

CHAPTER 2000-367

Committee Substitute for Senate Bill No. 2034

An act relating to health care; providing an appropriation for continued review of clinical laboratory services for kidney dialysis patients and requiring a report thereon; amending s. 20.43, F.S.; requiring the department to include certain assessments, projections, and recommendations in the department's strategic plan rather than in the state health plan; authorizing the department to hold copyrights, trademarks, and service marks and to enforce its rights to them; amending s. 39.303, F.S.; providing duties of the Children's Medical Services Program within the department with respect to child protection teams; amending s. 120.80, F.S.; revising procedures for hearings conducted with respect to the Brain and Spinal Cord Injury Program; amending s. 154.011, F.S.; revising duties of the department with respect to monitoring and administering certain primary care programs; amending s. 215.5602, F.S.; revising the goals of and expenditures for the Florida Biomedical Research Program within the Lawton Chiles Endowment Fund; amending s. 381.0011, F.S.; providing requirements for the department's strategic plan; amending s. 381.003, F.S.; requiring the department to develop an immunization registry; requiring that the registry include all children born in this state; providing procedures under which a parent or guardian may elect not to participate in the immunization registry; providing for the electronic transfer of records between health care professionals and other agencies; authorizing the department to adopt rules for administering the registry; amending s. 381.0031, F.S.; authorizing the department to obtain and inspect copies of certain medical records and information, notwithstanding laws governing the confidentiality of patient records; exempting health care practitioners, health care facilities, and agents and employees thereof from liability for the authorized release of patient records; amending s. 381.004, F.S.; revising requirements for the release of certain preliminary test results for human immunodeficiency virus; revising the definition of the term "medical personnel" to include additional personnel; amending s. 381.0059, F.S.; defining the term "person who provides services under a school health services plan" for purposes of background screening requirements for school health services personnel; amending s. 381.0101, F.S.; revising certification requirements for certain environmental health professionals; amending s. 381.731, F.S.; requiring that the department include certain strategies in the department's strategic plan rather than in the Healthy Communities, Healthy People Plan; amending s. 381.734, F.S.; revising the requirements of the Healthy Communities, Healthy People Program; transferring, renumbering, and amending s. 413.46, F.S.; revising legislative intent with respect to the brain and spinal cord injury program; creating s. 381.745, F.S.; providing definitions for purposes of the Charlie Mack Overstreet Brain or Spinal Cord Injuries Act; amending s. 381.75, F.S., relating to duties of the department under the brain and spinal cord injury program; conforming provisions to changes made by the act; creating s. 381.755, F.S.; providing that the right to benefits under the program is not assignable; amending s. 381.76, F.S.; revising eligibility requirements for the brain and spinal cord injury program; creating s. 381.765, F.S.; authorizing the department to retain title to property and equipment and to dispose of surplus equipment; authorizing the department to adopt rules; creating s. 381.775, F.S.; continuing the confidentiality provided for records and information that pertains to applicants for

