

1 A bill to be entitled

2 An act relating to organ donation and transplantation;
3 amending s. 379.352, F.S.; requiring locations where
4 certain recreational licenses or permits are sold to
5 display and make available to the public educational
6 materials relating to organ donation and registration;
7 requiring that a link to the statewide donor registry
8 be provided to persons applying for certain
9 recreational licenses or permits; amending s.
10 395.1055, F.S.; revising a provision relating to
11 certain rules adopted by the Agency for Health Care
12 Administration; amending s. 409.906, F.S.; authorizing
13 reimbursement for organ transplantation services under
14 the Medicaid program; amending s. 627.6045, F.S.;
15 prohibiting a health insurance policy from limiting or
16 excluding coverage solely on the basis that an insured
17 is a living organ donor; amending s. 765.5155, F.S.;
18 revising the responsibilities of a contractor procured
19 by the agency for the purpose of educating and
20 informing the public about anatomical gifts; amending
21 s. 765.517, F.S.; prohibiting an organ transplantation
22 facility from charging a donor or his or her family
23 member any fee for services relating to the
24 procurement or donation of organs; amending s.
25 765.521, F.S.; revising the requirements for certain

26 programs encouraging anatomical gifts to include the
27 process of issuing and renewing recreational licenses
28 and permits; amending s. 765.522, F.S.; revising a
29 requirement that the agency establish rules and
30 guidelines relating to the education of certain
31 individuals designated to perform certain organ
32 donation procedures; amending s. 765.543, F.S.;
33 revising the duties of the Organ and Tissue
34 Procurement and Transplantation Advisory Board;
35 requiring the board to submit certain recommendations
36 to the agency by a specified date; amending s.
37 1003.42, F.S.; requiring instruction relating to organ
38 donation and registration for students in specified
39 grade levels; providing an effective date.

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41 Be It Enacted by the Legislature of the State of Florida:

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43 Section 1. Subsections (13) and (14) of section 379.352,
44 Florida Statutes, are renumbered as subsections (14) and (15),
45 respectively, and a new subsection (13) is added to that section
46 to read:

47 379.352 Recreational licenses, permits, and authorization
48 numbers to take wild animal life, freshwater aquatic life, and
49 marine life; issuance; costs; reporting.—

50 (13) At each location where hunting, fishing, or trapping

51 licenses or permits are sold, educational materials regarding
 52 organ donation and registration shall be displayed and made
 53 available to the public. Each person who applies for a hunting,
 54 fishing, or trapping license or permit on the Internet shall be
 55 provided a link to the statewide donor registry operated under
 56 s. 765.5155.

57 Section 2. Paragraph (i) of subsection (1) of section
 58 395.1055, Florida Statutes, is amended to read:

59 395.1055 Rules and enforcement.—

60 (1) The agency shall adopt rules pursuant to ss.
 61 120.536(1) and 120.54 to implement the provisions of this part,
 62 which shall include reasonable and fair minimum standards for
 63 ensuring that:

64 (i) All hospitals providing organ transplantation,
 65 neonatal intensive care services, inpatient psychiatric
 66 services, inpatient substance abuse services, or comprehensive
 67 medical rehabilitation meet the minimum licensure requirements
 68 adopted by the agency. Such licensure requirements must include
 69 quality of care, nurse staffing, physician staffing, physical
 70 plant, equipment, emergency transportation, and data reporting
 71 standards. Agency rules shall include minimum volume standards
 72 for organ transplantation and neonatal intensive care services.

73 Section 3. Subsection (28) is added to section 409.906,
 74 Florida Statutes, to read:

75 409.906 Optional Medicaid services.—Subject to specific

76 appropriations, the agency may make payments for services which
77 are optional to the state under Title XIX of the Social Security
78 Act and are furnished by Medicaid providers to recipients who
79 are determined to be eligible on the dates on which the services
80 were provided. Any optional service that is provided shall be
81 provided only when medically necessary and in accordance with
82 state and federal law. Optional services rendered by providers
83 in mobile units to Medicaid recipients may be restricted or
84 prohibited by the agency. Nothing in this section shall be
85 construed to prevent or limit the agency from adjusting fees,
86 reimbursement rates, lengths of stay, number of visits, or
87 number of services, or making any other adjustments necessary to
88 comply with the availability of moneys and any limitations or
89 directions provided for in the General Appropriations Act or
90 chapter 216. If necessary to safeguard the state's systems of
91 providing services to elderly and disabled persons and subject
92 to the notice and review provisions of s. 216.177, the Governor
93 may direct the Agency for Health Care Administration to amend
94 the Medicaid state plan to delete the optional Medicaid service
95 known as "Intermediate Care Facilities for the Developmentally
96 Disabled." Optional services may include:

