



Select Committee on Health Care Workforce Innovation

Monday, March 3, 2014

4:00 PM - 6:00 PM

Morris Hall

Action Packet

Will Weatherford
Speaker

Jose R. Oliva
Chair

COMMITTEE MEETING REPORT
Select Committee on Health Care Workforce Innovation
3/3/2014 4:00:00PM

Location: Morris Hall (17 HOB)

Summary:

Select Committee on Health Care Workforce Innovation

Monday March 03, 2014 04:00 pm

HB 751 Favorable With Committee Substitute

Yeas: 15 Nays: 0

Amendment 622299 Adopted Without Objection

Committee meeting was reported out: Monday, March 03, 2014 6:45:27PM

COMMITTEE MEETING REPORT
Select Committee on Health Care Workforce Innovation
3/3/2014 4:00:00PM

Location: Morris Hall (17 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Jose Oliva (Chair)	X		
W. Travis Cummings	X		
Dwight Dudley	X		
Gayle Harrell	X		
Matt Hudson	X		
Mia Jones	X		
MaryLynn Magar	X		
Jeanette Nuñez	X		
Cary Pigman	X		
Kenneth Roberson	X		
José Rodríguez	X		
Elaine Schwartz			X
Ross Spano	X		
Richard Stark	X		
Perry Thurston, Jr.	X		
Carlos Trujillo	X		
John Wood	X		
Totals:	16	0	1

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COMMITTEE MEETING REPORT
Select Committee on Health Care Workforce Innovation
3/3/2014 4:00:00PM

Location: Morris Hall (17 HOB)

HB 751 : Telemedicine Services

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
W. Travis Cummings	X				
Dwight Dudley	X				
Gayle Harrell	X				
Matt Hudson	X				
Mia Jones	X				
MaryLynn Magar	X				
Jeanette Nuñez	X				
Cary Pigman	X				
Kenneth Roberson	X				
José Rodríguez	X				
Elaine Schwartz			X		
Ross Spano	X				
Richard Stark	X				
Perry Thurston, Jr.			X		
Carlos Trujillo	X				
John Wood	X				
Jose Oliva (Chair)	X				
Total Yeas: 15		Total Nays: 0			

HB 751 Amendments

Amendment 622299

Adopted Without Objection

Appearances:

HB 751

Perry, Dr. Phil (General Public) - Proponent

St. Vincent's Healthcare

1 Shircliff Way

Jacksonville FL 32204

Phone: (904) 308-7420

HB 751

Lumpkin, Barbara (Lobbyist) - Waive In Support

Baptist Health South Florida

468 Green Spring Cir.

Winter Springs FL 32708

Phone: (407) 227-7705

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COMMITTEE MEETING REPORT
Select Committee on Health Care Workforce Innovation
3/3/2014 4:00:00PM

Location: Morris Hall (17 HOB)

HB 751 : Telemedicine Services (continued)

Appearances: (continued)

HB 751

Greene, Patricia (Lobbyist) - Waive In Support
Mayo Clinic
215 S. Monroe St., Ste. 505
Tallahassee FL 32301
Phone: (850) 205-9000

HB 751

Christian, David (Lobbyist) - Waive In Support
Vice President, Government Affairs, Florida Chamber of Commerce
136 S. Bronough St.
Tallahassee FL 32301
Phone: (850) 521-1200

HB 751

Gonzalez, Larry (Lobbyist) - Waive In Support
FL Society of Health System Pharmacists, Inc.; FL Occupational Therapy Assn.
223 S. Gadsden St.
Tallahassee FL 32303
Phone: (850) 222-0465

HB 751

Sanford, Paul (Lobbyist) - Proponent
Florida Blue; FL Insurance Council
106 S. Monroe St.
Tallahassee FL 32301
Phone: (850) 222-7200

HB 751

Custin, David (Lobbyist) - Opponent
Florida Medical Association
6401 SW 113 PL.
Miami FL 33173
Phone: (305) 607-8576

HB 751

Lowrey, Thad (Lobbyist) - Waive In Support
Operation PAR
7722 Washington St.
Port Richey FL 34668
Phone: (727) 992-8508

HB 751

Perdue, Tammy (Lobbyist) - Waive In Support
Associated Industries of Florida
516 N. Adams St.
Tallahassee FL 32301
Phone: (850) 224-7173

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COMMITTEE MEETING REPORT
Select Committee on Health Care Workforce Innovation

3/3/2014 4:00:00PM

Location: Morris Hall (17 HOB)

HB 751 : Telemedicine Services (continued)

Appearances: (continued)

HB 751

Chanti, Erica (Lobbyist) - Waive In Support

FL Nurses Association

108 E. Jefferson St., Ste. B

Tallahassee FL 32301

Phone: (850) 681-0254

HB 751

Floyd, Chris (Lobbyist) - Waive In Support

FL Assoc. of Nurse Practitioners

515 Danube Ave.

Tampa FL 33606

Phone: (813) 624-5117

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Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Select Committee on Health
 2 Care Workforce Innovation
 3 Representative Cummings offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
 7 Section 1. Section 456.47, Florida Statutes, is created to
 8 read:

9 456.47 Use of Telehealth to Provide Services.-

10 (1) DEFINITIONS.-As used in this section, the term:

11 (a) "Telehealth" means the use of synchronous or
 12 asynchronous telecommunications technology by a telehealth
 13 provider to provide health care services including, but not
 14 limited to, patient assessment, diagnosis, consultation,
 15 treatment, monitoring and transfer of medical data, patient and
 16 professional health-related education, public health and health

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17 administration. The term does not include audio-only telephone
18 calls, e-mail messages, or facsimile transmissions.

