



Health Innovation Subcommittee

Tuesday, March 10, 2015
9:00 AM - 11:00 AM
306 HOB

Action Packet

COMMITTEE MEETING REPORT

Health Innovation Subcommittee

3/10/2015 9:00:00AM

Location: 306 HOB

Summary:

Health Innovation Subcommittee

Tuesday March 10, 2015 09:00 am

HB 269	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 299251 Adopted Without Objection		
HB 279	Favorable With Committee Substitute	Yeas: 11	Nays: 1
	Amendment 693169 Adopted Without Objection		
HB 555	Favorable With Committee Substitute	Yeas: 10	Nays: 2
	Amendment 183431 Adopted Without Objection		
HB 601	Unfavorable	Yeas: 6	Nays: 6
	Motion by Rep. Broxson to extend the meeting for 15 minutes. Passed		
HB 749	Favorable	Yeas: 10	Nays: 0
HB 999	Favorable With Committee Substitute	Yeas: 8	Nays: 4
	Motion by Rep. Broxson to extend the meeting for 15 minutes. Passed		
	Motion for the Previous Question by Rep. Steube Passed		
	Amendment 307011 Adopted		
HB 1001	Favorable	Yeas: 12	Nays: 0

Committee meeting was reported out: Tuesday, March 10, 2015 2:27:49PM

COMMITTEE MEETING REPORT

Health Innovation Subcommittee

3/10/2015 9:00:00AM

Location: 306 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Kenneth Roberson (Chair)	X		
Doug Broxson	X		
John Cortes	X		
Fred Costello	X		
Manny Diaz, Jr.	X		
Mia Jones			X
Jose Oliva	X		
Ronald Renuart	X		
Hazelle Rogers	X		
Chris Sprowls	X		
Richard Stark	X		
W. Gregory Steube	X		
Jay Trumbull	X		
Totals:	12	0	1

Committee meeting was reported out: Tuesday, March 10, 2015 2:27:49PM

COMMITTEE MEETING REPORT

Health Innovation Subcommittee

3/10/2015 9:00:00AM

Location: 306 HOB

HB 269 : Experimental Treatments for Terminal Conditions

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Doug Broxson	X				
John Cortes	X				
Fred Costello	X				
Manny Diaz, Jr.	X				
Mia Jones			X		
Jose Oliva	X				
Ronald Renuart	X				
Hazelle Rogers	X				
Chris Sprowls	X				
Richard Stark	X				
W. Gregory Steube	X				
Jay Trumbull	X				
Kenneth Roberson (Chair)	X				
Total Yeas: 12		Total Nays: 0			

HB 269 Amendments

Amendment 299251

Adopted Without Objection

Appearances:

Pitts, Brian - Information Only
Justice-2-Jesus
1119 Newton Ave. S.
St. Petersburg FL 33705
Phone: (727) 897-9291

Anderson, Paul (Lobbyist) - Opponent
Florida Justice Association
1584 Metropolitan Blvd
Tallahassee FL 32308
Phone: (850) 894-3000

Committee meeting was reported out: Tuesday, March 10, 2015 2:27:49PM



Amendment No.

17 2. Has considered all other treatment options for the
18 terminal condition currently approved by the United States Food
19 and Drug Administration;

20 3. Has given written informed consent for the use of an
21 investigational drug, biological product, or device; and

22 4. Has documentation from his or her treating physician
23 that the patient meets the requirements of this paragraph.

24 (b) "Investigational drug, biological product, or device"
25 means a drug, biological product, or device that has
26 successfully completed phase 1 of a clinical trial but has not
27 been approved for general use by the United States Food and Drug
28 Administration and remains under investigation in a clinical
29 trial approved by the United States Food and Drug
30 Administration.

31 (c) "Terminal condition" means a progressive disease or
32 medical or surgical condition that causes significant functional
33 impairment, is not considered by a treating physician to be
34 reversible even with the administration of available treatment
35 options currently approved by the United States Food and Drug
36 Administration, and, without the administration of life-
37 sustaining procedures, will result in death within one year of
38 diagnosis if the condition runs its normal course.

39 (d) "Written informed consent" means a document that is
40 signed by a patient, a parent of a minor patient, a court-
41 appointed guardian for a patient, or a health care surrogate
42 designated by a patient and includes:



Amendment No.

43 1. An explanation of the currently approved products and
44 treatments for the patient's terminal condition.

45 2. An attestation that the patient concurs with his or her
46 physician in believing that all currently approved products and
47 treatments are unlikely to prolong the patient's life.

48 3. Identification of the specific investigational drug,
49 biological product, or device that the patient is seeking to
50 use.

51 4. A realistic description of the most likely outcomes of
52 using the investigational drug, biological product, or device.
53 The description shall include the possibility that new,
54 unanticipated, different, or worse symptoms might result and
55 death could be hastened by the proposed treatment. The
56 description shall be based on the physician's knowledge of the
57 proposed treatment for the patient's terminal condition.

58 5. A statement that the patient's health plan or third-
59 party administrator and physician are not obligated to pay for
60 care or treatment consequent to the use of the investigational
61 drug, biological product, or device unless required to do so by
62 law or contract.

63 6. A statement that the patient's eligibility for hospice
64 care may be withdrawn if the patient begins treatment with the
65 investigational drug, biological product, or device and that
66 hospice care may be reinstated if the treatment ends and the
67 patient meets hospice eligibility requirements.



Amendment No.

