

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

HEALTH POLICY
Senator Bean, Chair
Senator Sobel, Vice Chair

MEETING DATE: Tuesday, January 6, 2015
TIME: 1:30 —3:30 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Bean, Chair; Senator Sobel, Vice Chair; Senators Braynon, Flores, Gaetz, Galvano, Garcia, Grimsley, and Joyner

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 94 Joyner (Identical H 3)	Closing the Gap Grant Program; Requiring that a project proposal under the grant program address racial and ethnic disparities in morbidity and mortality rates relating to sickle cell disease in addition to other priority areas, etc. HP 01/06/2015 Favorable AHS FP	Favorable Yeas 9 Nays 0
2	SB 144 Bean (Identical H 141)	Public Records/Impaired Practitioner Consultants/Department of Health; Creating an exemption from public records requirements for certain identifying and location information of impaired practitioner consultants and their employees retained by the Department of Health or other state agency and the spouses and children of such consultants and employees, under specified circumstances; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity, etc. HP 01/06/2015 Fav/CS GO FP	Fav/CS Yeas 9 Nays 0
3	Panel Discussion on Out-of-Network Emergency Medical Services: - Audrey Brown, President & CEO of the Florida Association of Health Plans. - Philip Boyce, Senior Vice President, Baptist Health, representing the Florida Hospital Association. - Leanne Gassaway, Vice President of State Affairs, American Health Insurance Plans. - Jeff See, representing the Florida Air Medical Association. - Representative for the Florida Ambulance Association.		Discussed

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Health Policy

BILL: SB 94

INTRODUCER: Senator Joyner

SUBJECT: Closing the Gap Grant Program

DATE: December 23, 2014 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Lloyd	Stovall	HP	Favorable
2.			AHS	
3.			FP	

I. Summary:

SB 94 expands the focus of Closing the Gap projects to include sickle cell disease. The “Closing the Gap” program provides grants for activities designed to reduce racial and ethnic health disparities.

The bill has no fiscal impact.

II. Present Situation:

The Closing the Gap Grant Program

In 2000, the Legislature created the Reducing Racial and Ethnic Health Disparities: “Closing the Gap” grant program, to stimulate the development of community and neighborhood-based projects to improve health outcomes of racial and ethnic populations.¹ The program is administered by the Department of Health (DOH). Grants are awarded through an application process for one year, but may be renewed annually, subject to the availability of funds and the grantee’s achievement of quality standards, objectives, and outcomes.²

The DOH awards grants on a matching funds basis, except those to Front Porch Communities. Grants require a local match of one dollar for every three dollars awarded, although a portion of the match may be in-kind,³ in the form of free services or human resources.⁴

¹ Section 381.7352, F.S.

² Section 381.7356(4), F.S.

³ The proportion of services that may be in-kind varies based on population size. For counties with a population of over 50,000, 50% of the match may be in-kind; for those with less than 50,000, in-kind may be 100% of the match. *See* s. 381.7355(2)(a), F.S.

⁴ Section 381.7356(2), F.S.

Applications for grants must address each of the following required items:⁵

- The purpose and objectives of the project and which of the following racial or ethnic disparities will be addressed:
 - Decreasing racial and ethnic disparities in maternal and infant mortality rates or oral health care;
 - Decreasing racial and ethnic disparities in morbidity and mortality rates relating to cancer, HIV/AIDS, cardiovascular disease, or diabetes; or
 - Increasing adult and child immunization rates in certain racial and ethnic populations;
- Identification and relevance of the target population;
- Methods for obtaining baseline health status data and assessment of community health needs;
- Mechanisms for mobilizing community resources and gaining local commitment;
- Development and implementation of health promotion and disease prevention interventions;
- Mechanisms and strategies for evaluating the project’s objectives, procedures, and outcomes;
- A proposed work plan, including a timeline for implementing the project; and
- The likelihood that project activities will occur and continue in the absence of funding.

