



2016 Legislative Session – Legislative Bulletin

Week Nine – March 11, 2016

2016 Legislative Session – Stay Informed!

Today we hosted our final weekly **Legislative Session Weekly Briefing** conference call as the Florida Legislature is expected to pass the FY 2016-17 General Appropriations Act and implementing bills and adjourn sine die.

This weekly Legislative Update/Recap report will describe briefly action taken on LeadingAge Florida priority bills and bills monitored throughout Session. A detailed post Session Report will be forthcoming. 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

LeadingAge Florida's top legislative priority CS/HB 127 was approved by Governor Scott and became law effective March 8, 2016!

This legislation was filed on behalf of LeadingAge Florida and allows 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 is still be deemed to meet the financial criteria for the Gold Seal designation.

The new law allows a corporate entity that operates nursing homes, assisted living facilities, or independent living facilities or a combination thereof to submit a consolidated financial statement for the entire corporation as proof of meeting the financial standards for the Gold Seal. This change benefits retirement communities that are not regulated as CCRCs as well as other multi-facility corporate entities.

Expand the ordering/prescribing authority for Advanced Registered Nurse Practitioners (ARNPs)

Legislation expanding the ordering/prescribing authority for ARNPs has passed the Legislature.

HB 1241 by Rep. Plasencia relating to Ordering of Medication passed the Legislature. This bill expands the ordering/prescribing authority for Advanced Registered Nurse Practitioners and Physician Assistants and includes language advocated for by LeadingAge Florida authorizing an advanced registered nurse practitioner to order any medication for administration to a patient in a hospital, ambulatory surgical center, mobile surgical facility or nursing home within the framework of an established protocol. If approved by the Governor, the new law will take effect July 1, 2016.

HB 423 by House Health Quality Chairman Cary Pigman relating to Access to Health Care Services

passed the Legislature. This bill expands drug-prescribing powers for advanced registered nurse practitioners and physician assistants under certain circumstances.

HB 977 by Rep. Peters relating to Behavioral Health Workforce passed the Legislature. This bill, among other provisions, allows a psychiatric nurse, as defined in s. 394.455, within the framework of an established protocol with a psychiatrist, prescribe psychotropic controlled substances for the treatment of mental disorders.

Activity on LeadingAge Florida Monitored Bills

Prescription Drug Monitoring Program

CS/CS/SB 964 by Sen. Grimsley relating to Prescription Drug Monitoring Program passed the Legislature. If approved by the Governor effective July 1 the new law provides for additional reporting exemptions from the Prescription Drug Monitoring Program (PDMP) for a rehabilitative hospital, an assisted living facility or a nursing home dispensing a controlled substance, as needed, to a patient as ordered by the patient's treating physician. The new law will benefit LeadingAge members by allowing a doctor to treat his/her patient by leaving an order for pain medicine at the nursing home or ALF and exempting them from the reporting requirement.

Missing Persons with Special Needs

CS/SB 230 by Sen. Dean relating to Missing Persons with Special Needs passed the Legislature. The bill creates the "Project Leo" pilot project in five North Florida counties – Alachua, Baker, Columbia, Hamilton, and Suwannee – and separate pilot projects in Palm Beach and Hillsborough counties. The pilot projects are to provide personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement. 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.

The pilot projects will be developed and administered by the Center for Autism and Related Disabilities at the University of Florida for the North Florida counties. The Center for Autism and Related Disabilities at Florida Atlantic University will develop and administer the Palm Beach County project and the Center for Autism and Related Disabilities at the University of South Florida will develop the criteria for the Hillsborough County project. The bill appropriates \$100,000 in nonrecurring funds for each CARD center. Each center is to submit a report to the Governor and Legislature on the implementation and operation of its pilot project by December 15, 2017.

Guardianship

CS/CS/SB 232 by Sen. Detert (R-Venice) relating to Guardianship passed the Florida Legislature and was approved by Governor Scott. The new law took effect upon approval by the Governor on March 10th.

The new law 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 law requires annual registration of professional guardians and gives the Office of Public and Professional Guardians disciplinary and enforcement powers.

Nurse Licensure Compact

HB 1061 by Rep. Pigman relating to Nurse Licensure Compact passed the Legislature. This bill 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 will supersede the current compact and need approval from participating states. Florida nurses will be able to request multi-state

licenses, and nurses from other states who hold multi-state licenses will 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 lets Florida offer the multi-state license option. If signed by the Governor, this act takes effect December 31, 2018, or upon enactment of the Nurse Licensure Compact into law by 26 states, whichever occurs first.

A linked bill, HB 1063 providing a public records exemption, was passed by the Legislature. It was signed by the Officers and presented to the Governor today. Governor Scott has until March 24 to act on the bill.

