

# Florida College of Emergency Physicians 2007 End of Session Bill Summary

## *Health Care Legislation ENACTED (35):*

### **SB 0248 Relating to Clinical Nursing Specialties**

(5/02/07)

Sponsor: **Burt Saunders (R)**

Summary: The bill provides requirements for certification as clinical nurse specialist, such as proof that he or she holds a current license to practice professional nursing, a master's degree in a clinical nursing specialty, and current certification in a specialty area as a clinical nurse specialist from a nationally recognized certifying body. Restricts the use of professional titles & abbreviations relating to practice by clinical nurse specialists, certified registered nurse anesthetists, & certified nurse midwives; prohibits use of any name or title stating or implying that person is said specialist, anesthetist, or midwife; authorizes Board of Nursing to adopt rules; provides fees; provides penalties; conforms a cross-reference.

Amends 464.003, .0115, .012, .015, .016, 458.348, 459.025; reenacts 921.0022(3) (g).  
APPROPRIATION: \$75,386.

EFFECTIVE DATE: 07/01/2007.

### **HB 455 Relating to Organ & Tissue Donation**

(4/27/07)

Sponsor: **Larry Cretul (R)**

Summary: The bill provides for donation by coordinating donor registry services among the Florida Coalition on Donation, Inc., the Department of Highway Safety and Motor Vehicles (DHSMV) and the Agency for Health Care Administration. Provides for authorization of anatomical donations by notations on driver's license or ID card; provides for administration of donor registry by specified nonprofit corporation rather than by state agency; designates Joshua Abbott Organ & Tissue Donor Registry; authorizes revocation of anatomical gift by donor through removal of his or her name from donor registry; privatizes the maintenance of Florida's organ and tissue donor registry by transferring the registry from AHCA to the Coalition. Revises duties of hospital administrators at or near the time of death of persons who are suitable candidates for organ or tissue donation (the administrator shall notify the appropriate organ, tissue or eye recovery program); provides specified immunity to the Florida Coalition on Donation.

Amends 765.511, .512, .514, .515, .516, .517, .521, .522, .544, .5215, .52155, 215.20, 320.08047, 322.08. Creates 765.5201. Repeals 765.5216.

EFFECTIVE DATE: 07/01/2007.

### **HB 509 Relating to Children & Youth Cabinet Act**

(5/03/07)

Sponsor: **Loranne Ausley (D)**

Summary: The bill creates the Children & Youth Cabinet to ensure that public policy relating to children and youth is developed to promote interdepartmental collaboration

and program implementation; provides legislative intent; provides organization, membership, & duties & responsibilities of cabinet; provides for advisory board; requires cabinet to prepare annual report; requires cabinet to meet at least six times a year in different regions of the state to solicit input from the public.

EFFECTIVE DATE: 07/01/2007.

#### **HB 543 Relating to Pharmacist Kevin Coit Memorial Act**

(4/30/07)

Sponsor: **Juan C. Zapata** (R)

Summary: An act relating to immunization services. The bill authorizes pharmacists to administer influenza virus immunizations to adults within the framework of an established protocol under a supervisory Florida-licensed medical or osteopathic physician, or by written agreement with a county health department. Requires that pharmacists authorized to administer influenza virus immunizations provide evidence of current certification by Pharmacy Board to supervising physician; requires that a pharmacist may not enter into a protocol unless he or she maintains at least \$200,000 of professional liability insurance and has completed training in influenza immunizations; creates Task Force for Study of Biotech Competitiveness; provides for expiration of task force; provides staff support for the Governor's Office of Tourism, Trade, and Economic Development.

Amends 465.003. Creates 465.189.

EFFECTIVE DATE: 07/01/2007.

#### **SB 650 Relating to Osteopathic Physicians**

(5/02/07)

Sponsor: **Mike Fasano** (R)

Summary: The bill combines existing language for obtaining a license by examination or endorsement to practice osteopathic medicine in Florida into the general licensure requirements

for osteopathic physicians. Requires applicants to not have received less than a satisfactory evaluation from an internship, residency, or fellowship-training program by the director of medical education from the medical training facility. Requires renewal fee for registering as resident osteopathic physician; requires consideration of intent in order to classify certain actions within practice of osteopathic medicine as misdemeanors; increases penalty for failure to provide certain information relating to employment of said physicians; repeals provision relating to licensure by examination.