In the 2014-2015 fiscal year, the program received \$3.1 million in state funding and awarded 17 grants ranging from \$125,000 to a maximum of \$200,000.⁶ The appropriation also included specific funding of \$100,000 for a program in the Tampa Bay area to screen and educate high school athletes about the sickle cell trait.⁷

Sickle Cell Disease

Sickle cell disease (SCD) is a group of inherited red blood cell disorders. Healthy red blood cells are round. In someone who has SCD, the red blood cells become hard, sticky, and shaped like a sickle, or the letter “C.” The sickle cells die early, which causes a constant shortage of red blood cells, and the cells clog blood flow in small blood vessels, which can cause pain and other serious problems such as infection, acute chest syndrome, and stroke.⁸

Sickle cell disease is diagnosed with a blood test, most often at birth during routine newborn screening tests.⁹ It is a genetic disorder, inherited when a child inherits the gene from both parents. The only cure is a bone marrow or stem cell transplant.

The exact number of persons with SCD is not known. The Center for Disease Control and Prevention estimates that:¹⁰

- SCD affects 90,000 to 100,000 Americans;
- SCD occurs among about 1 out of every 500 Black or African-American births; and,
- SCD occurs among about 1 out of every 36,000 Hispanic-American births.

⁵ Section 381.7355(3), F.S.

⁶ Conversation with Mike Mason, Director, Office of Minority Health, Florida Dept. of Health (Dec. 16, 2014).

⁷ See Ch. 2014-51, Laws of Fla., line item 443.

⁸ Centers for Disease Control and Prevention, *Facts About Sickle Cell Disease*, <http://www.cdc.gov/ncbddd/sicklecell/facts.html> (last visited Dec. 23, 2014).

⁹ Baby’s First Test, *Conditions Screened by State - Florida*, <http://www.babysfirsttest.org/newborn-screening/states/florida> (last visited Dec. 23, 2014).

¹⁰ Centers for Disease Control and Prevention, *Sickle Cell Disease, Data and Statistics*, <http://www.cdc.gov/ncbddd/sicklecell/data.html> (last visited Dec. 23, 2014).

States such as Florida that conduct newborn screenings detect both the sickle cell trait (SCT) (carries one gene) and the SCD as part of its program. State screening programs collected information in 2010 to review incidence of both SCT and SCD.¹¹

Incidence of Sickle Cell Trait - 44 U.S. States, 2010¹²			
State	# Infants Screened	# With Positive Result	Incidence Per 1,000
Florida	214,948	5,564	25.9
National (44 States with Screening Program)	3,576,297	55,258	15.5

In 2005, medical expenditures for children with SCD averaged \$9,369 and \$13,469 higher for children with Medicaid coverage and private insurance, respectively, than those of children without SCD.¹³ In a study using a large, multi-state, multipayor patient sample, SCD attributable medical expenditures for children were conservatively estimated at \$335 million for 2005.¹⁴

III. Effect of Proposed Changes:

The bill adds projects with the goal of decreasing ethnic and racial disparities in morbidity and mortality rates relating to sickle cell disease to the list of priority areas that the “Closing the Gap” program may address.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹¹ Centers for Disease Control, *Incidence of Sickle Cell Trait - United States, 2010*, http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6349a3.htm?s_cid=mm6349a3_w#Tab1 (last visited Dec. 23, 2014).

¹² *Id.*

¹³ Djesika D. Amendah, Ph.D., et al., *Sickle Cell Disease-Related Pediatric Medical Expenditures in the U.S.*, *Am J Prev Med* 2010; 38, 38 (2010). [http://www.ajpmonline.org/article/S0749-3797\(10\)00014-0/pdf](http://www.ajpmonline.org/article/S0749-3797(10)00014-0/pdf) (last visited Dec. 23, 2014).

