

2017 Legislative Session Update Week 1

Fraser Cobbe
Executive Director



Agenda

- Major Developments & Call to Action
 - Workers Compensation
 - Ambulatory Surgery Centers and RCCs
 - Retroactive Denials
 - HMO Accountability
 - PIP Repeal
- Issues Monitoring but no New Movement
 - Direct Primary Care
 - Right Medicine Right Time – Fail First
 - Maintenance of Certification
 - Patient Protection from Formulary Changes
 - Independent Practice for Nurse Practitioners
 - Patient Shared Savings

MAJOR DEVELOPMENTS

Workers COmpensation

- House and Senate have different versions filed
- House is just in draft form – no bill number yet
- SB 1582 – has been released

Senate Approach

- Include Loss Costs in Rate Making
- Tighten definitions and specificity of claims for benefits
- Authorization Requests – must approve or deny in statutory timeframes (3 or 10 days)
- Increase benefit duration
- Attorney fees provide options for hourly rate, current structure, or claimant pays

House Approach

- Similar measures to Senate with differences:
 - Attorney Fees – let's judges award higher fees
 - Public records exemption
 - Facility reimbursement reduction to 140% of Medicare (includes ASCs)
 - Prior Authorization language is not as strong
 - Dispensed medications must be purchased by the dispensing physician (no consignment)
 - Clarification requested on the ability to negotiate above fee schedule

What is not in either bill

- Ban on Dispensing
- Adoption of a drug formulary
- Increase in physician fees
 - FOS is requesting an increase to expand access to care
- Increase in Expert Witness Fees
 - FOS is requesting an increase
- Patient Choice

Where we go from here

- House Bill to be on the agenda next week – first formal action on draft
- Senate Bill has not been placed on the agenda yet.

Recovery Care Services

- SB 222 (Steube)
- HB 145 (Renner & Fitzenhagen)
- Expands ASC length of stay to 23 hours from the start of the procedure (eliminates the midnight rule)
- Creates licensure for Recovery Care Centers for patients to stay up to 72 hours with oversight and minimal care

Action this past week

- House bill passed it's second committee. One more stop.

Action this coming week

- Senate Bill 222 will be heard in Health Policy on Tuesday, March 14th
- FOS will do a call to action for constituents of committee members
- The bad Senate Bill 232 is not on the agenda.

Retroactive denials

- SB 102 - Greg Steube (Sarasota)
- HB 579 – Bill Hager (Palm Beach)

(11) A health insurer may not retroactively deny a claim because of insured ineligibility:

(a) At any time, if the health insurer verified the eligibility of an insured at the time of treatment and provided an authorization number.

Action Next Week

- SB 102 by Steube will be heard next Tuesday, March 14th
- FOS will testify in support
- House Bill has not been placed on the agenda yet

HMO Accountability

- SB 262 - Steube
- HB 675 - Byrd
- Let's an HMO be sued for medical negligence - delaying and denying medically necessary services

Senate Bill moving

- SB has passed Banking and Insurance
- On agenda next Tuesday 3/14 at 2 pm in the Judiciary Committee
- FOS will send letter of support
- House bill has not moved yet

PIP Repeal

- SB 156 by Brandes
- HB 1063 by Grall
- Senate Leadership seems willing to let the House eliminate PIP
- Senate wants a Mandatory MedPay for Emergency Care
 - FOS trying to keep it at \$10K with a \$5k physician set aside
- Bodily Injury just covers damage you cause others

Why we have concerns

- Impact on Emergency Room and On-Call Specialists
- Will health insurance deny due to Motor Vehicle Accident
- Expanded use of Letters of Protection
 - PI Attorneys think this is not a big deal, that after a lag then revenue stream will catch up

Outlook and POlitics

- The bills have not had a hearing yet
- High Level negotiations between the chambers.
- Long term outlook on PIP is not good
- Preservation of MedPay important so at least the care you are mandated to provide may be covered
 - Non-emergency care? LOPs and Health Insurance coordination of benefits

**ISSUES MONITORING BUT NO NEW
MOVEMENT**

Support Issues

- Direct Primary Care
 - House bill has one committee left
 - Senate bill has passed two committees
- Right Medicine Right Time – Fail First
- Maintenance of Certification
- ✘ Patient Protection from Formulary Changes

Oppose or luke warm

- Independent Practice for Nurse Practitioners
 - House Priority – probably to be used in negotiations with Senate (PIP?)
- Patient Shared Savings
 - No movement in the Senate
 - Passed 2 Committees in the House but many questions from House Members in the last committee
 - Insurance Companies are opposed
- Transparency Bill – Senator Garcia has filed a bill that has us concerned on Out-of-Network charge estimates and balance billing – can't bill if you don't deliver an estimate of charges prior to care being rendered

HOW TO STAY ENGAGED

websites

- Florida Senate - <http://www.flsenate.gov/>
- Florida House - <http://www.myfloridahouse.gov/>
- All of the Committee hearings are broadcast live and available for download.
- FOS will have periodic updates as action takes place



Thank you

fcobbe@cobbmanagement.com