



2016 Legislative Session – Legislative Bulletin

Week One – January 15, 2016

2016 Legislative Session – Stay Informed!

This is the first of our weekly Legislative Update/Recap reports that will continue through the end of Session. Included with this report is the latest copy of the [LeadingAge Florida Legislative Bill Tracking Report](#).

Activity on LeadingAge Florida Priority Bills

Continuing Care Communities

A top priority for the 2016 Session is legislation modifying the Gold Seal Nursing Home Financial Criteria for Nursing Homes that are Part of Continuing Care Retirement Communities. CS/HB 127 by Rep. Cummings (R-Orange Park) and CS/SB 542 by Sen. Stargel (R-Lakeland), filed on behalf of LeadingAge Florida, allow a non-accredited Continuing Care Retirement Community (CCRC) applying for the Gold Seal nursing home designation to submit financial statements prepared by an independent CPA for the community in its entirety as proof of compliance with the financial criteria established by AHCA. A nursing home that is part of a CCRC accredited by a national accreditation organization and that meets the minimum liquid reserve requirements in Ch. 651 would still be deemed to meet the financial criteria for the Gold Seal designation. CS/HB 127 passed its last committee of reference this week and is headed to the full House. CS/SB 542 has one more committee of reference, the Fiscal Policy Committee.

Expand the Ordering/Prescribing Authority for Advanced Registered Nurse Practitioners (ARNPs)

Several bills have been filed expanding the ordering/prescribing authority for ARNPs. SB 152 by Sen. Grimsley (R-Sebring) authorizes an advanced registered nurse practitioner to order any medication for administration to a patient in a hospital, ambulatory surgical center, or mobile surgical facility within the framework of an established protocol. LeadingAge Florida asked Sen. Grimsley to consider an amendment expanding the scope of this bill to include nursing homes. Rather than amending SB 152, Sen. Grimsley filed our proposed amendment as a stand-alone bill, SB 946. SB 946 has three committees of reference and has not yet been heard in committee. HB 1241 by Rep. Plasencia (R-Orlando) includes the identical language to SB 946 as well as other provisions. It has not yet been referenced to committee.

HB 423, sponsored by House Health Quality Chairman Cary Pigman (R-Avon Park) expands drug-prescribing powers for advanced registered nurse practitioners and physician assistants and allows ARNPs to prescribe, dispense, order, and administer controlled substances, to the extent authorized under their supervising physician's protocol. Florida is the only state that doesn't allow nurse practitioners to prescribe controlled substances. HB 423 has passed two committees of reference and must still clear the House Health & Human Services Committee before consideration by the full House. A similar bill, SB 676 by Senator Grimsley (R-Sebring), expanding physician assistants' (PA) and advanced registered nurse practitioners' (ARNP) ability to prescribe controlled substances passed the Senate Health Policy Committee on a 4-2 vote this week. The authorization comes with limitations, such as prescribing privileges for controlled substances listed on Schedule II are limited to a 7-day supply and an ARNP or PA may not prescribe controlled substances in a pain management clinic. The bill requires PAs and ARNPs to complete 3 hours of continuing education biennially on controlled substances. SB 676 now moves to its second of four committees of reference.

Preserve Certificate of Need for Nursing Homes

Over the past several years, the Florida Legislature significantly reduced the number of services and facility types subjected to Certificate of Need (CON) review. LeadingAge Florida supports the retention of a CON process for nursing home beds. HB 437 by Rep. Sprowls (R-Clearwater) deletes the provisions relating to certificates of need required for new, expanded, or modified hospital construction. A Senate companion measure has not yet been filed. The bill passed its second committee of reference, the House Health Care Appropriations Subcommittee, and has one more committee of reference. Senate President Andy Gardiner (R-Orlando) has stated concerns that the certificate of need bill applies only to hospitals and not to nursing homes, which also are regulated by the licensure program. The House has made lowering the costs of health care a top priority and maintains that eliminating regulations, like certificate of need, will help accomplish that goal. LeadingAge Florida is monitoring this bill for any attempts to include nursing homes in the legislation.

Activity on LeadingAge Florida Monitored Bills

Property Prepared for Tax Exempt Use

HB 301 by Rep. Burton (R-Lakeland) consolidates provisions relating to tax exemptions on property owned by certain tax-exempt organizations and expands the ad valorem tax exemption for an exempt organization that is taking affirmative steps to prepare property to be used for an exempt purpose. Current law grants this treatment to educational institutions, religious organizations, and 501(c)(3) organizations that provide affordable housing. The bill expands the exemption to all property being prepared for an educational, literary, scientific, religious or charitable purpose. A concern regarding the manner in which the bill was drafted in the 2015 session has been addressed in the bills filed this year. HB 301 passed its first committee of reference and has two more stops. The Senate companion, SB 842 by Sen. Hays (R-Umatilla), has passed one committee of reference and has two more committees.

Recovery Care Centers

HB 85, sponsored by Rep. Heather Fitzenhagen (R-Fort Myers), allows patients to stay overnight at ambulatory surgical centers. Under the proposal, patients could stay up to 24 hours (right now the limit is 23 hours). The bill also allows the creation in Florida of recovery care centers, where patients could stay up to 72 hours after surgeries and being discharged from an ambulatory surgical center or hospital. The bill has passed two of the three committees of reference. The Senate companion, SB 212 by Sen. Don Gaetz (R-Destin), is scheduled to be heard in its first committee of reference on 1/19.

