



## **FPTA CAPITOL UPDATE – January 30 2012, Week 3**

Provided by Martha Edenfield and Gene Adams, Pennington Firm Legislative Counsel

**Third Week Overview:** The third week of the Florida Legislature proved to be a hectic one, as House and Senate began in earnest committee and budget deliberations. The House of Representatives, after making budget allocations, gave each of the chairmen of the Budget Subcommittees an opportunity to present their recommended budgets. House committee members have until next week to suggest amendments or changes to the chairman's recommended budget, which will then be collected and submitted to the full House for voting. It is widely anticipated that there will be some amendments suggested by Democratic members, but that Republican members will do little amending to the chairman recommended budgets. These budgets continue to include cuts of almost \$2 billion in current spending, much of that being taken from Medicaid and cuts to prisons and other general Government expenditure areas.

Most controversial in Tallahassee has been the plan of the Department of Corrections to close some eleven institutions in the current budget year, saving the State \$51 million and proposing to close additional prisons and privatize prisons in next year's budget for 2012-2013. The Senate held hearings for two days on the privatization and funding issues in both the substantive committees of Budget and Rules Committee, as well as in the Subcommittee on Criminal Justice Appropriations. The Capitol was flooded with representatives from corrections, unions, privatization companies and local officials who do not want to lose jobs in their counties due to the closures.

The House of Representatives was also off to a fast start with many substantive committee meetings and taking up personal injury protection reform, tort reform and some interesting educational issues including passing a bill, which will allow school buses to carry advertising panels. While it carries severe restrictions on the content of ads, which could be placed on school buses, the bill was controversial as some members of the education committee felt it inappropriate to place advertising on school buses and were still concerned with inappropriate content. The list of prohibitions on content includes tobacco, alcohol and other objectionable content. Advocates for the bill however stated that it could bring in millions of dollars for the school system at a time when school funding is scarce. The bill passed overwhelmingly and will be moved to the floor of the House for further consideration.

Finally, note that the Florida Physical Therapy Association lobbyists also participated in a coalition being put together by the Heal Florida's Health Care Coalition to help prevent the serious cuts in Medicaid funding which have been proposed by the Governor in order to help fund his proposed \$1 billion addition to education funding. The \$1 billion proposed cuts would cost hundreds of millions of dollars in Federal funding as well as seriously threatening the medical care of children and the most needy who are the ones who most rely on Medicaid for health care access. In addition, it could cost thousands of jobs as public hospitals including Shand's, Jackson Memorial, Tampa General, and other hospitals are cut severely by this \$1 billion funding cut. Florida Physical Therapy Association will continue to monitor these efforts and participate in the Coalition in order to protect and prevent this drastic cut on health care services throughout the State.

**Physical Therapy Temporary License:** CS/HB 799 by Rep. Goodson is scheduled for hearing in the Health Care Appropriation Subcommittee on Tuesday, January 31. Members of the FPTA are strongly encouraged to contact members of the subcommittee asking for their support. **Action Needed: CS/HB will be heard in the House Health Appropriations Subcommittee Tuesday, January 31. Immediately contact the following members of the House Health Appropriations Subcommittee as ask for their support for CS/HB 799.**

Rep. Matt Hudson, Chairman, Rep., Naples, (850) 488-1028 [matt.hudson@myfloridahouse.gov](mailto:matt.hudson@myfloridahouse.gov)

John Wood, Rep., Haines, City, (850) 488-2721 [john.wood@myfloridahouse.gov](mailto:john.wood@myfloridahouse.gov)

Rep. Elaine Schwartz, Dem., Hollywood, (850) 488-0465 [elaine.schwartz@myfloridahouse.gov](mailto:elaine.schwartz@myfloridahouse.gov)

Rep. Betty Reed, Dem, Tampa, (850) 488-5432 [betty.reed@myfloridahouse.gov](mailto:betty.reed@myfloridahouse.gov)