Amends 459.0055, 459.021, 395.7015, 459.0092. Repeals 459.006 relating to licensure by examination and 459.007 relating to licensure by endorsement.

EFFECTIVE DATE: 07/01/2007.

#### **SB 666 Relating to Fiscal Intermediary Services Orgs./Health Care**

(5/02/07)

Sponsor: **Mike Fasano** (R)

Summary: The bill revises the definition of entities that must be registered as a FISO by deleting the exemption for entities that are owned, operated, or controlled by certain

licensed entities. Only the licensed entities themselves would be exempt, including hospitals, authorized insurers, third party administrators, prepaid limited health service organizations, not-for-profit corporations affiliated with an accredited hospital, and HMOs. The current exemption for physician group practices would be limited to group practices providing services under the scope of licenses of the members of that group practice. Revises compliance requirements for registration as fiscal intermediary services organization. Amends 641.316.  
EFFECTIVE DATE: 10/01/2007.

**SB 746 Relating to Workers' Compensation/First Responders**

(5/02/07)

Sponsor: **JD Alexander** (R)

Summary: The bill defines “first responders” as law enforcement officers, firefighters, or an emergency medical technician or paramedic including volunteers. Provides standard of proof for first responders having injury or disease caused by exposure to toxic substance (it is not an injury arising out of employment unless there is a preponderance of evidence establishing that exposure at the levels experienced can cause the injury sustained); provides that any adverse result or complication relating to smallpox vaccinations is an injury by accident arising out of employment; provides standard of proof in cases involving occupational disease (excludes all ordinary diseases of life to which general public is exposed unless the incidence of disease is substantially higher in the particular trade/occupation than for the general public); provides for continuation of permanent total supplemental benefits after age of 62 for certain first responders.

Creates 112.1815.

EFFECTIVE DATE: Upon becoming law.

**SB 770 Relating to Physician Workforce Assessment & Development**

(5/04/07)

Sponsor: **Jeff Atwater** (R)

Summary: The bill creates the Physician Workforce Assessment & Development Office within Health Access & Tobacco Division of Department of Health. Requires each allopathic & osteopathic physician in state to complete a survey concerning the physician's practice as a condition of license renewal; specifies information to be furnished to DOH in physician survey; provides for a non-disciplinary citation to be issued to a physician or osteopathic physician who fails to complete the required survey; requires the department to provide notice of the applicable penalty; creates Physician Workforce Advisory Council within DOH to assist department re physician workforce issues.

Creates 381.4018.

EFFECTIVE DATE: Upon becoming law.

**HB 919 Relating to Emergency Communications Systems**

(4/27/07)

Sponsor: **Dave Murzin** (R)

Summary: The bill re-designates emergency telephone system as "Florida Emergency Communications Number E911 State Plan Act"; removes provisions relating to imposition and collection of the 911 fee & to indemnification of local telephone companies; provides for Voice Communications Services Board; provides for voice communication services fee; provides for rates & collection from consumers; provides for indemnification & limitation of liability for local exchange carriers.

Amends Ch. 365.

EFFECTIVE DATE: Upon becoming law.

#### **HB 1007 Relating to Physician Assistants/Prescriptions**

(4/30/07)

Sponsor: **Dennis K. Baxley** (R)

Summary: The bill authorizes a physician assistant to dispense medicinal drugs if the physician assistant is supervised by an allopathic or osteopathic physician registered as a dispensing practitioner. Requires that physician assistant must clearly identify to patient that he/she is a physician assistant; requires that supervisory physician must notify department of his/her intent to delegate on a department-approved form.

Amends 458.347, 459.022.

EFFECTIVE DATE: 07/01/2007.

#### **SB 1506 Relating to State Children's Health Insurance Program**

(5/03/07)

Sponsor: **Durell Peaden** (R)

Summary: The bill is a memorial to U.S. Congress urging timely reauthorization of State Children's Health Insurance Program (SCHIP) to assure federal funding for the Florida KidCare Program. The Legislature urges the Governor to provide the assistance necessary to identify and enroll children who qualify for Medicaid or the Florida KidCare program.