68 7. A statement that the patient understands he or she is
69 liable for all expenses consequent to the use of the
70 investigational drug, biological product, or device and that
71 liability extends to the patient's estate, unless a contract
72 between the patient and the manufacturer of the investigational
73 drug, biological product, or device states otherwise.

74 (3) Upon the request of an eligible patient, a
75 manufacturer may:

76 (a) Make available the manufacturer's investigational
77 drug, biological product, or device under this section.

78 (b) Provide an investigational drug, biological product,
79 or device to an eligible patient without receiving compensation.

80 (c) Require an eligible patient to pay the costs of, or
81 the costs associated with, the manufacture of the
82 investigational drug, biological product, or device.

83 (4) A health plan, third-party administrator, or
84 governmental agency may provide coverage for the cost of, or the
85 cost of services related to the use of, an investigational drug,
86 biological product, or device.

87 (5) A hospital or health care facility licensed under
88 chapter 395 is not required to provide new or additional
89 services unless those services are approved by the hospital or
90 health care facility.

91 (6) If an eligible patient dies while using an
92 investigational drug, biological product, or device pursuant to
93 this section, the patient's heirs are not liable for any



Amendment No.

94 outstanding debt related to the patient's use of the
95 investigational drug, biologic product, or device.

96 (7) A licensing board may not revoke, fail to renew,
97 suspend, or take any action against a physician's license issued
98 under chapter 458 or chapter 459 based solely on the physician's
99 recommendations to an eligible patient regarding access to or
100 treatment with an investigational drug, biological product, or
101 device. A state entity responsible for Medicare certification
102 may not take action against a physician's Medicare certification
103 based solely on the physician's recommendation that an eligible
104 patient have access to an investigational drug, biological
105 product, or device.

106 (8) There shall be no liability on the part of, and no
107 cause of action of any nature shall arise against, any person,
108 including a physician, pharmacist, manufacturer, or distributor
109 who possesses, stores, or administers an investigational drug,
110 biological product, or device in compliance with this section.
111 Such immunity does not apply to any willful tort.

112 (9) This section does not expand the coverage an insurer
113 must provide under the Florida Insurance Code and does not
114 affect mandatory health coverage for participation in clinical
115 trials.

116 Section 2. This act shall take effect July 1, 2015.

117

118

119

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



Amendment No.

120 Remove everything before the enacting clause and insert:
121 A bill to be entitled
122 An act relating to experimental treatments for
123 terminal conditions; creating s. 499.0295, F.S.;
124 providing a short title; providing definitions;
125 providing conditions for a manufacturer to provide
126 certain drugs, products, or devices to an eligible
127 patient; specifying insurance coverage requirements
128 and exceptions; providing conditions for provision of
129 certain services by a hospital or health care
130 facility; providing immunity from liability; providing
131 protection from disciplinary or legal action against a
132 physician who makes certain treatment recommendations;
133 providing that a cause of action may not be asserted
134 against the manufacturer of certain drugs, products,
135 or devices or a person or entity caring for a patient
136 using such drug, product, or device; providing
137 applicability; providing an effective date.
138

COMMITTEE MEETING REPORT

Health Innovation Subcommittee

3/10/2015 9:00:00AM

Location: 306 HOB

HB 279 : Pharmacy

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Doug Broxson	X				
John Cortes	X				
Fred Costello	X				
Manny Diaz, Jr.	X				
Mia Jones			X		
Jose Oliva	X				
Ronald Renuart		X			
Hazelle Rogers	X				
Chris Sprowls	X				
Richard Stark	X				
W. Gregory Steube	X				
Jay Trumbull	X				
Kenneth Roberson (Chair)	X				
Total Yeas: 11		Total Nays: 1			

HB 279 Amendments

Amendment 693169

Adopted Without Objection

Appearances:

McGhee, Darrick D. (Lobbyist) - Waive In Support
Florida Retail Federation
VP of Gov't'l Relations
537 East Park Avenue
Tallahassee FL 32399
Phone: (850) 321-6489

Mincy, Bill (General Public) - Waive In Support
Florida Independent Pharmacists
Pharmacist
2648 Bantry Bay Drive
Tallahassee FL 32309
Phone: (850) 322-7740

Barnes, Patrick (General Public) - Waive In Support
Pharmacists from Jacksonville
Pharmacy Manager, UF Health Jacksonville
655 West 8th St.
Jacksonville FL
Phone: (904) 244-4157

Committee meeting was reported out: Tuesday, March 10, 2015 2:27:49PM

COMMITTEE MEETING REPORT

Health Innovation Subcommittee

3/10/2015 9:00:00AM

Location: 306 HOB

HB 279 : Pharmacy (continued)

Appearances: (continued)

Gonzalez, Larry (Lobbyist) - Waive In Support
Florida Society of Health-System Pharmacists
General Counsel, FI Society of Health-System Pharmacists
223 S. Gadsden St
Tallahassee FL 32301
Phone: (850) 570-6307

Hickman, Jonathan (General Public) - Proponent
Walgreens & Florida Pharmacy Association
Pharmacist
8314 Inverness Dr.
Tallahassee FL 32312
Phone: (904) 655-6385

Millson, Jay (General Public) - Proponent
FL Academy of Family Physicians
EVP
6720 Atlantic Blvd
Jacksonville FL 32211
Phone: (904) 400-6189

Reeg, Sarah (General Public) - Waive In Support
Pharmacy Interns
Pharmacy Intern
1120 Dusk View Dr.
Merritt Island FL 32952
Phone: (321) 961-8469