and recipients of services under the brain and spinal cord injury program; specifying circumstances under which the department may release such records or information; amending s. 381.78, F.S., relating to the advisory council on brain and spinal cord injuries; authorizing reimbursement for per diem and travel expenses for members of the council; prohibiting a council member from voting on matters that provide a financial benefit or create a conflict of interest; providing for removal of members for cause; creating s. 381.785, F.S.; authorizing the department to recover third-party payments for funded services; providing for the enforcement of such right to recovery pursuant to a lien; requiring the department to adopt rules governing the recovery of payments; amending s. 381.79, F.S., relating to the Brain and Spinal Cord Injury Rehabilitation Trust Fund; redesignating the fund as the "Brain and Spinal Cord Injury Program Trust Fund"; providing additional purposes for which moneys in the trust fund may be used; authorizing the department to accept certain gifts; amending s. 385.103, F.S.; providing for the department to operate community intervention programs rather than comprehensive health improvement projects; revising definitions; revising duties of the department in operating such services; requiring the department to adopt rules governing the operation of community intervention programs; amending s. 385.207, F.S., relating to programs in epilepsy control; conforming a cross-reference; amending s. 402.181, F.S.; providing for certain damages and injuries caused by patients of institutions under the Department of Health and specified other state agencies to be reimbursed under the State Institutions Claims Program; amending s. 514.021, F.S.; requiring the department to review rules; designating Florida Alzheimer's Disease Day; providing planning for long-term community-based supports for specified brain and spinal cord injury individuals; providing purpose; providing for compliance with s. 381.775, F.S.; providing for a study and report; providing base standard for ranking for services; providing limitation on use of funding; providing the department with certain rulemaking authority; providing residency requirement; providing severability; providing intent; creating the Jessie Trice Cancer Prevention Program within the Department of Health; providing funding contingent upon an appropriation; creating the Florida Commission on Excellence in Health Care; providing legislative findings and intent; providing definitions; providing duties and responsibilities; providing for membership, organization, meetings, procedures, and staff; providing for reimbursement of travel and related expenses of certain members; providing certain evidentiary prohibitions; requiring a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives; providing for termination of the commission; providing an appropriation; creating s. 381.00325, F.S.; providing for a Hepatitis A awareness program; creating s. 154.247, F.S.; authorizing authorities to issue bonds to finance projects for health facilities or not-for-profit corporations under their common control outside the geographical limits of the local agency or outside the state; providing that certain specialty hospitals are not exempt from s. 408.036(1), F.S.; amending s. 400.0065, F.S.; providing duty of the State Long-Term Care Ombudsman to prepare and submit annual budget requests; creating s. 400.0066, F.S.; specifying additional duties of the Long-Term Care Ombudsman and other state agencies; limiting administrative charges; amending ss. 400.0067 and 400.0069, F.S.; revising provisions relating to appointment and terms of service of members of the state and local ombudsman councils; amending ss. 400.0077, 400.0081, and 400.0087, F.S.; providing authority of the Office of State

Long-Term Care Ombudsman to adopt rules relating to disclosure of files maintained by the program, access to facilities and residents, and monitoring of local ombudsman councils by the Department of Elderly Affairs; deleting rulemaking authority of the department; amending ss. 20.41, 395.3025, 400.0063, 400.0071, 400.0073, 400.0075, 400.0079, 400.0083, 400.0089, 400.0091, 400.021, 400.022, 400.0255, 400.19, 400.191, 400.23, 400.419, 400.428, 400.434, 400.435, 400.4415, 400.619, and 400.628, F.S.; clarifying and conforming references and cross-references; providing appropriations; providing for protection of the state's interest in property purchased or improved with state funds; amending s. 409.912, F.S., relating to cost-effective purchasing of health care under the Medicaid program; requiring the agency to implement a Medicaid prescribed-drug spending-control program; specifying program components; providing for implementation to the extent funds are appropriated; authorizing contracts; requiring an annual report; creating the Medicaid Pharmaceutical Therapeutics Committee; providing for membership; providing for the adoption of a voluntary preferred prescribed-drug list by the committee; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (l) of subsection (1) of section 20.43, Florida Statutes, is amended and subsection (8) is added to that section to read:

Section 3. Subsection (15) of section 120.80, Florida Statutes, is amended to read:

120.80 Exceptions and special requirements; agencies.--

(15) DEPARTMENT OF HEALTH.--Notwithstanding s. 120.57(1)(a), formal hearings may not be conducted by the Secretary of Health, the director of the Agency for Health Care Administration, or a board or member of a board within the Department of Health or the Agency for Health Care Administration for matters relating to the regulation of professions, as defined by part II of chapter 455. Notwithstanding s. 120.57(1)(a), hearings conducted within the Department of Health in execution of the Special Supplemental Nutrition Program for Women, Infants, and Children; Child Care Food Program; Children's Medical Services Program; the Brain and Spinal Cord Injury Program; and the exemption from disqualification reviews for certified nurse assistants program need not be conducted by an administrative law judge assigned by the division. The Department of Health may contract with the Department of Children and Family Services for a hearing officer in these matters.