Nurse Licensure Compact

HB 1061 by Rep. Pigman (R-Sebring) allows nurses who receive their certification in a participating state to also practice in Florida without having to go through additional training. The bill includes a structure for a revamped compact, which would supersede the current compact and need approval from participating states. Florida nurses would be able to request multi-state licenses, and nurses from other states who hold multi-state licenses would be able to practice in Florida. The aim is to recruit more nurses, and according to Rep. Pigman, "It would allow Florida to have access to what's going on in 25 other states, potentially 30 states, whereas now we're just aware of what's going on in our own state with regards to investigations of licensure." The bill would let Florida offer the multi-state license option. The move is part of ongoing state efforts to lower healthcare costs while increasing patient access to physicians. The bill passed unanimously out of the House Select Committee on Affordable Healthcare Access this week and has two more committees of reference before it heads to the chamber floor. A linked bill providing a public records exemption, HB 1063 by Rep. Pigman relating to Public Records and Meetings/Nurse Licensure Compact, was also reported favorably by the Select Committee.

Missing Persons with Special Needs

CS/SB 230 by Sen. Dean (R-Inverness) creates the "Project Leo" pilot project in five North Florida counties – Alachua, Baker, Columbia, Hamilton, and Suwannee – to provide personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement. The bill creates a separate pilot project for the same purpose in two South Florida counties – Broward and Palm Beach. While the bill does not define special needs, the staff analysis specifically describes elopement and wandering of children with autism and individuals with Alzheimer's disease and other forms of dementia as individuals with special needs. CS/SB has passed all committees of reference and is ready for passage by the full Senate on January 15th. The companion, CS/HB

11 by Rep. Porter (R-Lake City) has passed its first committee of reference and has two more committees before going to the House floor.

Guardianship

CS/CS/SB 232 by Sen. Detert (R-Venice) provides for the regulation of professional guardians, currently not regulated in Florida, by the Office of Public and Professional Guardians (previously named Statewide Public Guardianship Office) within the Department of Elder Affairs. The bill requires annual registration of professional guardians and gives the Office of Public and Professional Guardians disciplinary and enforcement powers. CS/CS/CS/SB 232 has passed all three committees of reference and heads to the Senate floor next. HB 403 by Rep. Ahern passed its first committee of reference and has two more committees to go before going to the full House.

State Veterans' Nursing Homes

HB 581 by Rep. Magar (R-Hope Sound) creates a site selection process for new state veterans' nursing homes to be administered by the Florida Department of Veterans' Affairs (FDVA). There are six state veterans' nursing homes in Florida. Currently, no Florida law governs FDVA's site selection process. The bill requires FDVA to contract for a study to determine the most appropriate county for construction of a new nursing home based on the greatest level of need. The study must be delivered to the Governor, President of the Senate, and the Speaker of the House of Representatives by November 1, 2016, and a new study must be conducted and submitted every 4 years thereafter. The bill provides the criteria to be used to rank each county. HB 581 has passed two committees of reference and has one more committee stop. No Senate companion has been filed to date.

Activities of Interest

Senate Confirmation Hearing: Secretary of Health Care Administration – Elizabeth Dudek

The Senate Health Policy Committee voted unanimously on Monday to move forward the confirmation of Elizabeth Dudek as Secretary of the Agency for Health Care Administration. The two Democrats on the committee asked pointed questions about Medicaid expansion, including if she believes that expanding Medicaid improves access to health care, to which Ms. Dudek responded "I think that that's something we would need to look at all around. I believe we have more health care in this state than we had previously." She was also asked about Medicaid expansion, which the Senate supported during the 2015 Session but was opposed by the Governor and House. When asked if she thought Medicaid expansion could offset uncompensated care costs, Ms. Dudek said she didn't know exactly if it would or would not. Ms. Dudek still must go before the Senate Ethics and Elections Committee, as well as the full Senate.

Florida Housing Coalition

The Florida Housing Coalition released the *Home Matters for Florida 2016* report, which includes up-to-date data on housing costs in Florida, cost-burdened families, homelessness, wages and other facts that drive Florida's affordable housing need. The Coalition, of which LeadingAge Florida is a member, held a press conference and urged the Legislature to fully appropriate the Sadowski Trust Funds for housing. If the projected \$323.96 million in Sadowski State and Local Trust Funds are fully appropriated, the resulting affordable housing development will create nearly 32,700 jobs and generate over \$4.6 billion in positive economic impact. The Legislature has made a habit of using trust funds to support the general revenue fund. Last year, \$81 million in revenue in the trust (almost a third of the housing funds) was moved out of the trust fund into the general budget.

A Week in Review – News from the Capitol by Leslie Dughi, Director of Government Law & Policy - Greenberg Traurig

With the commencement of the 2016 Regular Session Tuesday, the dissent between the House and Senate that ultimately derailed the 2015 Session and the subsequent special sessions appeared to be set aside. House Speaker Steve Crisafulli and Senate President Andy Gardiner, in their separate opening day remarks, committed to advancing legislation that would help persons with disabilities secure jobs, establish a comprehensive state water policy and fund education at unparalleled levels.

In his State of the State address to the Legislature, members of the Cabinet, the Supreme Court Justices, and other Florida dignitaries, Governor Rick Scott continued the mantra of job creation, the message that originated during his first campaign.

The Governor's comments focused on two main priorities - tax cuts and funding the new "Florida Enterprise Fund" to assist in bringing new employers to Florida. Other priorities briefly touched on included increasing education funding, bringing more transparency to hospital pricing and eliminating the waiting list for more than 1200 disabled persons with critical needs.

In his budget recommendations released in mid-November, the Governor called for more than \$1 billion in tax cuts by repealing the corporate income tax on retailers and manufacturers, reducing the commercial rental sales tax and eliminating the sales tax on manufacturing equipment. And while the House and Senate appear willing to support some of the proposed tax cuts, the Legislature has stopped short of agreeing to the amount recommended by Scott. House Speaker Crisafulli noted that his chamber may focus on one-time tax cuts, rather than recurring ones, to avoid weakening the state's revenue forecast in coming years.