Davant, Claudia (Lobbyist) - Waive In Support
Florida Pharmacy Association
Adams St. Advocates
Tallahassee FL
Phone: (850) 569-0979

Pitts, Brian (General Public) - Waive In Support
Justice-2-Jesus
1119 Newton Ave. S.
St. Petersburg FL 33705
Phone: (727) 897-9291

Zander, Skylar (Lobbyist) - Waive In Support
Americans for Prosperity
200 W College Ave
Tallahassee FL 32301
Phone: (850) 728-4522

Committee meeting was reported out: Tuesday, March 10, 2015 2:27:49PM



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: Health Innovation
 2 Subcommittee

3 Representative Pigman offered the following:

4
 5 **Amendment**

6 Remove lines 22-26 and insert:
 7 supervision of a pharmacist who is certified under subsection
 8 (6), may administer the following vaccines to an adult within
 9 the framework of an established protocol under a supervising
 10 physician licensed under chapter 458 or chapter 459:

11 (a) Immunizations or vaccines listed in the February 2015

12 Adult

COMMITTEE MEETING REPORT

Health Innovation Subcommittee

3/10/2015 9:00:00AM

Location: 306 HOB

HB 555 : Pharmacy

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Doug Broxson	X				
John Cortes		X			
Fred Costello	X				
Manny Diaz, Jr.	X				
Mia Jones			X		
Jose Oliva	X				
Ronald Renuart	X				
Hazelle Rogers	X				
Chris Sprows	X				
Richard Stark		X			
W. Gregory Steube	X				
Jay Trumbull	X				
Kenneth Roberson (Chair)	X				
	Total Yeas: 10	Total Nays: 2			

HB 555 Amendments

Amendment 183431

Adopted Without Objection

Appearances:

Mincy, Bill (General Public) - Proponent

FI Independent Pharmacies
2648 Bantry Bay Drive
Tallahassee FL 32309
Phone: (850) 322-7740

McDonald, Preston (General Public) - Proponent

Pharmacy
Pharmacist
5740 Westmont Road
Milton FL 32583
Phone: (850) 982-9087

Barnes, Patrick (General Public) - Waive In Support

Pharmacist from Jacksonville
Pharmacy Manager, UF Health Jacksonville
655 West 8th St.
Jacksonville FL 32258
Phone: (904) 244-4157

Committee meeting was reported out: Tuesday, March 10, 2015 2:27:49PM

COMMITTEE MEETING REPORT

Health Innovation Subcommittee

3/10/2015 9:00:00AM

Location: 306 HOB

HB 555 : Pharmacy (continued)

Appearances: (continued)

Gonzalez, Larry (Lobbyist) - Waive In Support
Florida Society of Health-System Pharmacists
General Counsel, FI Society of Health-System Pharmacists
223 S. Gadsden St
Tallahassee FL 32301
Phone: (850) 570-6307

Brown, Audrey (Lobbyist) - Waive In Opposition
Florida Association of Health Plans, Inc
President and CEO
200 W College Ave
Tallahassee FL 32301
Phone: (850) 386-2904

Marquess, Jonathan G. (General Public) - Waive In Support
APCI/FPA
Pharmacy
5601 Shirley Park Drive
Bessemer AL
Phone: (678) 923-4263

Adams, Mary Sue (General Public) - Proponent
Adams Pharmacy
RN/Owner/RPT
922 Ohio Avenue
Lynn Haven FL 32444
Phone: (850) 265-2442

Dederichs, David (Lobbyist) - Opponent
Express Scripts
Sr. Director, Gov't Affairs Express Scripts
6625 W 78th St
Bloomington MN

Davant, Claudia (Lobbyist) - Waive In Support
Florida Pharmacy Association
Adams St. Advocates
Tallahassee FL
Phone: (850) 569-0979

Chamizo, Jorge (Lobbyist) - Waive In Support
Independent Pharmacy Cooperative
108 S. Monroe St
Tallahassee FL 32301
Phone: (850) 681-0024

Henderson, Cynthia (Lobbyist) - Waive In Support
Epic Pharmacies
108 E. Jefferson St., Ste. A
Tallahassee FL 32301
Phone: (850) 210-5385

Committee meeting was reported out: Tuesday, March 10, 2015 2:27:49PM

COMMITTEE MEETING REPORT

Health Innovation Subcommittee

3/10/2015 9:00:00AM

Location: 306 HOB

HB 555 : Pharmacy (continued)

Appearances: (continued)

Pitts, Brian (General Public) - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: (727) 897-9291

Ryan, Joy (Lobbyist) - Opponent

AHIP - America's Health Insurance Plans

325 W College, 2nd Floor

Tallahassee FL 32301

Phone: (850) 425-4000

Committee meeting was reported out: Tuesday, March 10, 2015 2:27:49PM



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: Health Innovation
 2 Subcommittee

3 Representative Gaetz offered the following:

4

5 **Amendment**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 465.1862, Florida Statutes, is created
 8 to read:

9 465.1862 Section 465.1862, Florida Statutes, is created to
 10 read:

11 465.1862 Pharmacy benefit managers.--

12 (1) As used in this section, the term:

13 (a) "Contracted pharmacy" means a pharmacy or network of
 14 pharmacies that has executed a contract, which includes maximum
 15 allowable cost pricing requirements, with a pharmacy benefit
 16 manager and acts on behalf of a plan sponsor.



Amendment No.