97 (28) ORGAN TRANSPLANTATION SERVICES.—The agency may pay
98 for organ transplantation services, including pretransplant,
99 transplant, and postdischarge services, and treatment of
100 complications after transplantation for transplants deemed

101 necessary and appropriate within the guidelines set by the Organ
 102 Transplant Advisory Council under s. 765.53 or the Bone Marrow
 103 Transplant Advisory Panel under s. 627.4236.

104 Section 4. Subsections (3) and (4) of section 627.6045,
 105 Florida Statutes, are renumbered as subsections (4) and (5),
 106 respectively, and a new subsection (3) is added to that section,
 107 to read:

108 627.6045 Preexisting condition.—A health insurance policy
 109 must comply with the following:

110 (3) A preexisting condition provision may not limit or
 111 exclude coverage solely on the basis that an insured is a living
 112 organ donor.

113 Section 5. Paragraph (b) of subsection (3) of section
 114 765.5155, Florida Statutes, is amended to read:

115 765.5155 Donor registry; education program.—

116 (3) The contractor shall be responsible for:

117 (b) A continuing program to educate and inform medical
 118 professionals, law enforcement agencies and officers, other
 119 state and local government employees, high school students,
 120 minorities, and the public about federal and state ~~the laws of~~
 121 ~~this state~~ relating to anatomical gifts and the need for
 122 anatomical gifts, including the organ donation and
 123 transplantation process.

124 1. Existing community resources, when available, must be
 125 used to support the program and volunteers may assist the
 126 program to the maximum extent possible.

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

131 3. The contractor shall, in consultation with the agency
 132 and the State Board of Education, develop an instructional
 133 curriculum for students in grades 9 through 12 relating to organ
 134 donor registration.

135 Section 6. Subsection (4) of section 765.517, Florida
 136 Statutes, is amended to read:

137 765.517 Rights and duties at death.—

138 (4) All reasonable additional expenses incurred in the
 139 procedures to preserve the donor's organs or tissues shall be
 140 reimbursed by the procurement organization. An organ
 141 transplantation facility may not charge a donor or his or her
 142 family member any fee for services relating to the procurement
 143 or donation of his or her organs.

144 Section 7. Section 765.521, Florida Statutes, is amended
 145 to read:

146 765.521 Donations as part of driver license, ~~or~~
 147 identification card, or recreational license and permit
 148 process.—

149 (1) The agency and the department shall develop and
150 implement a program encouraging and allowing persons to make
151 anatomical gifts as a part of the process of issuing
152 identification cards, ~~and~~ issuing and renewing driver licenses,
153 and issuing and renewing recreational licenses and permits. The
154 donor registration card distributed by the department shall
155 include the information required by the uniform donor card under
156 s. 765.514 and such additional information as determined
157 necessary by the department. The department shall also develop
158 and implement a program to identify donors which includes
159 notations on identification cards, driver licenses, ~~and~~ driver
160 records, and recreational licenses or permits or such other
161 methods as the department develops to clearly indicate the
162 individual's intent to make an anatomical gift. A notation on an
163 individual's driver license, ~~or~~ identification card, or
164 recreational license or permit that the individual intends to
165 make an anatomical gift satisfies all requirements for consent
166 to organ or tissue donation. The agency shall provide the
167 necessary supplies and forms from funds appropriated from
168 general revenue or contributions from interested voluntary,
169 nonprofit organizations. The department shall provide the
170 necessary recordkeeping system from funds appropriated from
171 general revenue. The department and the agency shall incur no
172 liability in connection with the performance of any acts
173 authorized herein.

174 (2) The department shall maintain an integrated link on
175 its website referring a visitor renewing a driver license or
176 recreational license or permit or conducting other business to
177 the donor registry operated under s. 765.5155.

178 (3) The department, after consultation with and
179 concurrence by the agency, shall adopt rules to implement the
180 provisions of this section according to the provisions of
181 chapter 120.

182 (4) Funds expended by the agency to carry out the intent
183 of this section may not be taken from funds appropriated for
184 patient care.