Rep. Richard Corcoran, Rep. New Port Richey, (850) 488-8528 [richard.corcoran@myfloridahouse.gov](mailto:richard.corcoran@myfloridahouse.gov)

Rep. Dennis Baxley, Rep., Ocala, (850) 488-0335 [dennis.baxley@myfloridahouse.gov](mailto:dennis.baxley@myfloridahouse.gov)

Rep. Michael Bileca, Rep., Miami, (850) 488-6506 [michael.bileca@myfloridahouse.gov](mailto:michael.bileca@myfloridahouse.gov)

Rep. Daniel Davis, Rep. Jacksonville, (850) 488-5102 [danile.davis@myfloridahouse.gov](mailto:danile.davis@myfloridahouse.gov)

Rep. Jose Diaz, Rep. Miami, (850) 488-3616 [jose.diaz@myfloridahouse.gov](mailto:jose.diaz@myfloridahouse.gov)

Rep. James Frishe, Rep. Belleair Bluffs, (850) 488-9960 [jim.frishe@myfloridahouse.gov](mailto:jim.frishe@myfloridahouse.gov)

Rep. Greg Steube, Rep. Sarasota, (850) 488-6341 [greg.steube@myfloridahouse.gov](mailto:greg.steube@myfloridahouse.gov)

Rep. Dana Young, Rep. Tampa, (850) 488-2770 [dana.young@myfloridahouse.gov](mailto:dana.young@myfloridahouse.gov)

Rep. Mark Pafford, Dem., West Palm Beach, (850) 488-0175 [mark.pafford@myfloridahouse.gov](mailto:mark.pafford@myfloridahouse.gov)

Rep. Charles Chestnut, Dem., Gainesville, (850) 488-5794 [charles.chestnut@myfloridahouse.gov](mailto:charles.chestnut@myfloridahouse.gov)

Rep. Janet Cruz, Dem., Tampa, (850) 488-9460 [janet.cruz@myfloridahouse.gov](mailto:janet.cruz@myfloridahouse.gov)

Rep. Betty Reed, Dem., Tampa, (850) 488-5432 [betty.reed@myfloridahouse.gov](mailto:betty.reed@myfloridahouse.gov)

**HB 799 by Rep. Goodson** amends chapter 486, Florida Statutes, to allow Physical Therapy Program graduates of accredited programs, who are waiting to take the exam after graduation, to work under a temporary license permit. The graduate would work under the direct supervision of a physical therapist while working (in the same room) and could only function in this temporary capacity until the results of the first exam are known. A licensed physical therapist may only supervise one temporary licensee permit at a time. If the graduate with a temporary permit passes, they can continue working under the temporary permit until the permanent license is issued. If the graduate fails the exam, the temporary license is revoked and they may not work until passing the exam.

The legislation will also grant a similar license to physical therapist assistant graduates. Again, they would work under the direct supervision of a physical therapist. Similarly, if the exam is passed, they may continue working but cannot continue if the exam is failed.

Both temporary permit licenses are intended to help put graduates to work immediately in a profession that is in demand to serve our aging state population and to retain the graduates from our Florida institutions. The direct supervision relationship is already well established during final clinical education internships.

The Physical Therapist, Physical Therapist Assistant and Physical Therapy student members of The Florida Physical Therapy Association support HB 799. The Florida Department of Health, Division of Medical Quality Assurance, Florida Board of Physical Therapy, has reviewed this legislative proposal and supports authorization for the physical therapy and physical therapy assistant temporary permit licensees. The Florida Medical Association has reviewed the bill and has no objection.

Similarly in the Senate, Florida Physical Therapy Association representatives met with the Chairman of the Health Care Regulation Committee and asked that SB 1228 be placed on an agenda with the sponsor of the bill, Sen. Montford, is also contacting the Chairman to ask that it be heard as soon as possible.

