



## HEALTH CARE CLINIC ESTABLISHMENT PERMIT AMENDMENT



The FDA lobbyists worked feverishly this week to get an amendment approved that would further clarify that a Florida licensed dentist is able to purchase prescription drugs from their corporate accounts without having to purchase a health care clinic establishment permit. The Department of Health (DOH) has interpreted that the newly created health care clinic establishment permit is needed for the purchase of prescription drugs to be deemed a legal transaction. The DOH stated that it is a felony for a wholesaler to ship prescription drugs to unauthorized entities and have concluded that this is what is currently occurring when practitioners pay for their drugs with a corporate check. Therefore, the DOH states that in order for prescription drugs to be paid for with a corporate check, you must first purchase a \$255 permit and renew it every two years. Since most dental offices, regardless of size, incorporate for tax and liability purposes, this interpretation has the potential to require most dentists to purchase a \$255 permit in order to continue treating patients with the medications needed to run a dental office.

The FDA has been working with DOH staff trying to explain that a dentist office is different than a health care clinic due to s. 466.0285, F.S., which requires the ownership and control of any dental corporation to be a dentist. The FDA was successful in getting an amendment by Sen. Chris Smith (D- Ft. Lauderdale) put onto **SB 902** by Sen. Ted Deutch (D-Delray Beach) which would clearly exempt anyone subject to s. 466.0285, F.S. from having to get a health care clinic establishment permit. Sen. Smith also offered the same amendments to **CS/CS/SB 1144** by Sen. Durrell Peadar (R-Crestview) but withdrew the amendment due to a request from other stakeholders working on the bill.

DOH does not support the FDA amendment language and has stated that they will recommend a veto to the Governor on any bills containing the FDA language. The FDA strongly disagrees with their reading of present law. FDA lobbyists will continue to fight on your behalf as the session nears conclusion.

Thank you to all FDA member dentists who responded to the legislative alert on this issue and contacted your senator before the vote on the amendment. Your efforts made a huge difference.

## HOUSE AND SENATE AT IMPASSE ON BUDGET

With one week left in the 2009 Legislative Session, the House and the Senate are still fundamentally far apart on finalizing a budget for fiscal year 2009-2010. It is unclear if they will be finished by May 1. They do have the option to extend the legislative session beyond May 1 or adjourn and call a special session specifically for the budget. The budget must be finalized and passed before the start of the next state fiscal year which begins on July 1, 2009.

## UPDATE ON THE DIRECT PAYMENT OF BENEFITS



**CS/SB 1122** by Sen. Don Gaetz (R-Ft. Walton Beach) passed out of the Senate General Government Appropriations Committee on Monday, April 20. The bill requires health plans to make payments to the designated provider of services whenever a patient specifically authorizes payment of benefits directly to a provider. Sen. Al Lawson (D-Tallahassee) once again filed an amendment to the bill that would eliminate a provider from having the option to pursue the balance of a bill if full payment is not rendered through the insurance company. Additionally it would limit payment to 80 percent of the current Medicare fee schedule. This is the same language that Sen. Lawson ran on the bill two weeks ago and was replaced by a substitute amendment in the Health Regulation Committee as reported in last week's issue of *Capital Report*. Sen. Lawson's amendment was defeated 3-2.

On Thursday, April 23, **CS/SB 1122** and the House companion, **HB 855** by Rep. Marcelo Llorente (R-Miami), were withdrawn from their committees of reference and are now on second reading on the Senate and House floor.

## ELECTRONIC TRACKING OF CONTROLLED SUBSTANCES PASSES SENATE FLOOR

**CS/CS/SB 462** by Sen. Mike Fasano (R-New Port Richey) passed the Senate floor this week with four clarifying amendments and is headed to the House floor for debate soon. The House has been more cautious on this issue than the Senate and has refused to pass other bills in years past. **HB 897** by Rep. Marcelo Llorente (R-Miami) is available to be heard on the House floor.



## KIDCARE SENATE BILL UPDATE

**CS/CS/SB 918**, the KidCare bill by Sen. Nan Rich (D-Sunrise), passed out of the Health and Human Services Appropriations Committee on Monday, April 20. On Thursday, April 23, the bill was withdrawn from its last committee of reference and placed on the special order calendar for second reading on the Senate floor.

**CS/CS/SB 918** makes several changes to the KidCare program including electronic income verification for KidCare applicants; reducing the loss of coverage period for nonpayment of KidCare premiums from 60 to 30 days; and adding the Secretary of the Department of Children and Family Services, or his or her designee, to the Florida Healthy Kids Corporation board of directors. A similar bill, **HB 1329** by Rep. Jimmy Patronis (R-Panama City), has not been heard in any committees in the House.

## UPDATE ON HEALTHY AND FIT FLORIDA BILLS



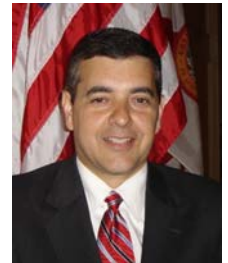
**CS/CS/SB 2614** by Sen. Gaetz passed out of the Health and Human Services Appropriations Committee on Monday, April 20. The bill is scheduled to be heard on the Senate floor on Monday, April 27. A similar bill in the House, **CS/HB 1471** by Rep. Sandy Adams (R-Oviedo), was rolled to third reading on the House floor today. Both **CS/CS/SB 2614** and **CS/HB 1471** 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 DOH 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.

## MEDICAID FRAUD AND ABUSE BILL UPDATE

**CS/CS/CS/SB 1986** by Sen. Gaetz passed unanimously on the Senate floor on Friday, April 24. The bill aims at cutting 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 AHCA to implement their authority to curtail fraud and abuse rather than just giving them the option to exercise its authority. An amendment to **CS/CS/CS/SB 1986** was adopted to include language that would conceptualize the medical home pilot project. The new language requires the Agency for Health Care Administration (AHCA) to develop a plan to implement the medical home pilot project. The goal of the medical home pilot project is that Medicaid recipients would have coordinated primary and specialty care. The medical home network will be financed through fee-for-service payments. AHCA would be required to submit the implementation plan for the pilot project to the governor and the legislature by February 1, 2010.

**CORRECTION: Rep. Zapata Remains Human Services Appropriations Chair.** In the April 10 *Capital Report*, it was reported that Rep. Juan Zapata (R-Miami) had stepped down as chair of the House Human Services Appropriations Committee. This is incorrect; Rep. Zapata continues to serve as chair of this committee. Staff apologizes for any confusion.

## LEGISLATOR SPOTLIGHT



Rep. David Rivera (R-Miami) was elected to the House of Representatives in 2002 and reelected subsequently. His term will end in 2010. Rep. Rivera's district consists of parts of Collier, Broward and Miami-Dade Counties. He currently serves as a member on the following House committees: Full Appropriations Council on Education & Economic Development (Chair), Joint Legislative Budget Commission (Chair), Government Accountability Act Council, Policy Council, and Rules & Calendar Council. Rep. Rivera's legislative contact dentist is Dr. Carlos Sanchez of Miami.

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**LEGISLATIVE TRACKING CHART**

(As of April 24, 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**

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

**PRIORITY INITIATIVES OPPOSED**

<b>ISSUE</b>	<b>COMMITTEE 1 ACTION</b>	<b>COMMITTEE 2 ACTION</b>	<b>COMMITTEE 3 ACTION</b>	<b>FLOOR ACTION</b>	<b>GOV'S ACTION</b>