



LEGISLATORS GO HOME EARLY THIS WEEK

Due to the upcoming holiday weekend, the Legislature met for only two days this week. The substantive committees have basically completed their work and the appropriations committees finished up the amendment process on the budget in preparation for discussion and debate on the floor next week. FDA staff will continue to monitor all budget issues closely.

ALL DENTAL OFFICES MUST COMPLY WITH NEW FTC RULES BY MAY 1, 2009

The Federal Trade Commission (FTC) recently issued regulations requiring any business that may provide credit to customers to take certain steps to guard against identity theft. The FTC has taken the position that its "Red Flags Rule" extends to health care providers, including dentists. The new rule is scheduled to go into effect on May 1, 2009.

The FDA and American Dental Association (ADA) have partnered to make available a complimentary guide for compliance with the FTC's new red flags rule. Dentists have reported the private sector is charging as much as \$1,000 for this benefit being provided free of charge to all FDA member dentists. Every FDA member dentist will be notified of how to access this free FDA member benefit.



SENATE LEADERS SWITCH OUT GENERAL REVENUE FOR TOBACCO FUNDING

Many senators were upset to learn that on Friday, April 3, Senate leaders made a decision without input from members of the Health and Human Services Appropriations Committee, including Chairman Durell Peaden (R-Crestview), to

switch out general revenue in the health care budget and replace it with projected tobacco funds to be generated with the potential passage of **CS/SB 1840** by Sen. Ted Deutch (D-Delray Beach). Sen. Peaden and others were under the assumption that the health care budget allocation would be increased by at least \$1 billion with new revenues generated from the \$1 surcharge on cigarette sales. However, Senate leaders indicated that this move continues to boost the health

care budget because without these new funds there would be discussions about additional cuts in health care programs. Later, Sen. Peaden explained that he didn't feel that his committee was entitled to a larger budget allocation, but felt that these additional funds could help lessen the reductions in his committee.

CS/SB 1840 passed out of the Senate Policy and Steering Committee on Ways and Means this week. It is considered part of the budget packet and will definitely be a conference issue since the House has not heard any bills related to this issue or considered these revenues as part of its budget.

REP. ZAPATA STEPS DOWN AS CHAIR



This week, Rep. Juan Zapata (R-Miami) decided to step aside as chair of the House Human Services Appropriations Committee. He met privately with Speaker Larry Cretul (R-Ocala) to explain his issues and concerns. Last week, Rep. Zapata's committee had disapproved a provision for privatization of Northeast Florida State Hospital in Macclenny, but leadership re-inserted it. There was also a fund shift of \$200,000 by Rep. Zapata to fund an anti-cancer program in Miami from funds appropriated for an AIDS program at Jackson Memorial Hospital in Miami that was rejected. A replacement has not been officially announced; however, Rep. Doug Holder (R-Sarasota), Vice Chair, presented the Human Services Appropriations Committee portion of the budget during a committee meeting this week.

DIRECT PAYMENT OF BENEFITS TO PROVIDERS SENATE BILL HEARD IN COMMITTEE



SB 1122 by Sen. Don Gaetz (R-Ft. Walton Beach) was heard in its first committee of reference on Monday, April 6 in the Senate Banking and Insurance Committee. **SB 1122** is the senate companion bill to **HB 855** by Rep. Marcelo Llorente (R-Miami). The bills require health plans to make payments to the designated provider of services whenever a patient specifically authorizes payment of

benefits directly to a provider (dentists included). Sen. Al Lawson (D-Tallahassee) had a late filed amendment to **SB 1122** that would eliminate a provider from having the option to pursue the balance of a bill from the patient if full payment is not rendered through the insurance company essentially. It would limit payment to 80 percent of the current Medicare fee schedule. The providers felt that this amendment was intended to gut the bill; however, Sen. Lawson expressed his concern to safeguard the fiscal impact to state employees health insurance premiums. After much discussion on the bill, the committee voted on the amendment and the end result was a tie vote. In the event of a tie vote, the amendment fails. Shortly after the vote, Sen. Mike Bennett (R-Bradenton) made a motion for a re-consideration on the amendment. The committee voted again and Sen. Bennett changed his vote from a "no" to a "yes" which resulted in the amendment being favorably adopted onto the bill. The FDA expressed support of the original bill without the amendment.