## **Health Care Professionals**

**Health Care Fraud:** SB 208 by Sen. Joyner and HB 653 by Rep. Cruz deletes the provision in current law that nullifies the prohibition if the sentence and probation period ended more than 15 years ago prior to the date of the application and replaces it with the following provisions:

- For felonies of the first or second degree, or federal felonies, the prohibition expires when the sentence and probation have ended more than 15 years before the date of application;
- For felonies of the third degree, the prohibition expires when the sentence and probation period have ended more than 10 years before the date of application except for felonies of the third degree under s. 893.13(6)(a);
- For felonies of the third degree under 893.13(6)(a) the prohibition expires when the sentence and probation period have ended more than 5 years before the date of application.

The Senate bill passed the Health Regulation Committee and the Criminal Justice Committee and is now in the Budget Committee. HB 653 has passed the Health and Human Services Quality Subcommittee and has also been referred to the Health Care Appropriations Subcommittee, and the Health & Human Services Committee.

**Relating to Advanced Registered Nurse Practitioners:** HB 1195 by Rep. Campbell and SB 1750 by Sen. Siplin authorizes advanced registered nurse practitioners to initiate involuntary examinations under Baker Act of persons believed to have mental illness. HB 1195 has passed the Health and Human Services Quality Subcommittee and is now in the Judiciary Committee. It has also been referred to the Health & Human Services Committee. SB 1750 has been referred to the Health Regulation and Budget Committees.

**Optometrists Qualifications:** SB 718 and SB 788 by Bennett and HB 261 by Caldwell authorize certified optometrists to administer and prescribe ocular pharmaceutical agents rather than just topical ocular pharmaceutical agents under certain circumstances and amends provisions relating to licensure and regulation of clinical laboratories operated by practitioners for exclusive use. The Florida Medical Association has taken the position that this bill is "downright dangerous." The FMA has launched a campaign to inform the legislature of the differences in training between ophthalmologists and optometrists. HB 261 has been referred to 4 committees but has not yet had a hearing. SB 718 has been referred to Health Regulation, Judiciary, and Budget. SB 788 has been referred to the Health Regulation Committee and the Budget Committee.

**Pharmacists:** SB 850 by Oelrich and HB 509 by Logan authorize pharmacists to administer vaccines for pneumonia and shingles as well as administering epinephrine autoinjection. However, SB 850 was amended in the Health Regulation Committee to require doctors to write prescriptions before patients could receive the shots. SB 850 will next be heard in the Budget Committee. HB 509 has also been referred to the HealthCare Appropriations Subcommittee and the Health& Human Service Committee.

**Youth and Student Athletes:** SB 256 by Sen. Flores and HB 291 by Rep. Renuart require independent sanctioning authorities to adopt policies to inform certain officials, coaches, and youth athletes and their parents of the nature and risk of certain head injuries; requiring that a signed consent form be obtained before the youth participates in athletic practices or competitions; requiring that a youth athlete be immediately removed from an athletic activity following a suspected head injury; requiring written clearance from a medical or osteopathic physician before the youth resumes athletic activities; authorizing a physician to delegate the performance of medical care to a licensed or certified health care practitioner and consult with or use testing and the evaluation of cognitive functions performed by a licensed neuropsychologist. SB 256 has passed two committees of reference. When the bill was heard in the Health Regulation Committee, Sen. Jones submitted amendments that would add chiropractors to the list of authorized medical professionals. After lengthy and sometimes emotional testimony about whether or not chiropractors should be included, the amendments were withdrawn with a promise that they would be again offered on the floor. SB 256 will be heard again in the Education Pre-K - 12 Appropriations Subcommittee on 1/31/12. HB 291 has passed the K-20 Innovations Subcommittee and will be heard in the Health and Human Services Access Subcommittee on 1/30/12. SB 948 by Sen. Jones is similar to these bills, but includes authorization of chiropractic evaluations. SB 948 has been referred to Education Pre-K-12, Health Regulation, and Budget. It has not yet been heard.

