

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
 9 healthcare delivery system and requests for exemptions
 10 from specified laws or rules; requiring the commission
 11 to review such proposals with the assistance of
 12 relevant state agencies, if needed; requiring the
 13 commission to provide its findings and decision to the
 14 applicant within a specified timeframe; providing
 15 limitations on such exemptions; requiring the agency
 16 to submit an annual report of the commission's
 17 activities to the Governor and Legislature by a
 18 specified date; providing rulemaking authority;
 19 providing an effective date.

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 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
 24 to 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,
30 reduce costs, and improve patient outcomes in the healthcare
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 healthcare delivery system, including healthcare industry
38 representatives, healthcare practitioners, and consumers. Three
39 members shall be appointed by the Governor, three members shall
40 be appointed by the President of the Senate, and three members
41 shall be appointed by the Speaker of the House of
42 Representatives. The Secretary of Health Care Administration and
43 the State Surgeon General shall serve as ex officio nonvoting
44 members. The Governor shall appoint the chair of the commission.

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

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

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

56 1. The requirements of s. 408.036, and any related rules.

57 2. The licensure restrictions in s. 395.003(8), and any
58 related rules.

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

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

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

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

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

75 (4) (a) A person may submit a proposal to the commission

76 for review in a form created by commission rule. Such a proposal
77 must, at a minimum:

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

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

86 3. Demonstrate, using real data or prior experience, how
87 and to what extent the proposed solution will promote efficiency
88 in the healthcare delivery system, improve patient outcomes, or
89 reduce health care costs to the consumer, industry, or
90 government; and

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

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

101 limited to:

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

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

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

110 (c) Based on its full review of the proposal and any
111 information provided by the relevant state agencies, the
112 commission shall adopt written findings that include a statement
113 of the relevant facts and the rationale for granting or denying
114 the request for an exemption. The commission shall provide a
115 copy of its written findings and decision to the applicant
116 within 30 days after finalizing its decision.

117 (d) The commission may only grant an exemption from a law
118 or rule to the extent necessary to implement the proposal. The
119 commission may impose conditions on the grant, but only to the
120 extent necessary to achieve the purpose of this section. The
121 commission may not grant an exemption from a law or rule if
122 doing so would violate federal law or jeopardize public health
123 and safety or if the law or rule is required by the Federal
124 Government for implementation or retention of any federally
125 approved or delegated program, except as authorized by such

126 program or if approved by the appropriate agency of the Federal
127 Government. The commission shall only grant a request for an
128 exemption from a law or rule if it determines there is
129 compelling evidence to show that:

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

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

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

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

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

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

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151 decisions; and

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

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

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