¹⁴ *Id.*

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

SB 94 expands the types of community-based projects that may receive state funding. Actual award amounts will vary based on the availability of funds and are unknown at this time.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 381.7355 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Joyner

19-00116-15

201594__

1 A bill to be entitled
 2 An act relating to the Closing the Gap grant program;
 3 amending s. 381.7355, F.S.; requiring that a project
 4 proposal under the grant program address racial and
 5 ethnic disparities in morbidity and mortality rates
 6 relating to sickle cell disease in addition to other
 7 priority areas; providing an effective date.
 8
 9 Be It Enacted by the Legislature of the State of Florida:
 10
 11 Section 1. Paragraph (a) of subsection (2) of section
 12 381.7355, Florida Statutes, is amended to read:
 13 381.7355 Project requirements; review criteria.-
 14 (2) A proposal must include each of the following elements:
 15 (a) The purpose and objectives of the proposal, including
 16 identification of the particular racial or ethnic disparity the
 17 project will address. The proposal must address one or more of
 18 the following priority areas:
 19 1. Decreasing racial and ethnic disparities in maternal and
 20 infant mortality rates.
 21 2. Decreasing racial and ethnic disparities in morbidity
 22 and mortality rates relating to cancer.
 23 3. Decreasing racial and ethnic disparities in morbidity
 24 and mortality rates relating to HIV/AIDS.
 25 4. Decreasing racial and ethnic disparities in morbidity
 26 and mortality rates relating to cardiovascular disease.
 27 5. Decreasing racial and ethnic disparities in morbidity
 28 and mortality rates relating to diabetes.
 29 6. Increasing adult and child immunization rates in certain

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

19-00116-15

201594__

30 racial and ethnic populations.
 31 7. Decreasing racial and ethnic disparities in oral health
 32 care.
 33 8. Decreasing racial and ethnic disparities in morbidity
 34 and mortality rates relating to sickle cell disease.
 35 Section 2. This act shall take effect July 1, 2015.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Health Policy

BILL: CS/SB 144

INTRODUCER: Health Policy Committee and Senator Bean

SUBJECT: Public Records/Impaired Practitioner Consultants/Department of Health

DATE: January 6, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peterson	Stovall	HP	Fav/CS
2.			GO	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 144 proposes to enhance the safety of impaired practitioner consultants and specified employees, and the spouses and children of both, by creating a public records exemption for certain of their personal identification and location information. The impaired practitioner program assists the Department of Health and the Department of Business and Professional Regulation in determining whether licensees who have experienced a substance abuse or mental or physical health impairment are safe to practice. Currently, there are two impaired practitioner consultants that are retained by the Department of Health and the Department of Business and Professional Regulation to provide services.

The exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2020, unless reviewed and reenacted by the Legislature.

The bill contains a public necessity statement as required by the Florida Constitution.

Because this bill creates a new public records exemption, a two-thirds vote of the members present and voting in each house of the Legislature is required for passage.

II. Present Situation:

Public Records Laws

The Florida Constitution provides every person the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or of persons acting on their behalf.¹ The records of the legislative, executive, and judicial branches are specifically included.²

The Florida Statutes also specify conditions under which public access must be provided to government records. The Public Records Act³ guarantees every person's right to inspect and copy any state or local government public record⁴ at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁵

Only the Legislature may create an exemption to public records requirements.⁶ Such an exemption must be created by general law and must specifically state the public necessity justifying the exemption.⁷ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions⁸ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.⁹

The Open Government Sunset Review Act (the Act) prescribes a legislative review process for newly-created or substantially-amended public records or open meetings exemptions.¹⁰ It requires the automatic repeal of such exemption on October 2 of the fifth year after creation or

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

³ Chapter 119, F.S.

⁴ Section 119.011(12), F.S., defines "public records" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." The Public Records Act does not apply to legislative or judicial records (*see Locke v. Hawkes*, 595 So.2d 32 (Fla. 1992)). *But see* s. 11.0431, F.S. (Providing public access to records of the Senate and the House of Representatives, subject to specified exemptions.)

⁵ Section 119.07(1)(a), F.S.

⁶ FLA. CONST. art. I, s. 24(c). There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates *confidential and* exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances (*See WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 2004); and *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991)). If the Legislature designates a record as confidential and exempt from public disclosure, the record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in the statutory exemption (*see* Attorney General Opinion 85-62, August 1, 1985).

⁷ FLA. CONST. art. I, s. 24(c).

