

ASSOCIATED INDUSTRIES OF FLORIDA
**LEGISLATIVE
WEEKLY UPDATE**



P.O. Box 784 • Tallahassee, FL 32302 • Phone: (850) 224-7173 • Fax: (850) 224-6532 • Internet: <http://aif.com> • fbnnet.com

FOR THE WEEK OF APRIL 10th-14th, 2000

Republicans Release HMO Patient Protection Act of 2000

On Thursday, April 13, the House Committee on Health Care Licensing passed HB 2339, *Patient Protection Act of 2000*, by Reps. Tom Feeney (R-Oviedo), Durell Peaden (R-Crestview), Leslie Waters (R-Largo), and Mike Fasano (R-New Port Richey). This is the bill on which House leadership held a press conference last week. HB 2339 is a comprehensive health care package based in large part on AIF's HMO Patient Protection Act of 2000. It provides a fair and balanced approach to the matter. AIF strongly supports HB2339 since it guarantees consumer awareness of subscriber protections and increases the affordability and availability of health care. The bill has been referred to one other committee in the House, the Health and Human Services Appropriations.

Other Health Care Issues

SB 1508, *Health Maintenance Organizations*, the "prompt pay" bill by Sen. Ginny Brown-Waite (R-Brooksville), was passed on Wednesday, April 12 by the Senate Health, Aging, and Long-Term Care Committee. This is another piece of legislation in which AIF has been intimately involved. The bill affects the manner in which HMOs pay claims submitted by doctors, hospitals, and other health care providers. The bill is based on the recommendations of a task force created last year by the legislature to examine the issues surrounding the submission and payment of health insurance claims. This task force was chaired by Ruben King-Shaw, director of the Agency for Health Care Administration. After numerous meetings and ample opportunity for all sides to voice their concerns, the task force released its recommendations prior to the 2000 Session. AIF has been working diligently with the providers, the agency and the health care industry to make sure the bill is fair and will not harm the ability of the employers to provide group health insurance as an employee benefit.

Another "prompt pay" bill passed the same committee, SB 706, *Health Maintenance Organizations*, by Sens. Burt Saunders (R-Naples) and John Laurent (R-Bartow). SB 706 is the bill preferred by health care providers because it goes beyond the task force's recommendation. It also places an unreasonable compliance burden on employers. The committee thought it wise to pass both

bills out to keep all the parties at the table in order to reach agreement. AIF will continue to oppose this bill.

The Senate Committee on Banking and Insurance passed SB 1900, *Patients' Bill of Rights*, by Sen. Brown-Waite on Monday, April 10. This legislation contains many of the subscribers' benefits found in HB 2339, *Patient Protection Act of 2000*, with one glaring addition that would cause health care expenses to rise drastically. Sen. Skip Campbell (D-Tamarac) successfully amended the bill to include the right to sue an HMO. This is something that the entire business community is adamantly opposed to and AIF will be working to derail the bill. The House, fortunately, seems unwilling to include such a harmful provision in its HMO reform package.

Unsecured Loads Bill Passes House Committee

The House Committee on Crime and Punishment voted unanimously in favor of CS/HB 43, *Vehicles Driving with Unsecured Loads*, by Rep. Alex Villalobos (R-Miami). This bill increases penalties on drivers if items fall from their vehicles and causes bodily injury or death; criminal penalties as well as civil penalties will be imposed. If the vehicle's cargo is secured by appropriate covering or load-securing device as required by federal law, however, this law would not apply. Rep. Villalobos did not want a person who complies with all safety equipment available, yet has something falls off the vehicle to be in violation of this law. Therefore, he added language to his bill that a person has to "knowingly and with reckless disregard" violate the law before the penalties apply. The bill is now available for the House Calendar.

Solid Waste Bill Moves in House

The House Committee on Environmental Protection gave its unanimous approval to CS/HB 1425, *Solid Waste Management Services*, by Rep. Rudy Garcia (R-Hialeah). This bill will keep local governments from unfairly competing against private companies who provide solid waste collection services. It addresses displacement, annexation, and incorporation situations as well.

During the hearing a "strike everything" amendment was added to the bill at the request of the Department of Environmental Protection. The new language changes the terminology used to describe action taken to close a hazardous waste storage, treatment, or disposal facility. It replaces the current "closure permit" with either a "post-closure permit" or a "clean closure plan." Each new option provides the same level of protection as the current closure permit, yet provides some additional flexibility for the regulated entity. By better aligning the terminology used by Florida's hazardous waste regulatory program with that of the federal hazardous waste program, the amendment will also enhance the department's flexibility in implementing the delegated program.

Language identical to that in SB 1982 by Sen. Jim King (R-Jacksonville) was added to allow local governments, at their discretion, to grant a solid waste fee

waiver to non-profit organizations that are engaged in the collection of donated goods for charitable purposes and that have a recycling or reuse rate of 50 percent or better. This bill is now available for the House Calendar. AIF supports the bill as amended.

Pharmacy Bill Passes Senate Floor

Currently in the state of Florida, there is a shortage of pharmacists so severe that drug stores have to delay the opening of new facilities until they find qualified people. This is especially difficult for pharmacies that would like operate 24-hour facilities but cannot because they simply can not find qualified professionals.

SB 168, *Pharmacists Licensure by Endorsement*, by Sen. Burt Saunders (R-Naples) will help alleviate this problem. The bill would allow a pharmacist licensed in another state to become a pharmacist in Florida without having to take the national licensure examination at the time of application. This is called "licensure by endorsement" and is available in 48 states; only Florida and California do not allow licensure by endorsement.

A pharmacist in another state wishing to come to Florida to work must submit proof of the "active licensed practice of pharmacy" in two of the immediately preceding five years or evidence of successful completion of either board-approved postgraduate training or a board-approved clinical competency examination within the year preceding application. The bill prohibits the Department of Health from issuing a license to any applicant under investigation for acts that would violate regulations applicable to Florida-licensed pharmacists until the investigation is complete, or to any pharmacist whose license has been suspended or revoked in another state, or to any applicant whose license to practice pharmacy is currently the subject of any disciplinary proceeding.

SB 168 received final passage by the Senate and is now in House Messages. The bill is supported by the business community and the Board of Pharmacy.

Stay tuned to our daily brief and to our web site at www.fbnnet.com as the legislature makes some very important decisions on the state's economy. These decisions will have a major impact on the business community and AIF will be reporting to you everything that happens.

This report was prepared by Curt Leonard, Manager – Governmental Affairs at Associated Industries of Florida (AIF). Please send your comments or suggestions to us at aif@aif.com or call the Governmental Affairs department at (850)224-7173.

- For more information on all of the important legislative information concerning the business community, go to our "members only" Florida Business Network web site at <http://fbnnet.com>
- Send us your E-mail address and we will begin to send this report to you automatically via E-mail.