17 (b) "Maximum allowable cost" means the upper limit or
18 maximum amount that an insurer or managed care plan will pay for
19 generic prescription drugs or brand-name prescription drugs with
20 available generic versions, which are included on a list of
21 products generated by the pharmacy benefit manager.

22 (c) "Pharmacy benefit manager" means a person, business,
23 or other entity that provides administrative services related to
24 processing and paying prescription claims for pharmacy benefit
25 and coverage programs. Such services may include, but are not
26 limited to, contracting with a pharmacy or network of
27 pharmacies; establishing payment levels for pharmacies;
28 dispensing prescription drugs to plan sponsor beneficiaries;
29 negotiating discounts and rebate arrangements with drug
30 manufacturers; developing and managing prescription formularies,
31 preferred drug lists, and prior authorization programs; ensuring
32 audit compliance; and providing management reports.

33 (d) "Plan sponsor" means an employer, insurer, managed
34 care organization, prepaid limited health service organization,
35 third-party administrator, or other entity contracting for
36 pharmacy benefit manager services.

37 (2) A contract between a pharmacy benefit manager and a
38 contracted pharmacy must require the pharmacy benefit manager to
39 update the maximum allowable cost pricing information at least
40 every 7 calendar days and establish a reasonable process for the
41 prompt notification of any pricing updates to the contracted
42 pharmacy.



Amendment No.

43 (3) A pharmacy benefit manager, to place a prescription
44 drug on a maximum allowable cost pricing list, at a minimum,
45 must ensure that the drug has at least two or more nationally
46 available, therapeutically equivalent, multiple-source generic
47 drugs that:

48 (a) Have a significant cost difference.

49 (b) Are listed as therapeutically and pharmaceutically
50 equivalent or "A" or "AB" rated in the most recent version of
51 Orange Book: Approved Drug Products with Therapeutic Equivalence
52 Evaluations published by the United States Food and Drug
53 Administration.

54 (c) Are available for purchase from national or regional
55 wholesalers without limitation by all pharmacies in the state.

56 (d) Are not obsolete or temporarily unavailable.

57 (4) In a contract between a pharmacy benefit manager and a
58 plan sponsor, the pharmacy benefit manager must disclose the
59 following to the plan sponsor:

60 (a) Whether the pharmacy benefit manager uses a maximum
61 allowable cost pricing list for drugs dispensed at retail but
62 does not use such a list for drugs dispensed by mail order. If
63 such practice is adopted after a contract is executed, the
64 pharmacy benefit manager shall disclose such practice to the
65 plan sponsor within 21 business days after implementation of the
66 practice.

67 (b) Whether the pharmacy benefit manager uses an identical
68 maximum allowable cost pricing list to bill the plan sponsor and



Amendment No.

69 to reimburse a contracted pharmacy. If more than one maximum
70 allowable cost pricing list is used, the pharmacy benefit
71 manager shall disclose to the contracted pharmacy any difference
72 between the amount billed to the plan sponsor and the amount
73 paid as reimbursement to a contracted pharmacy.

74 (5) (a) Each contract between a pharmacy benefit manager
75 and a contracted pharmacy must include a process for appeal,
76 investigation, and resolution of disputes regarding maximum
77 allowable cost pricing. The process must:

78 1. Limit the right to appeal to 30 calendar days after an
79 initial claim is made by the contracted pharmacy.

80 2. Require investigation and resolution of a dispute
81 within 14 days after an appeal is received by the pharmacy
82 benefit manager.

83 3. Include a telephone number at which a contracted
84 pharmacy may contact the pharmacy benefit manager regarding an
85 appeal.

86 (b) If an appeal is denied, the pharmacy benefit manager
87 shall provide the reasons for denial and shall identify the
88 national drug code for the prescription drug that may be
89 purchased by the contracted pharmacy at a price at or below the
90 disputed maximum allowable cost pricing.

91 (c) If an appeal is upheld, the pharmacy benefit manager
92 shall adjust the maximum allowable cost pricing retroactive to
93 the date that the claim was adjudicated. The pharmacy benefit



Amendment No.

94 manager shall apply the adjustment retroactively to any
95 similarly situated contracted pharmacy.

96 Section 2. This act shall take effect July 1, 2015.

COMMITTEE MEETING REPORT

Health Innovation Subcommittee

3/10/2015 9:00:00AM

Location: 306 HOB

HB 601 : Statewide Prepaid Dental Program

Unfavorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Doug Broxson	X				
John Cortes		X			
Fred Costello	X				
Manny Diaz, Jr.	X				
Mia Jones			X		
Jose Oliva	X				
Ronald Renuart		X			
Hazelle Rogers		X			
Chris Sprows		X			
Richard Stark		X			
W. Gregory Steube	X				
Jay Trumbull		X			
Kenneth Roberson (Chair)	X				
Total Yeas: 6		Total Nays: 6			

HB 601 Actionable Items

Motion by Rep. Broxson to extend the meeting for 15 minutes.