The next step for **SB 1122** is in the Senate Health Regulation Committee which is chaired by the bill sponsor, Sen. Gaetz. It is likely that an effort will be made to remove the amendment from **SB 1122** when it is heard in the Health Regulation Committee. The FDA will continue to monitor and support **SB 1122** and **HB 855**.



REAL TIME TRACKING OF CONTROLLED SUBSTANCES BILL PASSES COMMITTEE

SB 614 by Sen. Dave Aronberg (D-Greenacres) was heard and passed out of the Senate Health Regulation Committee on Monday, April 6. This is another bill that tracks the

prescribing of controlled substances; however, the main difference in this version is the attempt to use biometric technology to make information flow real time.

Sen. Aronberg stated that final passage of his version is not likely this session as this is the first time it is being heard in the Senate and **HB 143** by Rep. Carl Domino (R-Juno Beach) has not been heard at all. Sen. Aronberg felt it was important to discuss the biometric angle and use of new technology as a more efficient way to deter doctor shopping in Florida.

SB 462 by Sen. Mike Fasano (R-New Port Richey) and **HB 897** by Rep. Llorente (R-Miami), which are bills more likely to become law this session, allow up to 15 days for the reporting by pharmacists and dispensing practitioners to the data base. The biometric scanning device requirement contained in **SB 614** is envisioned to scan a patient through different means, either fingerprint or eye scan, and have real time information of that patients prescription history available before the prescription is dispensed. Sen. Aronberg added an amendment to his bill that states that at least three companies would have to place bids for this service

before it could be awarded. He had heard concerns that this bill would benefit only one technology company and he felt it was important to clarify that concern. Another hearing on **SB 614** is unlikely this session, but the FDA will carefully watch the on-going debate over the electronic tracking of controlled substances.

KIDCARE LEGISLATION UPDATE

CS/SB 918 by Sen. Nan Rich (D-Sunrise) contains legislative changes to the Florida KidCare program. Florida KidCare is the state's children's health insurance program (SCHIP) for uninsured children under age 19 and includes dental services. KidCare includes four different parts, or programs: MediKids, Healthy Kids, Children's Medical Services and Medicaid.



CS/SB 918 does the following:

- modifies eligibility determination by requiring family income to be verified electronically.
- removes administrative barriers to the program by decreasing the period of time that a child is disenrolled from the KidCare program for nonpayment of premiums from 60 to 30 days; reducing the waiting period from 6 months to 60 days for KidCare eligibility for families that have voluntarily cancelled their employer-sponsored or private health; and increasing the number of "good cause" reasons that families can use to voluntarily cancel their health insurance coverage and be immediately eligible for KidCare coverage without a waiting period.
- adds the Secretary of the Department of Children and Family Services or his or her designee to the Florida Healthy Kids Corporation board of directors (the FDA's dental access bill adds a member from the FDA to the Florida Healthy Kids Corporation board).

CS/SB 918 passed out the Senate Health Regulation Committee on Monday, April 6. This was the first of three committee stops for the bill. The FDA will continue to monitor this bill.

REDUCING MEDICAID FRAUD AND ABUSE UPDATE

CS/CS/SB 1986 by Sen. Gaetz favorably passed out of the Senate Judiciary Committee on Monday, April 6. This was the third committee stop for the bill. The bill aims to cut down on Medicaid fraud and abuse, specifically in Miami-Dade County where there are increasingly high numbers of unregulated home health agencies. Language in the bill also affects Medicaid providers by requiring the Agency for Health Care Administration (AHCA) to implement their authority to curtail fraud and abuse rather than just giving them the option to exercise its authority. FDA staff will continue to monitor this bill.