⁸ The bill may, however, contain multiple exemptions that relate to one subject.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ Section 119.15, F.S. An exemption is substantially amended if the amendment expands the scope of the exemption to include more records or information or to include meetings as well as records (s. 119.15(4)(b), F.S.). The requirements of the Act do not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System (s. 119.15(2), F.S.).

substantial amendment, unless the Legislature reenacts the exemption.¹¹ The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary to meet such public purpose.¹²

Public Records Exemptions for Agency Personnel Identification and Location Information

Current law provides public records exemptions for identification and location information of certain current or former agency personnel and their spouses and children.¹³ Categories of personnel covered by these exemptions include:

- Law enforcement, including correctional, and specified investigatory personnel;¹⁴
- Firefighters;¹⁵
- Justices and judges;¹⁶
- Local and statewide prosecuting attorneys;¹⁷
- Magistrates, administrative law judges, and child support hearing officers;¹⁸
- Local government agency and water management district human resources administrators;¹⁹
- Code enforcement officers;²⁰
- Guardians ad litem;²¹
- Specified Department of Juvenile Justice personnel;²²
- Public defenders and criminal conflict and civil regional counsel;²³
- Investigators or inspectors of the Department of Business and Professional Regulation;²⁴
- County tax collectors;²⁵ and,
- Specified personnel of the Department of Health.²⁶

Although the types of exempt information vary, the following information is exempt²⁷ from public records requirements for all personnel listed above:

¹¹ Section 119.15(3), F.S.

¹² Section 119.15(6)(b), F.S.

¹³ See s. 119.071(4)(d), F.S.

¹⁴ See s. 119.071(4)(d)2.a., F.S.

¹⁵ See s. 119.071(4)(d)2.b., F.S.

¹⁶ See s. 119.071(4)(d)2.c., F.S.

¹⁷ See s. 119.071(4)(d)2.d., F.S.

¹⁸ See s. 119.071(4)(d)2.e., F.S. This exemption applies only if the magistrate, administrative law judge, or child support hearing officer provides a written statement that he or she has made reasonable efforts to protect such information from being accessible through other means available to the public.

¹⁹ See s. 119.071(4)(d)2.f., F.S.

²⁰ See s. 119.071(4)(d)2.g., F.S.

²¹ See s. 119.071(4)(d)2.h., F.S. This exemption applies only if the guardian ad litem provides a written statement that he or she has made reasonable efforts to protect such information from being accessible through other means available to the public. A guardian ad litem may be a public employee, volunteer, or contract or appointed attorney. See s. 39.820(1), F.S.

²² See s. 119.071(4)(d)2.i., F.S.

²³ See s. 119.071(4)(d)2.j., F.S.

²⁴ See s. 119.071(4)(d)2.k., F.S.

²⁵ See s. 119.071(4)(d)2.l., F.S.

²⁶ See s. 119.071(4)(d)2.m., F.S. This exemption applies only if the person claiming the exemption provides a written statement that he or she has made reasonable efforts to protect such information from being accessible through other means available to the public.

²⁷ See *supra* note 6.

- Home addresses and telephone numbers²⁸ of the named personnel;
- Home addresses, telephone numbers, and places of employment of the spouses and their children; and,
- Names and locations of schools and day care facilities attended by their children.

If exempt information is held by an agency²⁹ that is not the employer of the protected person, he or she must submit a written request to that agency to maintain the public records exemption.³⁰

Regulation of Health Professions

The DOH is responsible for licensing and regulating health care practitioners in order to preserve the health, safety, and welfare of the public.³¹ Practitioner regulation is conducted by the Division of Medical Quality Assurance and includes the following professions:

- Emergency Medical Technicians and Paramedics (part III of ch. 401, F.S.)
- Acupuncture (ch. 457, F.S.)
- Allopathic Medicine, (ch. 458, F.S.)
- Osteopathic Medicine, (ch. 459, F.S.)
- Chiropractic Medicine, (ch. 460, F.S.)
- Podiatric Medicine (ch. 461, F.S.)
- Naturopathy (ch. 462, F.S.)
- Optometry (ch. 463, F.S.)
- Nursing, including Certified Nursing Assistants (ch. 464, F.S.)
- Pharmacy (ch. 465, F.S.)
- Dentistry (ch. 466, F.S.)
- Midwifery (ch. 467, F.S.)
- Speech-Language Pathology and Audiology (part I of ch. 468, F.S.)
- Nursing Home Administration (part II of ch. 468, F.S.)
- Occupational Therapy (part III of ch. 468, F.S.)
- Radiology (part IV of ch. 468, F.S.)
- Respiratory Therapy (part V of ch. 468, F.S.)
- Dietetics and Nutrition (part X of ch. 468, F.S.)
- Athletic Training (part XIII of ch. 468, F.S.)
- Orthotics, Prosthetics, and Pedorthics (part XIV of ch. 468, F.S.)
- Electrolysis (ch. 478, F.S.)
- Massage Therapy, (ch. 480, F.S.)
- Clinical Laboratory Personnel (part III of ch. 483, F.S.)
- Medical Physicists (part IV of ch. 483, F.S.)
- Opticianry (part I of ch. 484, F.S.)
- Hearing Aid Specialists (part II of ch. 484, F.S.)

²⁸ The term “telephone numbers” includes home, personal cellular, and personal pager telephone numbers, and telephone numbers associated with personal communications devices. *See* s. 119.071(4)(d)1., F.S.

²⁹ Section 119.011(2), F.S., defines “agency” to mean any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

³⁰ Section 119.071(4)(d)3., F.S.

³¹ Section 20.43(1)(g), F.S.

- Physical Therapy Practice (ch. 486, F.S.)
- Psychology (ch. 490, F.S.)
- Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (ch. 491, F.S.)

As part of its enforcement responsibilities, the DOH investigates complaints against health care practitioners. It must investigate any complaint that is written, signed by the complainant,³² and legally sufficient,³³ and may initiate an investigation if it believes a violation of law or rule has occurred. Such an investigation may result in an administrative case against the health care practitioner's license.³⁴

Treatment Programs for Impaired Practitioners

Department of Health

The DOH administers the impaired practitioner treatment program to ensure that licensed health care practitioners, applicants for licensure, and students enrolled in prelicensure education programs who are impaired and may pose a threat to the public if allowed to obtain or retain a license are evaluated and referred for treatment. Impairment can result from the use or misuse of drugs or alcohol, or both, or due to a mental or physical condition that could affect the person's ability to practice with skill and safety.³⁵ By entering and successfully completing the impaired practitioner treatment program, a practitioner may avoid formal disciplinary action, if the only violation of the licensing statute under which the practitioner is regulated is the impairment. Participation is voluntary, but requires the licensee either to withdraw from practice or limit the scope of his or her practice until he or she successfully completes the treatment required by the program.³⁶

Section 456.076, F.S., authorizes the DOH to contract with one or more impaired practitioner consultants who manage and coordinate services. The consultant, who must be a licensed physician, a licensed nurse, or an entity with a licensed physician or nurse as its medical director, assists the DOH in determining if the practitioner is actually impaired, connects the practitioner to appropriate resources for treatment of the impairment, and monitors his or her progress. The consultant does not provide medical treatment or render decisions relating to licensure of a particular practitioner. However, the consultant is required to make recommendations to the probable cause panel, or the DOH when there is no board, regarding a practitioner's ability to practice safely.

³² The DOH may investigate an anonymous complaint or a complaint by a confidential informant if the alleged violation of law or rule is substantial and the DOH has reason to believe, after preliminary inquiry, that the violations alleged in the complaint are true. *See* s. 456.073(1), F.S.

³³ A complaint is legally sufficient if it contains ultimate facts that show a violation of ch. 456, F.S., of any of the practice acts relating to the professions regulated by the DOH, or of any rule adopted by the DOH or one of its regulatory boards has occurred. *See* s. 456.073(1), F.S.

³⁴ Upon completion of an investigation, the DOH must submit a report to the probable cause panel of the appropriate regulatory board. *See* s. 456.073(2), F.S. If the probable cause panel finds that probable cause exists, it must direct the DOH to file a formal administrative complaint against the licensee. If the DOH declines to prosecute the complaint because it finds that probable cause has been improvidently found by the panel, the regulatory board may still pursue and prosecute an administrative complaint. *See* s. 456.073(4), F.S.