Passed

Appearances:

Garner, Michael (Lobbyist) - Opponent

Amerigroup Florida
Sr. Director Gov't Relations
200 W College Ave, Ste 114
Tallahassee FL 32304
Phone: (850) 445-6552

Lacasa, Carlos (General Public) - Proponent

MCNA Dental Plan
Sr. VP and General Counsel-MCNA Dental
200 W Cypress Creek Rd, Ste 500
Ft Lauderdale FL 33309
Phone: (305) 962-3911

Brown, Audrey (Lobbyist) - Opponent

Florida Association of Health Plans, Inc
President & CEO
200 W College Ave
Tallahassee FL 32301
Phone: (850) 386-2904

Committee meeting was reported out: Tuesday, March 10, 2015 2:27:49PM

COMMITTEE MEETING REPORT

Health Innovation Subcommittee

3/10/2015 9:00:00AM

Location: 306 HOB

HB 601 : Statewide Prepaid Dental Program (continued)

Appearances: (continued)

Stoutamire, Casey (Lobbyist) - Waive In Support

FI Dental Assoc
118 E Jefferson St
Tallahassee FL 32301
Phone: (850) 224-1089

Nunnally, Beth (Lobbyist) - Opponent

Sunshine Health
301 S Bronough St, Ste.500
Tallahassee FL 32301
Phone: (850) 510-9371

Juarez, Lena (Lobbyist) - Waive In Opposition

Molina Healthcare
PO Box 10390
Tallahassee FL 32302
Phone: (850) 212-8330

Coleman, Avery (Lobbyist) - Waive In Opposition

Florida Association of Community Health Centers
2340 Hansen Lane
Tallahassee FL
Phone: (850) 942-1822

Pitts, Brian (General Public) - Information Only

Justice-2-Jesus
Trustee
1119 Newton Ave. S.
St. Petersburg FL 33705
Phone: (727) 897-9291

Eaton, James (Lobbyist) - Opponent

Prestige Health Choice
PO Box 1713
Tallahassee FL 32302
Phone: (850) 224-6789

Committee meeting was reported out: Tuesday, March 10, 2015 2:27:49PM

COMMITTEE MEETING REPORT

Health Innovation Subcommittee

3/10/2015 9:00:00AM

Location: 306 HOB

HB 749 : Continuing Care Communities

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Doug Broxson	X				
John Cortes	X				
Fred Costello	X				
Manny Diaz, Jr.	X				
Mia Jones			X		
Jose Oliva	X				
Ronald Renuart	X				
Hazelle Rogers	X				
Chris Sprowls	X				
Richard Stark			X		
W. Gregory Steube	X				
Jay Trumbull			X		
Kenneth Roberson (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Appearances:

Vecchidi, Beth (Lobbyist) - Waive In Support

Leading Age Florida
Sr. Policy Advisor
315 S. Calhoun St., Ste. 600
Tallahassee Fl 32301
Phone: (850) 425-5623

Wilson, Don (General Public) - Waive In Support

Leading Age of Florida
Executive Director, Westminster Oaks
4449 Meandering Way
Tallahassee Florida 32308
Phone: (850) 878-1136

Berkowitz, Carol (Lobbyist) - Waive In Support

Florida Health Care Association
Director
307 W Park Ave
Tallahassee FL 32301
Phone: (850) 224-3907

Thorn, Eric (Lobbyist) - Waive In Support

Florida Life Care Residents Association
325 John Knox Rd. Ste L103
Tallahassee Fl 32303
Phone: (850) 510-2165

Committee meeting was reported out: Tuesday, March 10, 2015 2:27:49PM

COMMITTEE MEETING REPORT

Health Innovation Subcommittee

3/10/2015 9:00:00AM

Location: 306 HOB

HB 999 : Ambulatory Surgical Centers

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Doug Broxson	X				
John Cortes		X			
Fred Costello	X				
Manny Diaz, Jr.	X				
Mia Jones			X		
Jose Oliva	X				
Ronald Renuart		X			
Hazelle Rogers		X			
Chris Sprowls	X				
Richard Stark		X			
W. Gregory Steube	X				
Jay Trumbull	X				
Kenneth Roberson (Chair)	X				
Total Yeas: 8		Total Nays: 4			

HB 999 Actionable Items

Motion by Rep. Broxson to extend the meeting for 15 minutes.

Passed

Motion for the Previous Question by Rep. Steube

Passed

HB 999 Amendments

Amendment 307011

Adopted

Appearances:

Bell, Bill (Lobbyist) - Opponent
Florida Hospital Association
General Counsel
306 E College Ave
Tallahassee FL 32301
Phone: (850) 222-9800

Committee meeting was reported out: Tuesday, March 10, 2015 2:27:49PM

COMMITTEE MEETING REPORT

Health Innovation Subcommittee

3/10/2015 9:00:00AM

Location: 306 HOB

HB 999 : Ambulatory Surgical Centers (continued)

Appearances: (continued)

Rye, Brian (General Public) - Proponent
Surgical Care Affiliates/Melbourne Surgery Center
Administrator
5190 Wildwood Avenue
Merritt Island Fl 32953
Phone: (321) 394-5083

Nuland, Chris (Lobbyist) - Proponent
Florida Chapter, American College of Surgeons
1000 Riverside Ave.
Jacksonville FL 32209
Phone: (904)233-3051

Bruning, Dr. Paul (General Public) - Proponent
Fl Orthopedic Society
COO
Tallahassee Orthopedic Clinic
Tallahassee Fl 32308

Pitts, Brian (General Public) - Information Only
Justice-2-Jesus
Trustee
1119 Newton Ave. S.
St. Petersburg FL 33705
Phone: (727) 897-9291

Delegal, Mark (Lobbyist) - Opponent
Safety Net Hospital Alliance of Florida
General Counsel
315 S. Calhoun St.
Tallahassee FL 32301
Phone: (850) 224-7000

Committee meeting was reported out: Tuesday, March 10, 2015 2:27:49PM



Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input 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: Health Innovation
 2 Subcommittee

3 Representative Steube offered the following:

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

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 395.001, Florida Statutes, is amended
8 to read:

9 395.001 Legislative intent.—It is the intent of the
10 Legislature to provide for the protection of public health and
11 safety in the establishment, construction, maintenance, and
12 operation of hospitals, ambulatory surgical centers, recovery
13 care centers, and mobile surgical facilities by providing for
14 licensure of same and for the development, establishment, and
15 enforcement of minimum standards with respect thereto.