**Surgical Technology:** SB 362 by Sen. Lynn and HB 425 by Rep. Renuart creates part XVII of ch. 468, F.S., adopting minimum requirements to practice surgical technology and requiring a health care facility to verify that a person who is qualified to practice surgical technology meets continuing education requirements and

maintains the credential of certified surgical technologist. SB 362 has been referred to 2 committees. HB 425 has been referred to 4 committees. Neither bill has been heard.

**Chiropractic Medicine:** HB 413 by Rep. Mayfield and SB 470 by Sen. Jones makes several changes to chapter 640, F.S., the chiropractic medicine practice act. The bill revises the requirements for obtaining a chiropractic medicine faculty certificate, adds language regarding the denial of continuing education courses, requires the successful passage of parts I-IV and physiology exam of the National Board of Chiropractic Examiners, addresses the retention of patient funds and property, amends the timeframe for training and oversight of a certified chiropractic physician's assistant, and provides exceptions to the types of entities that may hire independent contractors to provide chiropractic services and states who may exercise control over a chiropractor's practice. HB 413 has passed two committees of reference and is now in its last committee, the Health & Human Services Committee. SB 470 has passed its first of two committees is now in the Budget Committee.

#### **Other Legislation of Interest:**

**Personal Trainers:** SB 984 by Sen. Sachs and HB 1257 by Rep. L. Garcia amend the athletic training section of the statutes to create a personal trainer license and licensing procedures under the Board of Athletic Training. The bill also prohibits sexual misconduct in the practice of personal training. According to the sponsor, this bill is filed in response to several cases of personal trainer sexual misconduct. Per the sponsors, there is no organization or lobbyist advocating this legislation on behalf of a client. SB 984 has been referred to Regulated Industries; Governmental Oversight and Accountability; and Budget. HB 1257 has been referred to Referred to Business & Consumer Affairs Subcommittee; Rulemaking & Regulation Subcommittee; Government Operations Appropriations Subcommittee, and the Economic Affairs Committee. Neither bill has received a hearing.

**Controlled Substances:** SB 904 by Sen. Fasano and HB 915 by Rep. T. Williams provide that a pain-management clinic register with the Department of Health unless the clinic is wholly owned and operated by certain health care professionals, including a board-certified psychiatrist or rheumatologist. The bills also require a pharmacist to obtain proof to reasonable certainty of validity of a prescription under certain circumstances and requires that a prescriber consult the prescription drug monitoring database to review a pattern of fraudulent activity by a patient. HB 915 has been referred to Health & Human Services Quality Subcommittee; Appropriations Committee; Health & Human Services Committee. SB 904 has been referred to Health Regulation; Criminal Justice; Budget. Neither bill has been heard in committee. SB 1198 by Sen. Bogdanoff requires that a pain-management clinic register with the Department of Health unless the clinic is wholly owned and operated by certain health care professionals, including a board-certified psychiatrist or rheumatologist. SB 1198 been referred to Health Regulation; Criminal Justice; Budget.

**Child Safety Devices in Motor Vehicles:** SB 196 by Senator Thad Altman and HB 151 by Representative Richard Steinberg revise child restraint requirements for children ages 4 to 7 years of age and less than 4 feet 9 inches in height who are passengers in motor vehicles. Exemptions to the law are provided during emergency situations and if the medical condition of a child necessitates an exception. SB 196 has passed the committees on Transportation and Transportation, Tourism, and Economic Development Appropriations. The bill is now in the Budget Committee. HB 151 was referred to the committees on Transportation and Highway Safety, Transportation and Economic Development Appropriations, and Economic Affairs.

**Cardiopulmonary Resuscitation Training in Public Schools:** SB 736 by Senator Altman requires school districts that provide basic training in first aid to teach students the psychomotor skills associated with performing cardiopulmonary resuscitation at least one time before graduation from high school. Psychomotor skills is defined in the bill as the use of hands-on practice and skills testing to support cognitive learning. SB 736 was referred to the committees on Education Pre-K – 12, Health Regulation and Budget. HB 443 by Rep. Bullard is similar. HB 443 has been referred to K-20 Competiveness Subcommittee, PreK-12 Appropriations Subcommittee, and the Education Committee.