19 (b) "Telehealth provider" means any person who provides
20 health care related services using telehealth and who is
21 licensed under ch. 457; ch. 458; ch. 459; ch. 460; ch. 461; ch.
22 463; ch. 464; ch. 465; ch. 466; ch. 467; part I, part III, part
23 IV, part V, part X, part XIII, and part XIV, ch. 468; ch. 478;
24 ch. 480; part III, ch. 483; ch. 484; ch. 486; ch. 490; ch. 491;
25 or who is registered under subsection (4) (a).

26 (2) PRACTICE STANDARD.-

27 (a) The standard of care for telehealth providers
28 providing medical care is the same as the standard of care for
29 health care professionals providing in-person health care
30 services to patients. A telehealth provider is not required to
31 research a patient's medical history or conduct a physical
32 examination of the patient before using telehealth to provide
33 services to the patient if the telehealth provider conducts a
34 patient evaluation sufficient to diagnose and treat the patient.
35 The evaluation may be performed using telehealth.

36 (b) A telehealth provider and a patient may each be in any
37 location when telehealth is used to provide health care services
38 to a patient.

39 (c) A non-physician telehealth provider using telehealth
40 and acting within the relevant scope of practice may not be
41 interpreted as practicing medicine without a license.

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42 (3) RECORDS.-A telehealth provider shall document in the
43 patient's medical record the health care services rendered using
44 telehealth according to the same standard as that used for in-
45 person services. Medical records, including video, audio,
46 electronic, or other records generated as a result of providing
47 such services, are confidential pursuant to ss. 395.3025(4) and
48 456.057.

49 (4) REGISTRATION OF OUT-OF-STATE TELEHEALTH PROVIDERS.-

50 (a) A health care professional not licensed in this state
51 may provide health care services to a patient located in this
52 state using telehealth if the telehealth provider annually
53 registers with the applicable board or the department if there
54 is no board.

55 (b) The board, or department if there is no board, shall
56 register a health care professional as a telehealth provider if
57 the health care professional:

58 1. Completes an application form developed by the
59 department;

60 2. Pays a \$75 registration fee; and

61 3. Holds an active, unencumbered license for a profession
62 included in section (1)(b) issued by another state, the District
63 of Columbia, or a possession or territory of the United States,
64 of which no disciplinary action has been taken against in the 5
65 years prior to submission. The department shall use the National
66 Practitioner Data Bank to verify information submitted by the
67 applicant.

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68 (c) A health care professional registered under this
69 section is prohibited from opening an office in this state and
70 from providing in-person health care services to patients
71 located in Florida.

72 (d) A health care professional registered under this
73 section must immediately notify the appropriate board, or the
74 department if there is no board, of restrictions placed on, or
75 disciplinary action taken against, the health care
76 professional's license to practice in any state or jurisdiction.

77 (e) A health care professional, whose license to provide
78 health care services has been revoked in any state or
79 jurisdiction, may not register under this section.

80 (5) EXEMPTIONS.-A health care professional who is not
81 licensed to provide health care services in this state but who
82 holds an active license to provide health care services in
83 another state or jurisdiction, and who provides health care
84 services using telehealth to a patient located in this state, is
85 not subject to the registration requirement of this section if
86 the services are provided:

87 (a) In response to an emergency medical condition as
88 defined in s. 395.002;

89 (b) No more than 10 times per calendar year; or

90 (c) In consultation with a health care professional
91 licensed in this state and that health care professional retains
92 ultimate authority over the diagnosis and care of the patient.

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93 (6) RULEMAKING.-The applicable boards, or the department
94 if there is no board, may adopt rules to administer the
95 requirements of this section.

96 Section 2. This act shall take effect July 1, 2014.

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98

99

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

100

Remove everything before the enacting clause and insert:

101

An act relating to telehealth; creating s. 456.47, F.S.;

102

defining terms; providing for certain practice standards;

103

providing for the maintenance and confidentiality of medical

104

records; requiring the registration of health care professionals

105

not licensed in this state in order to use telehealth to deliver

106

health care services; providing registration requirements;

107

prohibiting registrants from opening an office or providing in-

108

person health care services in this state; requiring a

109

registrant to notify the appropriate board or the Department of

110

Health of certain actions against his or her professional

111

license; prohibiting a health care professional with a revoked

112

license from being registered as a telehealth provider;

113

providing exemptions to the registration requirement; providing

114

rulemaking authority; providing an effective date.

COMMITTEE MEETING REPORT
Select Committee on Health Care Workforce Innovation
3/3/2014 4:00:00PM

Location: Morris Hall (17 HOB)

Presentation/Workshop/Other Business Appearances:

Presentation on Florida's Graduate Medical Education System
Johnson, Jennifer (State Employee) - Information Only
Florida Legislature, OPPAGA
111 W. Madison St., Ste. 312
Tallahassee FL 32399
Phone: (850) 717-0538

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