

2009 Session Wrap-Up

Health Care Highlights

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

Health Insurance/Payment of Benefits/Claims Forms; Requires that insurer make payment to designated provider of services whenever an insured, using any health insurance claim form, specifically authorizes payment of benefits directly to any recognized hospital, licensed ambulance provider, physician, dentist, or other person who provided services in accordance with provisions of the policy. Provides that insurance contract may not prohibit payment of benefits directly to such providers. **FOS worked with FMA to assure language was not amended on the bill impose a Medicare fee schedule; to prevent balance billing; or to limit assignment as payment in full.** EFFECTIVE DATE: 07/01/2009.

SB 0462 Relating to Prescription Drugs/Electronic Monitoring/DOH Fasano

Prescription Drugs/Electronic Monitoring/DOH; Requires the DOH to establish a comprehensive electronic database system to monitor the prescribing and dispensing of certain controlled substances. Requires specified prescribing and dispensing information to be reported to the electronic database system. 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, etc. **FOS worked to assure pain management services offered by orthopedic surgeons would not require YOUR office practice to register as a pain management clinic, thus eliminating YOUR need to pay for the regulation and inspection of these pain management clinics.** EFFECTIVE DATE: 07/01/2009.

HB 0285 Relating to Medicaid Low-Income Pool and Disproportionate Share Program Patronis

Medicaid Low-Income Pool and Disproportionate Share Program: 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: July 1, 2009

SB 1986 Relating to Health Care Gaetz

Health Care;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 ACHA in connection with applications. **Includes language requiring AHCA to study "Medical Home" Pilot Project and requires AHCA to report recommendations to the Legislature before the 2010 Session. FOS worked with Rep Homan to include language that would include incentive payments for orthopedic surgeons providing care not available without the medical home.** EFFECTIVE DATE: 07/01/2009.

HB 0903 Relating to Attorney's Fees in Workers' Compensation Cases Flores

Attorney's Fees in Workers' Compensation Cases: 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 orthopedic reimbursement for worker's compensation cases.** Effective Date: effect July 1, 2009

SB 0162 Relating to Electronic Health Records Ring

Electronic Health Records; Expands access to a patient's health records in order to facilitate the exchange of data between certain health care facility personnel. Deletes the exemption that allows long-term ombudsman councils to have access to certain nursing home patient records. Creates the "Florida Electronic Health Records Exchange Act." Requires the AHCA to operate an electronic health record technology loan fund, subject to a specific appropriation. EFFECTIVE DATE: Upon becoming law.

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

Protecting Health/Surcharge on Tobacco Products; 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 the AHCA. Provides that certain members of an Indian tribe recognized in this state are exempt from paying a cigarette tax and surcharge under certain conditions. Provides that an approved