**Physical Education in the Public Schools:** SB 1644 by Sen. Lynn and HB 4057 by Representative Larry Metz repeal of the requirement for each district school board to provide physical education instruction for public school students in grades 6 through 8. SB 1644 been referred to Education Pre-K and to the Budget Committee. HB 4057 passed the K-20 Invocation Subcommittee and is now in the Education Committee

**Privacy of Firearms Owners:** SB 248 by Senator Braynon and HB 4015 by Representative Kriseman repeal the legislation passed last Session regarding medical privacy of firearms that limited health care practitioners and health care facilities to record information regarding a patient’s access to firearms only if the information was relevant to the patient’s medical care. The legislation that was passed last year is the subject of a legal challenge and is not currently in effect. SB 248 was referred to the committees on Criminal Justice, Health Regulation and Rules. HB 4015 was referred to the committees on Criminal Justice and Judiciary.

**Medicaid Services:** HB 5301 by the House Health Care Appropriations Committee conforms statutes to the funding decisions included in the proposed General Appropriations Act (GAA) for Fiscal Year 2012-2013. The bill:

- Directs the Department of Children and Families (DCF) and the Agency for Health Care Administration (AHCA) to work cooperatively to develop a new system of eligibility determination for Medicaid and the Children’s Health Insurance Program (CHIP) consistent with federal and state laws; specifies the business objectives, system components, executive management team and timeline for the project; directs that the system must be developed in a manner that is approved by the Legislative Budget Commission; and, provides that development of the system is subject to appropriation.
- Limits payment for emergency room services for non-pregnant Medicaid recipients 21 years of age or older.
- Eliminates optional Medicaid coverage for chiropractic and podiatric services for adult Medicaid recipients 21 years of age or older.
- Continues the years of audited data used in determining Medicaid and charity care days for hospitals in the Disproportionate Share Hospital (DSH) Program and changes the distribution criteria for Medicaid DSH payments to implement funding decisions for the DSH program.
- Deletes references to the Adult Day Health Care Waiver program.
- Authorizes the expansion of the home health agency monitoring pilot project.

- Authorizes the expansion of the comprehensive care management pilot project for home health services.
- Authorizes two additional Program of All-inclusive Care for the Elderly (PACE) sites and approves up to 150 initial enrollees for each site, subject to a specific appropriation: Duval, Clay, and Alachua counties, and Manatee, Sarasota, and DeSoto counties.

The House Proposed GAA appropriates:

- \$246.6 million to implement the changes in DSH program funding;
- \$1.4 million to expand the scope of the two home health agency services pilot projects; and
- \$700,000 to develop a new the Medicaid and CHIP eligibility system.

The House Proposed GAA includes the following reductions:

- \$16.3 million due to limitations placed on emergency room visits;
- \$5.8 million due to expansion of scope of the two fraud prevention pilot projects;
- \$4.3 million for the elimination of chiropractic and podiatry coverage for adults; and
- \$1.9 million due to the sunset of the Adult Day Health Care Waiver program.

**Florida Health Benefits Exchange:** SB 1640 by Senator Rich and HB 1423 by Representative Pafford provides legislative findings and intent to establish a state-level health benefits exchange beginning on January 1, 2014. The bills provide that at a minimum the exchange must meet the core functions identified by the federal Patient Protection and Affordable Care Act. In addition, the bills create the Florida Health Benefits Exchange Legislative Study Committee to conduct a study regarding the state implementation and establishment of the exchange. SB 1640 currently been referred to the Health Regulation; Banking and Insurance; and Budget Committees. HB 1423 has been referred to Committees on Health and Human Services Quality; Insurance and Banking; Appropriations; and Health and Human Services.

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*Unite, and join physical therapists and physical therapist assistants who  
fight for their profession and patients!*

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