#### **SB 1508 Relating to Informed Consent/Medical**

(5/02/07)

Sponsor: **Durell Peaden** (R)

Summary: The bill adds advanced registered nurse practitioners, Florida-licensed physician assistants, and any person acting under the direct medical supervision of a physician

to provisions allowing immunity for certain emergency examination & treatment of incapacitated persons done without consent if informed consent would have reasonably been given under medical consent law.

Amends 401.445, 766.103.

EFFECTIVE DATE: 07/01/2007.

#### **SB 1700 Relating to Physician Assistants/Paramedic Certification**

(4/24/07)

Sponsor: **Dave Aronberg** (D)

Summary: The bill adds physician assistants to the list of medical personnel who may be certified as paramedics if he/she is certified in Florida as an emergency medical technician (EMT), has passed the required EMT curriculum, has successfully completed

an advanced cardiac life support course, and has passed the examination for certification as a paramedic (in the same way as dentists or registered nurses).

Amends 401.27.

EFFECTIVE DATE: 07/01/2007.

**SB 1732 Relating to Primary Care Access Network**

(5/04/07)

Sponsor: **Daniel Webster (R)**

Summary: The bill creates two pilot programs to provide extended operating hours for purpose of offering health care services at overcrowded clinics in said network in Orange, Pasco, Manatee, Sarasota, and DeSoto Counties; directs AHCA to establish one-year pilot programs (PCAN clinics) in said counties; requires agency to develop procedures for operating pilot program; requires agency to submit report with recommendations to Governor & Legislature by specified date.

APPROPRIATION: \$3.5 million.

EFFECTIVE DATE: 07/01/2007.

**SB 1758 Relating to Hospitals/Off-premises Emergency Department**

(5/04/07)

Sponsor: **Durell Peaden (R)**

Summary: The bill authorizes hospitals to operate off-premises emergency department; provides that all said departments operating as of certain date may continue to operate in accordance with criteria in effect at time of approval & that said department that has had architectural plans approved by certain date is subject to license criteria in effect at time of submission. Prohibits the licensing of additional emergency departments located off-premises of a licensed hospital until January 1, 2008 with exceptions. The off-premises ED must provide emergency services and care for any emergency medical condition that is within the service capability of the hospital seeking the license.

Amends 395.003.

EFFECTIVE DATE: 07/01/2007.

**SB 2260 Relating to Department of Health/State Surgeon General**

(5/02/07)

Sponsor: **Durell Peaden (R)**

Summary: The bill deletes the designation of Health Secretary & includes designation of State Surgeon General as the head of DOH. The SSG shall serve as the leading voice on wellness and disease-prevention efforts including the assessment and promotion of the physician and health care workforce. Clarifies that Surgeon General referred to in specified provision is Surgeon General of U.S.; requires Statutory Revision Division of Legislative Services Office to change references to Health Secretary to Surgeon General within Florida Statutes.

Amends 20.43, 381.0605.

EFFECTIVE DATE: 07/01/2007.

## **HB 139 Relating to Suicide Prevention**

(4/27/07)

Sponsor: **Hugh Gibson III (R)**

Summary: The bill creates the Statewide Office for Suicide Prevention as a unit of the Drug Control Office in Executive Office of Governor. The Statewide Office shall develop a network of community-based programs to improve suicide prevention initiatives. The network shall consist of stakeholders advocating suicide prevention including, but not limited to, not-for-profit suicide prevention organizations, faith-based suicide prevention organizations, law enforcement agencies, first responders to emergency calls, suicide prevention community coalitions, schools and universities, mental health agencies, substance abuse treatment agencies, health care providers, and school personnel. Authorizes the Statewide Office to seek/accept grants or funds from any source and requires that revenues from grants be deposited into the Grants & Donations Trust Fund. Creates position of statewide coordinator for Statewide Office, contingent upon specific appropriation; creates Suicide Prevention Coordinating Council within Statewide Office for Suicide Prevention; authorizes coordinating council to assemble ad hoc committee to advise coordinating council.

Creates 14.2019, .20195.