HEALTHY AND FIT FLORIDA ACT UPDATE



On Monday, April 6, **CS/SB 2614** by Sen. Don Gaetz passed out of the Senate Health Regulation Committee. This was the first committee stop for the bill. **CS/SB 2614** and its house companion, **HB 1471** by Rep. Sandy Adams (R-Oviedo), use tobacco settlement dollars to implement the "Healthy and Fit Florida Act" which creates state and community level programs that address the leading, preventable chronic disease risk factors of poor nutrition and obesity, tobacco use, sun exposure, and physical inactivity in order to reduce the occurrence of these diseases. One component of the bill requires the Department of Health to promote regular health visits during a person's lifetime, including dental exams in order to reduce the financial, social, and personal burden of chronic disease. Both **CS/SB 2614** and **HB 1471** have three more committee stops.

FLORIDA CONFERENCE OF BLACK STATE LEGISLATORS SCHOLARSHIP GALA

The Florida Conference of Black State Legislators (FCBSL) held their annual scholarship gala in Tallahassee last Friday, April 3. The FDA has routinely supported this scholarship event and supported it again this year. Joe Anne Hart, Director of Governmental Affairs, attended this event on behalf of the FDA. Governor Charlie Crist was also in attendance at the gala.

LEGISLATOR SPOTLIGHT

Sen. Chris Smith, an attorney (D-West Palm Beach) was elected to serve District 29 in the Florida Senate in 2008. He served in the Florida House of Representatives from 1998 -2006 and was the Democratic leader from 2004-2006.



His district consists of parts of Broward, and Palm Beach counties. He currently serves as a member on the following Senate committees: Banking and Insurance (Vice Chair), Higher Education (Vice Chair), Reapportionment (Vice Chair), Policy and Steering Committee on Commerce and Industry Rules, Transportation and Economic Development Appropriations, and Joint Committee on Public Counsel Oversight. His legislative contact dentist is Dr. Samuel McNeill of Riviera Beach.

LEGISLATOR QUOTE OF THE WEEK

"Barney, you're way off-line. You don't have a clue. You're in the Tallahassee clouds up here."

A statement by Sen. Mike Fasano (R-New Port Richey), who disagreed with the testimony of the lobbyist for Associated Industries of Florida (AIF) on **CS/SB 1950** as it related to rate-setting provisions in the bill addressing Citizens Property Insurance Corporation and the Florida Hurricane Catastrophe Fund.

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LEGISLATIVE TRACKING CHART

(As of April 10, 2009)

✓ =Passed
 X =Defeated
 Φ=Not Referenced

H=House of Representatives
S=Senate
B=Bill

TP'D=Temporarily Postponed
CS=Committee Substitute

PRIORITY INITIATIVES SUPPORTED

ISSUE	COMMITTEE 1 ACTION	COMMITTEE 2 ACTION	COMMITTEE 3 ACTION	FLOOR ACTION	GOV'S ACTION
HB 185 –FDA Dental Bill	✓ CS Health Care Regulation Policy Committee	✓ Insurance, Business and Financial Affairs Policy Committee	✓ Health and Family Services Policy Committee	✓	
SB 702 – FDA Dental Bill	✓ Health Regulation Committee	✓ CS Banking and Insurance Committee	✓ Health and Human Services Appropriations	Rolled to third reading	
SB 574 – Purchase of Prescription Drugs	✓ CS Health Regulation Committee	✓ Health and Human Services Appropriations		Rolled to third reading	
HB 855 – Direct Payment of Benefits	✓ Insurance, Business and Financial Affairs Policy Committee	✓ General Government Policy Council	Government Operations Appropriations Committee		
SB 1122 - Direct Payment of Benefits	✓ Banking and Insurance	Health Regulation			
SB 1144 – Health Care Clinic Establishment Permit	✓ CS Health Regulation Committee	✓ CS Commerce Committee			
HB 7095 – Health Care Clinic Establishment Permit	✓ Health Regulation Committee				

PRIORITY INITIATIVES OPPOSED

ISSUE	COMMITTEE 1 ACTION	COMMITTEE 2 ACTION	COMMITTEE 3 ACTION	FLOOR ACTION	GOV'S ACTION