
27 defined in s. 20.03(10), is created within the Agency for Health
28 Care Administration for the purpose of facilitating the
29 implementation of innovative ideas to increase efficiency,

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30 reduce costs, and improve patient outcomes in the health care
31 delivery system. The commission is assigned to the agency for
32 administrative, staffing, and fiscal accountability purposes,
33 but it shall otherwise function independently of the control and
34 direction of the agency.

35 (2) (a) The commission shall convene no later than December
36 1, 2019, and shall be composed of 11 members who have experience
37 in the health care delivery system, including health care
38 industry representatives, health care practitioners, and
39 consumers. Three members shall be appointed by the Governor,
40 three members shall be appointed by the President of the Senate,
41 and three members shall be appointed by the Speaker of the House
42 of Representatives. The Secretary of Health Care Administration
43 and the State Surgeon General shall serve as ex officio
44 nonvoting members. The Governor shall appoint the chair of the
45 commission.

46 (b) Members shall serve without compensation and are not
47 entitled to reimbursement for per diem or travel expenses.

48 (c) The commission shall meet at least quarterly or upon
49 the call of the chair and as often as necessary to carry out its
50 duties and responsibilities. The commission may use any method
51 of telecommunications to conduct its meetings.

52 (3) (a) The commission shall solicit proposals for
53 innovative improvements to the health care delivery system which
54 would require an exemption from one of the following provisions
55 of law or rule to effectively or efficiently implement the
56 proposal:

- 57 1. The requirements of s. 408.036, and any related rules.
- 58 2. The licensure restrictions in s. 395.003(8), and any

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59 related rules.

60 3. The time limitations in s. 395.002(3), and any related
61 rules.

62 4. The practice restrictions in s. 465.003(13), and any
63 related rules.

64 5. The licensure restrictions in s. 456.065, or any similar
65 restrictions in a practice act for a health care practitioner as
66 defined in s. 456.001, and any related rules, if the person
67 holds an active and unencumbered license to practice such health
68 care profession in another state.

69 6. The supervisory protocol requirements in s. 464.003(2)
70 or s. 464.012(3), and any related rules.

71 (b) A proposal must offer a solution to an existing problem
72 in the health care delivery system that would increase
73 efficiency, reduce costs, or improve patient outcomes. Based on
74 such a proposal, the commission may grant an exemption from a
75 law or rule in accordance with this section.

76 (4) (a) A person may submit a proposal to the commission for
77 review in a form created by commission rule. Such a proposal
78 must, at a minimum:

79 1. Identify an existing problem in the health care delivery
80 system, including inefficiency, high costs, or poor patient
81 outcomes;

82 2. Propose a specific alternative or innovative health care
83 delivery or payment model to solve the problem that the
84 applicant will be able to implement, and describe the necessary
85 changes to current practice required to effectively implement
86 the solution;

87 3. Demonstrate, using real data or prior experience, how

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88 and to what extent the proposed solution will promote efficiency
89 in the health care delivery system, improve patient outcomes, or
90 reduce health care costs to the consumer, industry, or
91 government; and

92 4. Identify specific barriers to the implementation of the
93 proposed solution in current law or rule, request that the
94 commission grant an exemption from such law or rule, and
95 demonstrate the impact such exemption would have on patient
96 health and safety.

97 (b) Upon receipt of a proposal, the commission shall
98 perform a preliminary review of the proposal and may call upon
99 relevant state agencies for professional assistance as needed to
100 perform the review. The state agencies shall provide such
101 assistance in a timely manner, which may include, but is not
102 limited to:

103 1. Providing background information on the issue,
104 including, but not limited to, relevant policies, laws, rules,
105 and data;

106 2. Identifying what agency action, if any, would be
107 required to implement the proposed solution; and

108 3. Assessing whether the proposed solution would achieve
109 the purpose of this section, and if not, recommending any way in
110 which the proposed solution could be amended to do so.

111 (c) Based on its full review of the proposal and any
112 information provided by the relevant state agencies, the
113 commission shall adopt written findings that include a statement
114 of the relevant facts and the rationale for granting or denying
115 the request for an exemption. The commission shall provide a
116 copy of its written findings and decision to the applicant

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117 within 30 days after finalizing its decision.

118 (d) The commission may only grant an exemption from a law
119 or rule to the extent necessary to implement the proposal. The
120 commission may impose conditions on the grant, but only to the
121 extent necessary to achieve the purpose of this section. The
122 commission may not grant an exemption from a law or rule if
123 doing so would violate federal law or jeopardize public health
124 and safety or if the law or rule is required by the Federal
125 Government for implementation or retention of any federally
126 approved or delegated program, except as authorized by such
127 program or if approved by the appropriate agency of the Federal
128 Government. The commission shall only grant a request for an
129 exemption from a law or rule if it determines there is
130 compelling evidence to show that:

131 1. The proposal is likely to achieve the purpose of this
132 section;

133 2. An exemption from the specified law or rule is necessary
134 for the effective implementation of the proposal; and

135 3. The potential benefits of the proposal outweigh any
136 potential harm to the public health and safety that may result
137 from such exemption.

138 (e) If the commission grants a request for an exemption
139 from a law or rule, it must file a copy of its written findings
140 and decision with the relevant state agencies within 30 days
141 after finalizing its decision.

142 (5) By November 1 of each year, the agency shall submit a
143 report of the commission's activities to the Governor, the
144 President of the Senate, and the Speaker of the House of
145 Representatives. The report shall include, at a minimum:

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146 (a) Summaries of the proposals reviewed by the commission
147 during the previous fiscal year, including background
148 information, an explanation of the proposed solutions, a fiscal
149 analysis, any barriers to implementing the proposed solutions in
150 existing law or rule at the time during which the proposals were
151 submitted, and a copy of the commission's written findings and
152 decisions; and

153 (b) A list of any provisions of law or rule from which the
154 commission granted exemptions within the previous fiscal year.

155 (6) The commission may adopt rules necessary to implement
156 this section.

157 Section 2. This act shall take effect July 1, 2019.