Residential Facilities

SB 1174 by Sen. Diaz de la Portilla relating to Residential Facilities passed the Legislature. The Governor has until March 23rd to act on the bill. SB 1174 clarifies siting requirements for community residential homes and provides a grandfathering provision for existing community residential homes lawfully permitted and operational as of the effective date of the act. The law currently addresses distance requirements for citing of community residential homes. Homes with 7 – 14 residents may not be constructed within 1,200 feet of another such home; a home of 6 or fewer residents may not be constructed within 1,000 feet of another such home. Currently, there is no requirement for the distance between a 7-14 residents home and a 6 residents or fewer home. The bill sets that distance requirement at 1,200 feet. This legislation is intended to address an issue occurring primarily in Miami-Dade.

Uniform Firesafety Provisions for Assisted Living Facilities

CS/CS/HB 965 by Rep. Harrison relating to Firesafety in ALFs passed the Legislature. If approved by the Governor, effective July 1, the State Fire Marshal is required to adopt uniform firesafety standards for ALFs based on the current editions of the National Fire Protection Association, Life Safety Code, NFPA 101 and 101A.

The NFPA documents are revised on a three-year cycle to incorporate new technologies and lessons learned from actual fire experiences. This change will allow for the adoption of the current edition of the NFPA Life Safety Code for ALFs. The new law will allow an assisted living facility to remain under the 1994 and 1995 Life Safety Code (LSC) by affirmatively notifying the local authority. Such an ALF may make certain repairs or renovations in compliance with the 1994 code under certain circumstances, however, an ALF undergoing Level III building alteration or rehabilitation must comply with the newer standards adopted by the State Fire Marshal.

Long-term Care Managed Care Prioritization

HB 1335 by Rep. Magar relating to Long-term Care Managed Care Prioritization passed the Legislature. This bill clarifies the roles of the various state agencies with authority to implement and regulate the long-term care waitlist. The bill codifies in law the role that the Department of Elder Affairs currently has to assess and prioritize individuals on the waitlist for home and community-based services available through the Medicaid Long-term Care Program – a program that frail residents of affordable housing depend on. The bill does not modify the current assessment and prioritization process. Under HB 1335 only individuals, or their authorized representative, who are screened can be placed on the waiting list. To remain on the wait list, individuals must agree to be re-screened annually or re-screened when there is a significant change in the circumstances, such as death of a spouse or a caregiver. Priority positions on the waiting list are given to individuals who have been in a nursing facility and want to be discharged back into the community, individuals who are between the ages of 18 and 20 who have chronic debilitating disease or conditions that make them dependent upon 24-hour medical supervision, or individuals who have been referred by Adult Protective Services and are at risk of abuse. If signed by the Governor, the new law will take effect July 1, 2016.

Transparency in Health Care

HB 1175 by Rep. Chris Sprowls relating to Transparency in Health Care passed the Legislature. The bill,

a priority for Gov. Scott, requires health care providers to show more transparency about the prices of services provided.

The bill requires hospitals and ambulatory surgical centers to meet new standards for providing financial information and quality of service measures to patients and to the public. Specifically, in response to requests for information, health care facilities are required to provide a written, good faith estimate of the anticipated facility charges within seven business days after receipt of the request, and to provide an itemized bill or statement within seven days of a patient being discharged. Facilities are required to establish a method of responding to billing questions within seven days after it is received. The Agency for Health Care Administration is required to contract with a vendor for a website that will show cost and quality of care.

Telehealth

HB 7087 by the House Select Committee on Affordable Healthcare Access and Rep. Sprowls relating to Telehealth passed the Legislature. The bill directs the Agency for Health Care Administration, the Department of Health and the Office of Insurance Regulation to survey health care facilities, HMOs, health care practitioners and health insurers to collect specific information relating to telehealth. A Telehealth Advisory Council is created within AHCA to make recommendations based on the surveys and research findings of the agencies. The bill provides for the make-up of the advisory council, to consist of 15 members, including two representatives of long-term care services one of whom shall be a representative of a nursing home. The council is required to submit a report to the Governor and Legislature by October 31, 2017. AHCA is directed to compile the surveys and research findings and submit a report of the findings to the Governor and Legislature by December 31, 2016. The agencies are authorized to assess fines against a health care facility, HMO, health care practitioner and health insurer for failure to complete the surveys required by the bill.

Medical Marijuana

HB 307 by Rep. Matt Gaetz relating to Medical Use of Cannabis passed the Legislature. The bill has been presented to the Governor who has until March 25th to act on the bill. The bill expands the use of the Right to Try Act, allowing medical marijuana use for patients with terminal conditions. The bill adds regulations to the framework of the state's cannabis industry covered by the 2014 Compassionate Medical Cannabis Act.