185 Section 8. Subsection (3) of section 765.522, Florida
186 Statutes, is amended to read:

187 765.522 Duty of hospital administrators; liability of
188 hospital administrators and procurement organizations.—

189 (3) The agency shall establish rules and guidelines
190 concerning the education of individuals who may be designated to
191 perform the request and the procedures to be used in making the
192 request, including a requirement that such individuals clearly
193 explain to patients and living organ donors the protocols of the
194 hospital and the federal and state laws regarding organ
195 donation. The agency is authorized to adopt rules concerning the
196 documentation of the request, where such request is made.

197 Section 9. Subsection (3) of section 765.543, Florida
198 Statutes, is amended to read:

199 765.543 Organ and Tissue Procurement and Transplantation
200 Advisory Board; creation; duties.—

201 (3) (a) The board shall:

202 1.(a) Assist the agency, in collaboration with other
203 relevant public or private entities, in the development of
204 necessary professional qualifications, including, but not
205 limited to, the continuing education, training, and performance
206 of licensed health care practitioners and other persons engaged
207 in the various facets of organ and tissue procurement,
208 processing, preservation, and distribution for transplantation;

209 2.(b) Assist the agency in monitoring the appropriate and
210 legitimate expenses associated with organ and tissue
211 procurement, processing, and distribution for transplantation
212 and developing methodologies to assure the uniform statewide
213 reporting of data to facilitate the accurate and timely
214 evaluation of the organ and tissue procurement and
215 transplantation system;

216 3.(e) Provide assistance to the Florida Medical Examiners
217 Commission in the development of appropriate procedures and
218 protocols to ensure the continued improvement in the approval
219 and release of potential donors by the district medical
220 examiners and associate medical examiners;

221 4.(d) Develop with and recommend to the agency the
222 necessary procedures and protocols required to assure that all
223 residents of this state have reasonable access to available

224 organ and tissue transplantation therapy and that residents of
225 this state can be reasonably assured that the statewide
226 procurement transplantation system is able to fulfill their
227 organ and tissue requirements within the limits of the available
228 supply and according to the severity of their medical condition
229 and need; and

230 5.~~(e)~~ Develop with and recommend to the agency any changes
231 to the laws of this state or administrative rules or procedures
232 to ensure that the statewide organ and tissue procurement and
233 transplantation system is able to function smoothly,
234 effectively, and efficiently, in accordance with the Federal
235 Anatomical Gift Act and in a manner that assures the residents
236 of this state that no person or entity profits from the
237 altruistic voluntary donation of organs or tissues.

238 (b) In addition to the duties described in paragraph (a),
239 the board must submit to the agency, by September 1, 2022,
240 recommendations that address the following:

241 1. Frequency of communication between patients and organ
242 transplant coordinators.

243 2. Monitoring of each organ transplantation facility and
244 the annual reporting and publication of relevant information
245 regarding the statewide number of patients placed on waiting
246 lists and the number of patients who receive transplants,
247 aggregated by the facility.

248 3. Establishment of a coordinated communication system
249 between organ transplantation facilities and living organ donors
250 for the purpose of minimizing the cost and time required for
251 duplicative lab tests, including the sharing of lab results
252 between facilities.

253 4. Potential incentives for organ transplantation
254 facilities to increase organ donation in the state.

255 5. Creation of a more efficient regional or statewide
256 living organ donor process.

257 6. Potential opportunities and incentives for organ
258 transplantation research.

259 7. Best practices for organ transplantation facilities and
260 organ procurement organizations that promote the most efficient
261 and effective outcomes for patients.

262 8. Monitoring of organ procurement organizations.

263 Section 10. Paragraph (u) is added to subsection (2) of
264 section 1003.42, Florida Statutes, to read:

265 1003.42 Required instruction.—

266 (2) Members of the instructional staff of the public
267 schools, subject to the rules of the State Board of Education
268 and the district school board, shall teach efficiently and
269 faithfully, using the books and materials required that meet the
270 highest standards for professionalism and historical accuracy,
271 following the prescribed courses of study, and employing
272 approved methods of instruction, the following:

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273 | (u) For students in grades 9 through 12, organ donor
274 | registration.

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276 | The State Board of Education is encouraged to adopt standards
277 | and pursue assessment of the requirements of this subsection. A
278 | character development program that incorporates the values of
279 | the recipients of the Congressional Medal of Honor and that is
280 | offered as part of a social studies, English Language Arts, or
281 | other schoolwide character building and veteran awareness
282 | initiative meets the requirements of paragraphs (s) and (t).

283 | Section 11. This act shall take effect July 1, 2021.