APPROPRIATION: \$150,000.

EFFECTIVE DATE: 07/01/2007.

## **SB 246 Relating to Certificates of Need/Level I/Cardiology Services**

(5/04/07)

Sponsor: **Stephen R. Wise (R)**

Summary: The bill revises provisions applicable to hospitals seeking certification as Level I programs; provides criteria for certification to provide certain Level I cardiology services. The holder of a certificate of need for a newly licensed hospital that meets requirements may apply for/shall be granted Level I program status regardless of whether rules relating to Level I programs have been adopted. The hospital must be newly licensed; the former hospital must have provided a minimum of 300 adult inpatient and outpatient diagnostic cardiac catheterizations for the most recent 12-month period; the newly licensed hospital must have a formalized, written transfer agreement with a hospital that has a Level II program.

Amends 408.0361.

EFFECTIVE DATE: 07/01/2007.

## **SB 2 Relating to Unattended Child in Motor Vehicle**

(5/03/07)

Sponsor: **Mandy Dawson (D)**

Summary: The bill provides that the offense of leaving a child unattended or unsupervised in a motor vehicle constitutes a second-degree misdemeanor under certain conditions; provides that such offense is third-degree felony if child suffers great bodily harm, disability, or disfigurement; provides penalties. A parent, legal guardian, or other person responsible for a child younger than 6 years of age may not leave such child

unattended or unsupervised in a motor vehicle for a period in excess of 15 minutes or for any period of time if the motor of the vehicle is running or the health of the child is in danger.

Amends 316.6135.

EFFECTIVE DATE: 07/01/2007.

### **HB 97 Relating to Medicare Supplement Policies**

(4/26/07)

Sponsor: **Alan Hays** (R)

Summary: The bill revises the definition of the term "Medicare supplement policy" to exclude Medicare Supplement Insurance (Medigap policies) offered to employees or former employees by employers that have at least 50 employees at issue.

Amends 627.672.

EFFECTIVE DATE: 07/01/2007.

### **HB 359 Relating to Motor Vehicle Financial Responsibility**

(5/03/07)

Sponsor: **Rick Kriseman** (D)

Summary: The bill increase the limits of PIP and PD insurance and require purchase of BI

insurance for anyone who has been found guilty of, or who entered plea of guilty or nolo contendere to, regardless of adjudication of guilt, DUI offense or who had license or driving privilege revoked or suspended under specified provision; provides additional cross-references concerning motor vehicle security. Prohibits an insurer from taking certain actions solely because an insured or specified person serves as a volunteer driver for a nonprofit agency or charitable organization.

Amends 316.646, 320.02, 627.733, 627.7261.

EFFECTIVE DATE: Upon becoming law.

### **HB 397 Relating to Caregivers for Adults**

(5/04/07)

Sponsor: **Thomas Anderson** (R)

Summary: The bill authorizes the Department of Elderly Affairs to create a pilot program in Pasco or Pinellas County (or both) to train persons to act as companions & provide certain services to frail adults 60 years of age or older to prevent costly or premature institutional placements; requires evaluation & report to Legislature.

APPROPRIATION: \$3.5 Million

EFFECTIVE DATE: 07/01/2007.

### **HB 411 Relating to Limited Insurance Licenses**

(4/26/07)

Sponsor: **Steve Precourt** (R)

Summary: The bill replaces the personal accident insurance license with the travel insurance license, and replaces the baggage and motor vehicle excess liability insurance license with the motor vehicle rental insurance license. Policies of travel insurance may provide coverage for risks such as accidental death and dismemberment and emergency

medical travel or evacuation; or medical, surgical, and hospital expenses related to an illness or emergency. Coverage is limited to 60 days.

Amends 624.501, 626.321.

EFFECTIVE DATE: 01/01/2008.

### **SB 430 Relating to Mental Health Facilities**

(4/30/07)

Sponsor: **Burt Saunders** (R)

Summary: The bill requires mental health & treatment facilities designated by the Department of Children and Family Services to report certain financial & health service data to the department. This data includes the number of licensed beds, contract days, admissions by payer class and diagnoses, bed days by payer class, average length of stay by payer class, and total revenues by payer class. "Payer class" means Medicare, Medicare HMO, Medicaid, Medicaid HMO, private-pay health insurance, private-pay health maintenance organization, private preferred provider organization, the DCFS, other government programs, self-pay patients, and charity care. The data required shall be submitted no later than 90 days following the end of the facility's fiscal year. A facility designated as a public receiving or treatment facility shall submit its initial report for the 6-month period ending June 30, 2008.

