

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Health Market Reform
2 Subcommittee

3 Representative Latvala offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (i) of subsection (1) of section
8 395.1055, Florida Statutes, is amended to read:

9 395.1055 Rules and enforcement.—

10 (1) The agency shall adopt rules pursuant to ss.
11 120.536(1) and 120.54 to implement the provisions of this part,
12 which shall include reasonable and fair minimum standards for
13 ensuring that:

14 (i) All hospitals providing organ transplantation,
15 neonatal intensive care services, inpatient psychiatric
16 services, inpatient substance abuse services, or comprehensive

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17 medical rehabilitation meet the minimum licensure requirements
18 adopted by the agency. Such licensure requirements must include
19 quality of care, nurse staffing, physician staffing, physical
20 plant, equipment, emergency transportation, and data reporting
21 standards. Agency rules shall include minimum volume standards
22 for organ transplantation and neonatal intensive care services.

23 Section 2. Paragraph (b) of subsection (3) of section
24 765.5155, Florida Statutes, is amended to read:

25 765.5155 Donor registry; education program.—

26 (3) The contractor shall be responsible for:

27 (b) A continuing program to educate and inform medical
28 professionals, law enforcement agencies and officers, other
29 state and local government employees, high school students,
30 minorities, and the public about federal and state ~~the laws of~~
31 ~~this state~~ relating to anatomical gifts and the need for
32 anatomical gifts, including the organ donation and
33 transplantation process.

34 1. Existing community resources, when available, must be
35 used to support the program and volunteers may assist the
36 program to the maximum extent possible.

37 2. The contractor shall coordinate with the head of a
38 state agency or other political subdivision of the state, or his
39 or her designee, to establish convenient times, dates, and
40 locations for educating that entity's employees.

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41 Section 3. Subsection (4) of section 765.517, Florida
42 Statutes, is amended to read:

43 765.517 Rights and duties at death.—

44 (4) All reasonable additional expenses incurred in the
45 procedures to preserve the donor's organs or tissues shall be
46 reimbursed by the procurement organization. An organ
47 transplantation facility may not charge a donor or his or her
48 family member any fee for services relating to the procurement
49 or donation of his or her organs.

50 Section 4. Subsection (3) of section 765.522, Florida
51 Statutes, is amended to read:

52 765.522 Duty of hospital administrators; liability of
53 hospital administrators and procurement organizations.—

54 (3) The agency shall establish rules and guidelines
55 concerning the education of individuals who may be designated to
56 perform the request and the procedures to be used in making the
57 request, including a requirement that such individuals clearly
58 explain to patients and living organ donors the protocols of the
59 hospital and the federal and state regulations regarding organ
60 donation. The agency is authorized to adopt rules concerning the
61 documentation of the request, where such request is made.

62 Section 5. Subsection (3) of section 765.543, Florida
63 Statutes, is amended to read:

64 765.543 Organ and Tissue Procurement and Transplantation
65 Advisory Board; creation; duties.—

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66 (3) The board shall:

67 (a) Assist the agency, in collaboration with other
68 relevant public or private entities, in the development of
69 necessary professional qualifications, including, but not
70 limited to, the continuing education, training, and performance
71 of persons engaged in the various facets of organ and tissue
72 procurement, processing, preservation, and distribution for
73 transplantation;

74 (b) Assist the agency in monitoring the appropriate and
75 legitimate expenses associated with organ and tissue
76 procurement, processing, and distribution for transplantation
77 and developing methodologies to assure the uniform statewide
78 reporting of data to facilitate the accurate and timely
79 evaluation of the organ and tissue procurement and
80 transplantation system;

81 (c) Provide assistance to the Florida Medical Examiners
82 Commission in the development of appropriate procedures and
83 protocols to ensure the continued improvement in the approval
84 and release of potential donors by the district medical
85 examiners and associate medical examiners;

86 (d) Develop with and recommend to the agency the necessary
87 procedures and protocols required to assure that all residents
88 of this state have reasonable access to available organ and
89 tissue transplantation therapy and that residents of this state
90 can be reasonably assured that the statewide procurement

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91 transplantation system is able to fulfill their organ and tissue
92 requirements within the limits of the available supply and
93 according to the severity of their medical condition and need;
94 and

95 (e) Develop with and recommend to the agency any changes
96 to the laws of this state or administrative rules or procedures
97 to ensure that the statewide organ and tissue procurement and
98 transplantation system is able to function smoothly,
99 effectively, and efficiently, in accordance with the Federal
100 Anatomical Gift Act and in a manner that assures the residents
101 of this state that no person or entity profits from the
102 altruistic voluntary donation of organs or tissues. In addition
103 to the duties described in this subsection, the board must
104 submit to the agency, by September 1, 2021, recommendations that
105 address the following:

106 1. Frequency of communication between patients and organ
107 transplant coordinators.

108 2. Monitoring of each organ transplantation facility and
109 the annual reporting and publication of relevant information
110 regarding the statewide number of patients placed on waiting
111 lists and the number of patients who receive transplants,
112 aggregated by the facility.

113 3. Establishment of a coordinated communication system
114 between organ transplantation facilities and living organ donors
115 for the purpose of minimizing the cost and time required for

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116 duplicative lab tests, including the sharing of lab results
117 between facilities.

118 4. Potential incentives for organ transplantation
119 facilities to increase organ donation in the state.

120 5. Creation of a more efficient regional or statewide
121 living organ donor process.

122 6. Potential opportunities and incentives for organ
123 transplantation research.

124 7. Best practices for organ transplantation facilities and
125 organ procurement organizations that promote the most efficient
126 and effective outcomes for patients.

127 8. Monitoring of organ procurement organizations.

128 Section 6. This act shall take effect July 1, 2020

129

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131 **T I T L E A M E N D M E N T**

132 Remove everything before the enacting clause and insert:

133 An act relating to organ donation; amending s.

134 395.1055, F.S.; revising a provision relating to

135 certain rules adopted by the Agency for Health Care

136 Administration; amending s. 765.5155, F.S.; revising

137 the responsibilities of a contractor procured by the

138 agency for the purpose of educating and informing the

139 public about anatomical gifts; amending s. 765.517,

140 F.S.; prohibiting an organ transplantation facility

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1187 (2020)

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141 from charging a donor or his or her family member any
142 fee for services relating to the procurement or
143 donation of organs; amending s. 765.522, F.S.;
144 revising a requirement that the agency establish rules
145 and guidelines relating to the education of certain
146 individuals designated to perform certain organ
147 donation procedures; amending s. 765.543, F.S.;
148 revising the duties of the Organ and Tissue
149 Procurement and Transplantation Advisory Board;
150 requiring the board to submit certain recommendations
151 to the agency by a specified date; providing an
152 effective date.