

Florida Healthcare Pass/Fail List - Legislative Session 2021



Budget



Passed: No Medicaid base rate cuts, a huge win for HCA Healthcare. We began the year with the House and Senate's proposed budgets recommending cuts of over 7% or 8%.



Passed: The Hospital Exemption Fund (or Medicaid Rate Enhancement) directed to only 28 "safety net" hospitals has been shifted from recurring to non-recurring funding. This moves one step closer to eliminating this unfair funding. This is a huge win for HCA Healthcare, a full team effort that was years in the making.



Policy



Passed: COVID-19 Liability Protections. This early-Session win has already been signed into law by the Governor. For claims against anyone other than a health care provider, plaintiffs must complete preliminary requirements before a case is allowed to proceed, similar to presuit investigation requirements for medical malpractice claims. A plaintiff generally must show that the health care provider engaged in gross negligence or intentional misconduct.



Passed: Freestanding Emergency Rooms. This bill prevents freestanding emergency departments from calling themselves urgent care centers, and requires signage that clearly identifies it as a freestanding ER. Specifically, this bill requires freestanding emergency rooms to post signs in certain locations with specific statements on them, provides requirements for advertising of hospital-based off-campus emergency departments, and requires hospitals to link to pricing information on the Agency for Health Care Administration's website.



Failed: Hospital Transactions and Mergers. This bill would have put unnecessary burdens on hospitals by duplicating efforts already made at the federal level. The bill would have created a department within the Florida Attorney General's Office to which hospitals would submit written notices of mergers, acquisitions, and other transactions. The Attorney General's Office would have been able to request additional information or issue a civil investigative demand, and potentially issue civil penalties. We argued that there was no identified need or purpose for state regulatory interference in the marketplace, that the standards and criteria to be applied were not clearly identified, and that it would increase the cost and uncertainty of transactions. We were successful in getting this bill stopped early in Session.



Failed: Consumer Data Privacy. An early priority of leadership was legislation going after "big tech" by giving consumers the right to know and control how their personal data is collected, used, stored, shared, bought, and sold. HCA had HIPAA concerns and worked with the sponsors on amendments addressing those concerns. Late in the process, the bill was substantially amended and not brought up for a final vote in the House, killing it for this year. The measure most likely will return next year.



Passed: Motor Vehicle Insurance. If signed, this legislation will repeal the state's no-fault personal injury protection (PIP) system and replace it with required mandatory bodily injury coverage, a mandatory death benefit, and an "opt-out" medical payments coverage. The bill would have financial impact on HCA by removing mandatory \$10,000 coverage that helps pay for health care costs after an accident, instead making it optional for motorists to purchase from insurers. HCA does not favor specific requirements of the bill and has started working to encourage the Governor to veto it.



Failed: Hospitals' Community Benefit Reporting Repeal. This bill would have repealed a year-old requirement for non-profit hospitals to report on their "community benefit" and provide more in community benefit than they derive in tax savings, or else be required to pay the difference to the counties in which they operate.



Passed: Special District Accountability. This bill will require certain independent special districts to contract with an independent entity to conduct performance audits, meaning these special districts will have to report their total tax dollars collected and how they are being spent. This will add greater transparency to the special districts' often hazy financial situation.



Failed: Telehealth legislation. Two telehealth bills would have revised the definition of telehealth and deleted a prohibition on prescribing controlled substances, but neither bill passed this Session.



Failed: Health Care Expenses. This bill would have required licensed facilities to post on their websites a consumer-friendly list of standard charges for shoppable health care services, and also added requirements related to providing estimates for patients. HCA had many concerns about the burden this bill would place on hospitals, including duplicating federal requirements already in place. The legislation failed.



Passed: Pelvic Examinations. This bill makes changes to the definition of "pelvic examination" and revises the circumstances under which a pelvic exam may be performed without consent.



Failed: Assault and Battery on Hospital Personnel. This bill would have provided enhanced penalties for anyone who knowingly commits assault or battery upon hospital personnel.



Failed: Department of Health. This bill included numerous provisions and requirements related to the Florida Department of Health. HCA's interest in this bill centered on a provision that would have allowed registered nurses to perform moderately complex lab tests outside of a hospital's central lab, but within a hospital department, or at an off-site hospital based emergency department. The bill died at the very end of Session after so several controversial provisions were amended into the legislation.



Failed: Organ Transplantation. This bill included numerous requirements regarding organ donation. HCA's area of concern was language that added rules around minimum volume standards for organ transplantation and NICU services. This provision would have been a step back from CON deregulation, which deleted these minimum volume standards.



Passed: Corporate Income Tax. This bill adopts the 2021 version of the Internal Revenue Code and other federal statutes relating to federal income taxes for purposes of the state corporate income tax code.