Amends 394.461.

EFFECTIVE DATE: 07/01/2007.

### **HB 517 Relating to Financial Responsibility for Motor Vehicles**

(5/02/07)

Sponsor: **Greg Evers** (R)

Summary: The bill provides that members of the United States Armed Forces called to or on active duty outside state or United States are exempt from providing required proof of financial responsibility as owner, registrant, or operator of motor vehicle. The exemption also applies to the dependent spouse of an active duty member if the spouse is the owner of the vehicle and is also residing with the active duty member at the place of posting.

Amends 324.021.

EFFECTIVE DATE: 07/01/2007.

### **SB 590 Relating to HMO Contract/New Subscriber's Rights**

(5/02/07)

Sponsor: **Burt Saunders** (R)

Summary: The bill expands the right of a subscriber covered under an HMO contract who is a resident of a continuing care facility or a retirement facility to be referred to that facility's skilled nursing unit or assisted living facility. Deletes requirement that the HMO primary care physician make the determination and requires that such referral be requested by the subscriber and agreed to by the facility. Requires HMO to provide in writing disclosure of rights to new subscribers who reside at a continuing care facility or retirement facility. If a subscriber's request to be referred to a skilled nursing unit or assisted living facility that is part of subscriber's place of residence is not honored, subscriber may use specified grievance process.

Amends 641.31.

EFFECTIVE DATE: 07/01/2007.

**SB 682 Relating to Nursing Facilities**

(5/03/07)

Sponsor: **Michael Bennett** (R)

Summary: The bill deletes the requirement for nursing facilities to submit a one-day adverse incident report to AHCA and requires that a risk manager determine if an incident was an adverse incident. Also revises frequency of visits to nursing facilities by quality-of-care monitors from AHCA (they shall visit each nursing facility annually, each conditionally licensed nursing facility at least quarterly, and other facilities as directed by the agency). Authorizes certain licensed nursing facilities to develop plan to provide certain training for nursing assistants; requires that federal posting requirements for staffing standards comply with state posting requirements.

Amends 400.118,.141,.147,.19,.195,.23.

EFFECTIVE DATE: 07/01/2007.

**SB 992 Relating to Health Care Providers Licensure**

(5/04/07)

Sponsor: **Health Regulation**

Summary: The bill removes duplication in licensure requirements of health care providers in relation to standardized definitions, license fees and the method of calculation of the annual adjustment of fees; the license application process and required information; payment of late fees; inspections; the establishment of procedures and rules for the electronic transmission of required information; procedures for the change in ownership with requirements for notification to the agency in writing; licensure categories and conditions for issuance of a license; background screening; unlicensed activity; administrative fines; moratoriums and emergency suspensions; license denial or revocation; injunctive proceedings; fees and fines to be deposited in the Health Care Trust Fund; certain exemptions from specified licensure requirements for certain providers; and license duration.

Amends 112.0455, 381.78, 383.301, .304, .305, .309, .315, .324, .33.

EFFECTIVE DATE: 07/01/2007.

**SB 1116 Relating to Health Care**

(5/04/07)

Sponsor: **Durrell Peaden** (R)

Summary: The bill requires the Department of Health to waive the biennial license renewal fee for up to a specified number of allopathic or osteopathic physicians who implement electronic prescribing systems. Authorizes the DOH to provide loan repayment assistance & travel & relocation reimbursement to dentists who agree to serve 2 years in Fla. Health Services Corps; authorizes AHCA to pay for psychiatric inpatient hospital care to certain persons in certain treatment facilities or specialty hospitals; revises contract requirements for behavioral health care services for Medicaid recipients. The bill updates provisions related to the criteria used in the distribution of funds through the Medicaid Disproportionate Share program to implement the disproportionate share funding decisions in the Senate Health and Human Services budget. It changes the state fiscal year dates from 2006-2007 to allow for disproportionate share payments to

teaching hospitals and to continue the prohibition on distributing funds through the Primary Care Disproportionate Share Program.