16 Section 2. Subsections (25) through (33) of section
17 395.002, Florida Statutes, are renumbered as subsections (27)



Amendment No.

18 through (35), respectively, subsections (3), (16), and (23) are
19 amended, and new subsections (25) and (26) are added to that
20 section, to read:

21 395.002 Definitions.—As used in this chapter:

22 (3) "Ambulatory surgical center" or "mobile surgical
23 facility" means a facility the primary purpose of which is to
24 provide elective surgical care, in which the patient is admitted
25 to and discharged from such facility within 24 hours ~~the same~~
26 ~~working day and is not permitted to stay overnight,~~ and which is
27 not part of a hospital. However, a facility existing for the
28 primary purpose of performing terminations of pregnancy, an
29 office maintained by a physician for the practice of medicine,
30 or an office maintained for the practice of dentistry shall not
31 be construed to be an ambulatory surgical center, provided that
32 any facility or office which is certified or seeks certification
33 as a Medicare ambulatory surgical center shall be licensed as an
34 ambulatory surgical center pursuant to s. 395.003. Any structure
35 or vehicle in which a physician maintains an office and
36 practices surgery, and which can appear to the public to be a
37 mobile office because the structure or vehicle operates at more
38 than one address, shall be construed to be a mobile surgical
39 facility.

40 (16) "Licensed facility" means a hospital, ambulatory
41 surgical center, recovery care center, or mobile surgical
42 facility licensed in accordance with this chapter.

43 (23) "Premises" means those buildings, beds, and equipment



Amendment No.

44 located at the address of the licensed facility and all other
45 buildings, beds, and equipment for the provision of hospital,
46 ambulatory surgical, recovery, or mobile surgical care located
47 in such reasonable proximity to the address of the licensed
48 facility as to appear to the public to be under the dominion and
49 control of the licensee. For any licensee that is a teaching
50 hospital as defined in s. 408.07(45), reasonable proximity
51 includes any buildings, beds, services, programs, and equipment
52 under the dominion and control of the licensee that are located
53 at a site with a main address that is within 1 mile of the main
54 address of the licensed facility; and all such buildings, beds,
55 and equipment may, at the request of a licensee or applicant, be
56 included on the facility license as a single premises.

57 (25) "Recovery care center" means a facility the primary
58 purpose of which is to provide recovery care services, to which
59 a patient is admitted and discharged within 72 hours, and which
60 is not part of a hospital.

61 (26) "Recovery care services" means postsurgical and
62 postdiagnostic medical and general nursing care provided to
63 patients for whom acute care hospitalization is not required and
64 an uncomplicated recovery is reasonably expected. The term
65 includes postsurgical rehabilitation services. The term does not
66 include intensive care services, coronary care services, or
67 critical care services.

68 Section 3. Subsection (1) of section 395.003, Florida
69 Statutes, is amended to read:

307011 - h0999-strike.docx

Published On: 3/10/2015 11:08:05 AM



Amendment No.

70 395.003 Licensure; denial, suspension, and revocation.—

71 (1)(a) The requirements of part II of chapter 408 apply to
72 the provision of services that require licensure pursuant to ss.
73 395.001-395.1065 and part II of chapter 408 and to entities
74 licensed by or applying for such licensure from the Agency for
75 Health Care Administration pursuant to ss. 395.001-395.1065. A
76 license issued by the agency is required in order to operate a
77 hospital, ambulatory surgical center, recovery care center, or
78 mobile surgical facility in this state.

79 (b)1. It is unlawful for a person to use or advertise to
80 the public, in any way or by any medium whatsoever, any facility
81 as a "hospital," "ambulatory surgical center," "recovery care
82 center," or "mobile surgical facility" unless such facility has
83 first secured a license under the provisions of this part.

84 2. This part does not apply to veterinary hospitals or to
85 commercial business establishments using the word "hospital,"
86 "ambulatory surgical center," "recovery care center," or "mobile
87 surgical facility" as a part of a trade name if no treatment of
88 human beings is performed on the premises of such
89 establishments.

90 (c) Until July 1, 2006, additional emergency departments
91 located off the premises of licensed hospitals may not be
92 authorized by the agency.

93 Section 4. Section 395.0171, Florida Statutes, is created
94 to read:

95 395.0171 Recovery care center admissions; emergency and



Amendment No.

96 transfer protocols; discharge planning and protocols.-

97 (1) Admissions to a recovery care center shall be
98 restricted to patients who need recovery care services.

99 (2) All patients must be certified by their attending or
100 referring physician or by a physician on staff at the facility
101 as medically stable and not in need of acute care
102 hospitalization before admission.

103 (3) A patient may be admitted for recovery care services
104 upon discharge from a hospital or an ambulatory surgery center.
105 A patient may also be admitted postdiagnosis and posttreatment
106 for recovery care services.

107 (4) A recovery care center must have emergency care and
108 transfer protocols, including transportation arrangements, and
109 referral or admission agreements with at least one hospital.

110 (5) A recovery care center must have procedures for
111 discharge planning and discharge protocols.

