

2009 LEGISLATIVE SESSION RECAP

Health Care Highlights from the 2009 Florida Legislative Session

SB 1122 Relating to Health Insurance/Payment of Benefits/Claims Forms (Gaetz)

Signed into Law by Governor

Requires health insurers to honor assignment of benefits by the patient to the physician and hospital. FCEP worked with FMA to assure language was not amended on the bill to impose a Medicare fee schedule; to prevent balance billing; or to limit assignment as payment in full. Emergency physicians already had mandatory assignment, but this legislation extends that benefit to your peers outside the ED.

EFFECTIVE DATE: 07/01/2009.

SB 462 Relating to Prescription Drugs/Electronic Monitoring/DOH (Fasano)

Governor must either sign the bill into law or veto the bill by 6/23/09

Requires the Department Of Health to establish a comprehensive electronic database system to monitor the prescribing and dispensing of certain controlled substances. Emergency physicians utilizing a controlled substance for a patient within the emergency department are exempt from reporting, but a pharmacist that dispenses a prescription for a controlled substance written by a physician will have to report that prescription within 15 days. Requires the department to establish policies and procedures for the system. Prohibits certain physicians from practicing in a pain-management clinic that has not registered with the DOH.

EFFECTIVE DATE: 07/01/2009.

SB 344 Relating to Dori Slosberg and Katie Marchetti Safety Belt Law (Rich)

Signed into Law by Governor

Creates Primary Enforcement of the Seatbelt Law; deleting a requirement for enforcement of the Florida Safety Belt Law as a secondary action.

EFFECTIVE DATE: 06/30/2009.

SB 162 Relating to Electronic Health Records (Ring)

Signed into Law by Governor

Expands access to a patient's health records in order to facilitate the exchange of data between certain health

care facility personnel. Creates the "Florida Electronic Health Records Exchange Act." Requires AHCA to operate an electronic health record technology loan fund, subject to a specific appropriation. Allows emergency physicians to access the electronic medical record of a patient without consent of the patient if treating an emergency condition where consent is not possible.

EFFECTIVE DATE: Immediate upon becoming law

HB 1405 Relating to Influenza Vaccine (Homan)

Signed into Law by Governor

Requires child care facilities, family day care homes, & large family child care homes to provide parents with certain information regarding causes, symptoms, & transmission of influenza virus and the need for children to receive the flu vaccine

EFFECTIVE DATE: Immediate upon becoming law

SB 2282 Relating to First-responder Services (Bennett)

Signed into Law by Governor

Prohibits counties and municipalities from imposing a fee or seeking reimbursement for costs relating to certain first-responder services. Provides exceptions for transport and treatment by an ambulance service. Defines the term "first responder."

EFFECTIVE DATE: 07/01/2009.

SB 1840 Relating to Protecting Health/Surcharge on Tobacco Products (Deutch)

Signed into Law by Governor

Levies a surcharge on cigarettes equivalent to \$1 per standard pack. Requires that revenue from the surcharge to be deposited into the Health Care Trust Fund within AHCA.

EFFECTIVE DATE: 07/01/2009.

HB 0169 Relating to Equine Activities (Abruzzo)

Signed into Law by Governor

Cites act as "Nicole's Law"; requires child younger than specified age to wear helmet when riding a horse in certain locations. Requires person renting or leasing equine for riding by child younger than specified age to provide

helmet if child does not have helmet. Prohibits parent or guardian of child younger than specified age from authorizing or permitting child to ride without a helmet. EFFECTIVE DATE: 10/01/2009.

HB 285 Relating to Medicaid Low-Income Pool and Disproportionate Share Program (Patronis)

Signed into Law by Governor

Expands membership of Medicaid Low-Income Pool Council; provides for composition of expanded membership; designates council chair; provides restrictions on specified appointments. Includes language that 2 members must be physicians that routinely take call in a trauma center or an emergency department.

EFFECTIVE DATE: 07/01/2009.

SB 456 Relating to Mental Illness/Deputy Anthony Forgione Act (Gaetz)

Signed into Law by Governor

Requires a law enforcement agency that transports persons to a receiving facility to have a memorandum of understanding with the facility. Requires that custody of a person who is transported to a receiving or treatment facility be relinquished to a responsible person at the facility. Specifies that a psychiatric examination by certain personnel be conducted face-to-face or by electronic means.

EFFECTIVE DATE: 07/01/2009.

HB 903 Relating to Attorney's Fees in Workers' Compensation Cases (Flores)

Signed into Law by Governor

Clarifies requirements for payment of fees & costs under retainer agreement; specifies amount of attorney's fees which claimant is entitled to recover from carrier or employer. Monitored to assure language was not amended on the bill to limit physician reimbursement for care provided to worker's compensation patients.

EFFECTIVE DATE: 07/01/2009.

SB 720 Relating to Physician Practice (Peaden, Jr.)

Signed into Law by Governor

Revises provisions regarding board certification of a dermatologist as a specialist. Provides that a supervising physician may not be required to review and cosign a

physician assistant's charts or medical records.

EFFECTIVE DATE: 07/01/2009.

SB 1986 Relating to Health Care (Gaetz)

Signed into Law by Governor

Designates Miami-Dade County as a health care fraud area of concern. Authorizes a specialty-licensed children's hospital to provide cardiology services to adults for congenital heart disease under circumstances without obtaining additional licensure as a provider of adult cardiology services. Imposes criminal penalties against a person who knowingly submits misleading information to AHCA in connection with applications. Includes language requiring AHCA to study "Medical Home" Medicaid Pilot Project and requires AHCA to report recommendations to the Legislature before the 2010 Session. The pilot would utilize federally Qualified Health Centers for primary care for Medicaid recipients enrolled in the pilot areas, and specialty care would be provided by residency programs at the medical schools. Reimbursement would be at fee-for-schedule, utilizing the physician UPL dollars to fund graduate medical education in those medical schools providing care.

EFFECTIVE DATE: 07/01/2009.

HB 675 Relating to Medicare Supplement Policies (Workman)

Signed into Law by Governor

Cites act as "Alonzo Mourning Access to Care Act"; requires insurers issuing Medicare supplement policies in state to offer opportunity to enroll in Medicare supplement policy to specified individuals having disability or end-stage renal disease; permits insurers offering Medicare supplement policies to effect one-time rate schedule change; authorizes insurers to propose rate adjustment that considers experience of policies or certificates for persons younger than age 65; establishes credibility criteria for rate adjustment.

EFFECTIVE DATE: 10/01/2009.