Amends 409.911, .9112, .9113, .9117.

EFFECTIVE DATE: 07/01/2007.

**SB 1124 Relating to Home/Community Services/Persons with Disabilities**  
(5/04/07)

Sponsor: **Durrell Peaden** (R)

Summary: The bill requires AHCA, in consultation with APD, to seek federal approval & implement four-tiered waiver system for purpose of serving clients with developmental disabilities. Each tier will have requirements & limitations. APD must seek federal waivers & amend contracts in order to implement waiver system. Deletes authorization for AHCA to adopt certain emergency rules.

Amends 393.0661.

EFFECTIVE DATE: 07/01/2007.

**SB 1916 Relating to Assisted Living Facilities/Adult Day Care Centers**  
(5/02/07)

Sponsor: **Mike Fasano** (R)

Summary: The bill requires the Department of Elderly Affairs to develop a staff training curriculum; requires trainers to be registered with department; requires trainers to document experience & credentials; requires adoption of rules; provides for operation of adult day care centers in temporary locations in event of disaster or emergency; provides notification requirements when adult day care centers relocate.

Amends 429.52.,907.

EFFECTIVE DATE: 07/01/2007.

**SB 2114 Relating to Independent Living Transition Services**  
(5/02/07)

Sponsor: **Nan Rich** (D)

Summary: The bill limits liability or obligation for damages of a caseworker who signs an application for a driver's license for a minor who is in foster care. Young adults who are placed with a court-approved dependency guardian or adopted from foster care after reaching age 16 are eligible for independent living transition services, specifically for the Road to Independence Program. Increases age limit for eligibility for certain persons to qualify for medical assistance payments; provides for removal of disabilities of certain minors for purposes of securing depository financial services.

Amends Chs. 322, 409, 743.

EFFECTIVE DATE: 07/01/2007.

**SB 2498 Relating to Insurance**  
(5/04/07)

Sponsor: **Rudy Garcia** (R)

Summary: The bill makes changes to the Citizens Property Insurance Corporation (“Citizens”) law, such as delaying the repeal of an exemption of medical malpractice insurance premiums from emergency assessments.

Amends FS.

EFFECTIVE DATE: Upon becoming law except as otherwise provided.

### **SB 2858 Relating to Chiropractic Medicine**

(5/02/07)

Sponsor: **Evelyn J. Lynn (R)**

Summary: The bill revises requirements for chiropractic physician licensure to allow a student, in his or her final year of an accredited chiropractic school or college, to apply for licensure, take the required examinations for licensure, submit a set of fingerprints and pay all fees for licensure.

Authorizes the issuance of a chiropractic medicine faculty certificate, to an individual who has accepted a full-time faculty appointment at a college of chiropractic in Florida that has been accredited by the Council of Chiropractic Education. Restricts the indirect supervision of a certified chiropractic physician’s assistant to the principal place of practice of the supervising chiropractic physician. Prohibits any person other than a sole proprietorship, group practice, partnership, or corporation that is wholly owned by one or more chiropractic physicians, or chiropractic physicians and their relatives, from employing a chiropractic physician or engaging a

chiropractic physician as an independent contractor to provide chiropractic services, with certain exceptions.

Amends Ch. 460.

EFFECTIVE DATE: 07/01/2007 except as otherwise provided.

### **HB 7065 Relating to Medicaid**

(5/03/07)

Sponsor: **Healthcare Council, Hugh Gibson III (R)**

Summary: The bill requires AHCA to implement federal waivers to administer an integrated, fixed-payment delivery program (Florida Senior Care) for Medicaid recipients who are 60 years of age or older or dually eligible for Medicare and Medicaid. Participation of eligible individuals is voluntary at both pilot sites. Requires payment of certain nursing home claims within time certain; requires counties to participate in Medicaid payments for certain nursing home or intermediate facilities care for both health maintenance members & fee-for-service beneficiaries.

Amends 409.912,.915, 408.040.

EFFECTIVE DATE: 07/01/2007.