112 (6) The agency may adopt rules to implement this
113 subsection.

114 Section 5. Subsections (2) and (8) of section 395.1055,
115 Florida Statutes, are amended, and subsection (10) is added to
116 that section, to read:

117 395.1055 Rules and enforcement.-

118 (2) Separate standards may be provided for general and
119 specialty hospitals, ambulatory surgical centers, recovery care
120 centers, mobile surgical facilities, and statutory rural
121 hospitals as defined in s. 395.602.

307011 - h0999-strike.docx

Published On: 3/10/2015 11:08:05 AM



Amendment No.

122 (8) The agency may not adopt any rule governing the
123 design, construction, erection, alteration, modification,
124 repair, or demolition of any public or private hospital,
125 intermediate residential treatment facility, recovery care
126 center, or ambulatory surgical center. It is the intent of the
127 Legislature to preempt that function to the Florida Building
128 Commission and the State Fire Marshal through adoption and
129 maintenance of the Florida Building Code and the Florida Fire
130 Prevention Code. However, the agency shall provide technical
131 assistance to the commission and the State Fire Marshal in
132 updating the construction standards of the Florida Building Code
133 and the Florida Fire Prevention Code which govern hospitals,
134 intermediate residential treatment facilities, recovery care
135 centers, and ambulatory surgical centers.

136 (10) The agency shall adopt rules for recovery care
137 centers which include fair and reasonable minimum standards for
138 ensuring that recovery care centers have:

139 (a) A dietetic department, service, or other similarly
140 titled unit, either on the premises or under contract, which
141 shall be organized, directed, and staffed to ensure the
142 provision of appropriate nutritional care and quality food
143 service.

144 (b) Procedures to ensure the proper administration of
145 medications. Such procedures shall address the prescribing,
146 ordering, preparing, and dispensing of medications and
147 appropriate monitoring of the effects of such medications on the



Amendment No.

148 patient.

149 (c) A pharmacy, pharmaceutical department, or
150 pharmaceutical service, or similarly titled unit, on the
151 premises or under contract.

152 Section 6. Subsection (8) of section 395.10973, Florida
153 Statutes, is amended to read:

154 395.10973 Powers and duties of the agency.—It is the
155 function of the agency to:

156 (8) Enforce the special-occupancy provisions of the
157 Florida Building Code which apply to hospitals, intermediate
158 residential treatment facilities, recovery care centers, and
159 ambulatory surgical centers in conducting any inspection
160 authorized by this chapter and part II of chapter 408.

161 Section 7. Subsection (3) of section 395.301, Florida
162 Statutes, is amended to read:

163 395.301 Itemized patient bill; form and content prescribed
164 by the agency.—

165 (3) On each itemized statement submitted pursuant to
166 subsection (1) there shall appear the words "A FOR-PROFIT (or
167 NOT-FOR-PROFIT or PUBLIC) HOSPITAL (or AMBULATORY SURGICAL
168 CENTER or RECOVERY CARE CENTER) LICENSED BY THE STATE OF
169 FLORIDA" or substantially similar words sufficient to identify
170 clearly and plainly the ownership status of the licensed
171 facility. Each itemized statement must prominently display the
172 phone number of the medical facility's patient liaison who is
173 responsible for expediting the resolution of any billing dispute

307011 - h0999-strike.docx

Published On: 3/10/2015 11:08:05 AM



Amendment No.

174 between the patient, or his or her representative, and the
175 billing department.

176 Section 8. Subsection (30) is added to section 408.802,
177 Florida Statutes, to read:

178 408.802 Applicability.—The provisions of this part apply
179 to the provision of services that require licensure as defined
180 in this part and to the following entities licensed, registered,
181 or certified by the agency, as described in chapters 112, 383,
182 390, 394, 395, 400, 429, 440, 483, and 765:

183 (30) Recovery care centers, as provided under part I of
184 chapter 395.

185 Section 9. Subsection (29) is added to section 408.820,
186 Florida Statutes, to read:

187 408.820 Exemptions.—Except as prescribed in authorizing
188 statutes, the following exemptions shall apply to specified
189 requirements of this part:

190 (29) Recovery care centers, as provided under part I of
191 chapter 395, are exempt from s. 408.810(7)-(10).

192 Section 10. Subsection (7) of section 394.4787, Florida
193 Statutes, is amended to read:

194 394.4787 Definitions; ss. 394.4786, 394.4787, 394.4788,
195 and 394.4789.—As used in this section and ss. 394.4786,
196 394.4788, and 394.4789:

197 (7) "Specialty psychiatric hospital" means a hospital
198 licensed by the agency pursuant to s. 395.002(30) ~~395.002(28)~~
199 and part II of chapter 408 as a specialty psychiatric hospital.

307011 - h0999-strike.docx

Published On: 3/10/2015 11:08:05 AM



Amendment No.

200 Section 11. Paragraph (a) of subsection (4) of section
201 409.97, Florida Statutes, is amended to read:

202 409.97 State and local Medicaid partnerships.—

203 (4) HOSPITAL RATE DISTRIBUTION.—

204 (a) The agency is authorized to implement a tiered
205 hospital rate system to enhance Medicaid payments to all
206 hospitals when resources for the tiered rates are available from
207 general revenue and such contributions pursuant to subsection
208 (1) as are authorized under the General Appropriations Act.

