

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; requiring members of the
8 commission to complete a specified form; providing
9 requirements for proposals for innovative improvements
10 to the healthcare delivery system and requests for
11 exemptions from specified laws or rules; specifying
12 that proposals submitted are considered public records
13 and must be posted on a specified website; requiring
14 the commission to review such proposals with the
15 assistance of relevant state agencies, if needed;
16 specifying that certain information provided to the
17 commission is a public record and must be posted on a
18 specified website; requiring the commission to issue
19 certain public notices and accept public comments
20 before making a decision; requiring the commission to
21 include written responses to each public comment;
22 requiring the commission to provide its findings and
23 decision to the applicant within a specified
24 timeframe; providing limitations on such exemptions;
25 requiring the agency to submit an annual report of the

26 commission's activities to the Governor and
27 Legislature by a specified date; providing rulemaking
28 authority; authorizing positions and providing
29 appropriations; providing an effective date.

30
31 Be It Enacted by the Legislature of the State of Florida:

32
33 Section 1. Section 381.995, Florida Statutes, is created
34 to read:

35 381.995 Health Innovation Commission.—

36 (1) The Health Innovation Commission, a commission as
37 defined in s. 20.03(10), is created within the Agency for Health
38 Care Administration for the purpose of facilitating the
39 implementation of innovative ideas to increase efficiency,
40 reduce costs, and improve patient outcomes in the healthcare
41 delivery system. The commission is assigned to the agency for
42 administrative, staffing, and fiscal accountability purposes,
43 but it shall otherwise function independently of the control and
44 direction of the agency.

45 (2) (a) The commission shall convene no later than December
46 1, 2019, and shall be composed of 11 members who have experience
47 in the healthcare delivery system, including healthcare industry
48 representatives, healthcare practitioners, and consumers. Three
49 members shall be appointed by the Governor, three members shall
50 be appointed by the President of the Senate, and three members

51 shall be appointed by the Speaker of the House of
52 Representatives. The Secretary of Health Care Administration and
53 the State Surgeon General shall serve as ex officio nonvoting
54 members. The Governor shall appoint the chair of the commission.

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

57 Members must complete the full and public disclosure of
58 financial interests required for constitutional officers
59 pursuant to s. 112.3144.

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

64 (3) (a) The commission shall solicit proposals for
65 innovative improvements to the healthcare delivery system which
66 would require an exemption from one of the following provisions
67 of law or rule to effectively or efficiently implement the
68 proposal:

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

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

72 3. The time limitations in s. 395.002(3), and any related
73 rules.

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

76 5. The licensure restrictions in s. 456.065, or any
77 similar restrictions in a practice act for a health care
78 practitioner as defined in s. 456.001, and any related rules, if
79 the person holds an active and unencumbered license to practice
80 such health care profession in another state.

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

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

88 (4) (a) A person may submit a proposal to the commission
89 for review in a form created by commission rule. Such a proposal
90 is deemed a public record and must, at a minimum:

91 1. Identify an existing problem in the healthcare delivery
92 system, including inefficiency, high costs, or poor patient
93 outcomes;

94 2. Propose a specific alternative or innovative healthcare
95 delivery or payment model to solve the problem that the
96 applicant will be able to implement, and describe the necessary
97 changes to current practice required to effectively implement
98 the solution;

99 3. Demonstrate, using real data or prior experience, how
100 and to what extent the proposed solution will promote efficiency

101 in the healthcare delivery system, improve patient outcomes, or
102 reduce health care costs to the consumer, industry, or
103 government;

104 4. Identify specific barriers to the implementation of the
105 proposed solution in current law or rule, request that the
106 commission grant an exemption from such law or rule, and
107 demonstrate the impact such exemption would have on patient
108 health and safety; and

109 5. Be posted on the official website of the Agency for
110 Health Care Administration.

111 (b) Upon receipt of a proposal, the commission shall
112 perform an preliminary review of the proposal, and may call upon
113 relevant state agencies for professional assistance as needed to
114 perform the review. The state agencies shall provide such
115 assistance in a timely manner, which may include, but is not
116 limited to:

117 1. Providing background information on the issue,
118 including, but not limited to, relevant policies, laws, rules,
119 and data;

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

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

125 (c) Before the commission finalizes its decision, it must

126 issue a public notice and accept written public comments for 30
127 days. Based on its full review of the proposal and any
128 information provided by the relevant state agencies, the
129 commission shall adopt written findings that include a statement
130 of the relevant facts and the rationale for granting or denying
131 the request for an exemption. The commission shall provide a
132 copy of its written findings, decision, and responses to the
133 applicant within 30 days after finalizing its decision. Any
134 information provided to the commission is deemed a public record
135 and must be posted on the official website of the Agency for
136 Health Care Administration.

137 (d) The commission may only grant an exemption from a law
138 or rule to the extent necessary to implement the proposal. The
139 commission may impose conditions on the grant, but only to the
140 extent necessary to achieve the purpose of this section. The
141 commission may not grant an exemption from a law or rule if
142 doing so would violate federal law or jeopardize public health
143 and safety or if the law or rule is required by the Federal
144 Government for implementation or retention of any federally
145 approved or delegated program, except as authorized by such
146 program or if approved by the appropriate agency of the Federal
147 Government. The commission shall only grant a request for an
148 exemption from a law or rule if it determines there is
149 compelling evidence to show that:

150 1. The proposal is likely to achieve the purpose of this

151 section;

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

154 3. The potential benefits of the proposal outweigh any
155 potential harm to the public health and safety that may result
156 from such exemption.

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

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

165 (a) Summaries of the proposals reviewed by the commission
166 during the previous fiscal year, including background
167 information, an explanation of the proposed solutions, a fiscal
168 analysis, any barriers to implementing the proposed solutions in
169 existing law or rule at the time during which the proposals were
170 submitted, and a copy of the commission's written findings and
171 decisions; and

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

174 (6) The commission may adopt rules necessary to implement
175 this section.

176 Section 2. For the 2019-2020 fiscal year, two full-time
177 equivalent positions with associated salary rate of 72,137 are
178 authorized and the sums of \$174,594 in recurring funds and
179 \$7,144 in nonrecurring funds from the Health Care Trust Fund are
180 appropriated to the Agency for Health Care Administration for
181 the purpose of implementing this act.

182 Section 3. This act shall take effect July 1, 2019.