209 1. Tier 1 hospitals are statutory rural hospitals as
210 defined in s. 395.602, statutory teaching hospitals as defined
211 in s. 408.07(45), and specialty children's hospitals as defined
212 in s. 395.002(30) ~~395.002(28)~~.

213 2. Tier 2 hospitals are community hospitals not included
214 in Tier 1 that provided more than 9 percent of the hospital's
215 total inpatient days to Medicaid patients and charity patients,
216 as defined in s. 409.911, and are located in the jurisdiction of
217 a local funding source pursuant to subsection (1).

218 3. Tier 3 hospitals include all community hospitals.

219 Section 12. Paragraph (b) of subsection (1) of section
220 409.975, Florida Statutes, is amended to read:

221 409.975 Managed care plan accountability.—In addition to
222 the requirements of s. 409.967, plans and providers
223 participating in the managed medical assistance program shall
224 comply with the requirements of this section.

225 (1) PROVIDER NETWORKS.—Managed care plans must develop and



Amendment No.

226 maintain provider networks that meet the medical needs of their
227 enrollees in accordance with standards established pursuant to
228 s. 409.967(2)(c). Except as provided in this section, managed
229 care plans may limit the providers in their networks based on
230 credentials, quality indicators, and price.

231 (b) Certain providers are statewide resources and
232 essential providers for all managed care plans in all regions.
233 All managed care plans must include these essential providers in
234 their networks. Statewide essential providers include:

- 235 1. Faculty plans of Florida medical schools.
- 236 2. Regional perinatal intensive care centers as defined in
237 s. 383.16(2).
- 238 3. Hospitals licensed as specialty children's hospitals as
239 defined in s. 395.002(30) ~~395.002(28)~~.
- 240 4. Accredited and integrated systems serving medically
241 complex children that are comprised of separately licensed, but
242 commonly owned, health care providers delivering at least the
243 following services: medical group home, in-home and outpatient
244 nursing care and therapies, pharmacy services, durable medical
245 equipment, and Prescribed Pediatric Extended Care.

246
247 Managed care plans that have not contracted with all statewide
248 essential providers in all regions as of the first date of
249 recipient enrollment must continue to negotiate in good faith.
250 Payments to physicians on the faculty of nonparticipating
251 Florida medical schools shall be made at the applicable Medicaid

307011 - h0999-strike.docx

Published On: 3/10/2015 11:08:05 AM



Amendment No.

252 rate. Payments for services rendered by regional perinatal
 253 intensive care centers shall be made at the applicable Medicaid
 254 rate as of the first day of the contract between the agency and
 255 the plan. Payments to nonparticipating specialty children's
 256 hospitals shall equal the highest rate established by contract
 257 between that provider and any other Medicaid managed care plan.

258 Section 13. This act shall take effect July 1, 2015.

259

260

261

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

262

Remove everything before the enacting clause and insert:

263

An act relating to recovery care services; amending s. 395.001,

264

F.S.; providing legislative intent regarding recovery care

265

centers; amending s. 395.002, F.S.; revising and providing

266

definitions; amending s. 395.003, F.S.; including recovery care

267

centers as facilities licensed under chapter 395, F.S.; creating

268

s. 395.0171, F.S.; providing admission criteria for a recovery

269

care center; requiring emergency care, transfer, and discharge

270

protocols; authorizing the Agency for Health Care Administration

271

to adopt rules; amending s. 395.1055, F.S.; authorizing the

272

agency to establish separate standards for the care and

273

treatment of patients in recovery care centers; amending s.

274

395.10973, F.S.; directing the agency to enforce special-

275

occupancy provisions of the Florida Building Code applicable to

276

recovery care centers; amending s. 395.301, F.S.; providing for

277

format and content of a patient bill from a recovery care



Amendment No.

278 center; amending s. 408.802, F.S.; providing applicability of
279 the Health Care Licensing Procedures Act to recovery care
280 centers; amending s. 408.820, F.S.; exempting recovery care
281 centers from specified minimum licensure requirements; amending
282 ss. 394.4787, 409.97, and 409.975, F.S.; conforming cross-
283 references; providing an effective date.

COMMITTEE MEETING REPORT

Health Innovation Subcommittee

3/10/2015 9:00:00AM

Location: 306 HOB

HB 1001 : Assisted Living Facilities

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Doug Broxson	X				
John Cortes	X				
Fred Costello	X				
Manny Diaz, Jr.	X				
Mia Jones			X		
Jose Oliva	X				
Ronald Renuart	X				
Hazelle Rogers	X				
Chris Sprowis	X				
Richard Stark	X				
W. Gregory Steube	X				
Jay Trumbull	X				
Kenneth Roberson (Chair)	X				
	Total Yeas: 12	Total Nays: 0			

Appearances:

Matillo, Gail (Lobbyist) - Waive In Support
FL ALFA
9445 Buck Haven Trail
Tallahassee FL 32312
Phone: (850) 708-4971

Berkowitz, Carol (Lobbyist) - Waive In Support
Florida Health Care Association
307 W Park Ave
Tallahassee FL 32301
Phone: (850) 224-3907

Pitts, Brian (General Public) - Information Only
Justice-2-Jesus
Trustee
1119 Newton Ave. S.
St. Petersburg FL 33705
Phone: (727) 897-9291

Langston, Susan (Lobbyist) - Waive In Support
Florida Assisted Living Association
Director of Gov't Affairs
2447 Millcreek Ct., Ste 3
Tallahassee FL 32308
Phone: 850) 383-1159

Committee meeting was reported out: Tuesday, March 10, 2015 2:27:49PM