³⁵ *Id.* *See also* ss. 456.073(3) & (4), F.S.

³⁶ Section 456.076(4), F.S.

There are two impaired practitioner consultants currently retained by the DOH: the Intervention Project for Nurses (IPN) and the Professionals Resource Network (PRN) for other health care professions. According to the DOH, there are approximately 2,449 participants enrolled in the programs: 1,461 in the IPN and 988 in the PRN.³⁷

Department of Business and Professional Regulation

The Board of Veterinary Medicine and the Board of Pilot Commissioners, within the Department of Business and Professional Regulation (DBPR), provide impaired practitioner treatment programs for their licensees.³⁸ The DBPR has implemented these programs by contract with the Professionals Resource Network. According to the DBPR, there are currently 21 licensees in the programs: all veterinarians.³⁹

III. Effect of Proposed Changes:

The bill expands the current public records exemptions for identification and location information of certain agency personnel to include current or former impaired practitioner consultants who are retained by an agency, current or former employees of an impaired practitioner consultant whose duties result in a determination of a person's skill and safety to practice, and the spouses and children of both. Currently, the contracted consultants are corporate entities. Thus, the immediate effect of the bill is to exempt the personal identifying information of their 41 employees and that of their families.

The bill makes the following information exempt from public records requirements:

- The home addresses, telephone numbers, dates of birth, and photographs of the consultants and such employees;
- The names, home addresses, telephone numbers, dates of birth, and places of employment of their spouses and children; and
- The names and locations of schools and day care facilities attended by the children of the consultants and such employees.

The bill provides that the exemption may be maintained only if the consultant or employee has made reasonable efforts to protect such information from being accessible through other means available to the public.

The exemption is subject to an existing general requirement that if exempt information is held by an agency that is not the employer of the protected agency personnel, then the protected agency personnel must submit to that agency a written request to maintain the public records exemption.

The bill provides for repeal of the exemption pursuant to the Open Government Sunset Review Act on October 2, 2020, unless reviewed and reenacted by the Legislature.

³⁷ E-mail from Paul Runk, Fla. Dept. of Health, (Dec. 23, 2014) (on file with the Senate Committee on Health Policy).

³⁸ See ss. 474.221 and 310.102, F.S.

³⁹ Conversation with David Mica, Fla. Dept. of Business and Professional Regulation, (Dec. 23, 2014).

The bill provides a public necessity statement, which is required by the Florida Constitution. Specifically, the statement indicates that the exemption is needed to protect the consultants and the specified employees from the risk of physical or emotional harm or of being stalked by a practitioner who is angered by a recommendation or conclusion of a consultant or a consultant's employee.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the Florida Constitution requires a two-thirds vote of the members present and voting in each house of the Legislature for passage of a newly-created or expanded public records or public meetings exemption. Because this bill creates a new public records exemption, it requires a two-thirds vote for passage.

Public Necessity Statement

Article I, s. 24(c) of the Florida Constitution requires a public necessity statement for a newly-created or expanded public records or public meetings exemption. This bill creates a new public records exemption; therefore, it includes a public necessity statement.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

CS/SB 144 may create a minimal fiscal impact on agencies for costs associated with training staff on the new public records exemption, and administrative costs to comply with the new public records exemption.

VI. Technical Deficiencies:

None..

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 119.071 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Health Policy on January 6, 2015:

The CS:

- Limits the employees who are covered by the exemption to those employees whose duties result in a determination of a person's skill and safety to practice a licensed profession;
- Expands the exemption to include current and former consultants or covered employees and to exempt photographs and dates of birth of consultants, consistent with similar exemptions; and
- Enhances the statement of necessity.

B. Amendments:

None.



432436

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/06/2015	.	
	.	
	.	
	.	

The Committee on Health Policy (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete lines 225 - 276

and insert:

n. The home addresses, telephone numbers, dates of birth, and photographs of current or former impaired practitioner consultants who are retained by an agency or current or former employees of an impaired practitioner consultant whose duties result in a determination of a person's skill and safety to practice a licensed profession; the names, home addresses, telephone numbers, dates of birth, and places of employment of



432436

12 the spouses and children of such consultants or their employees;
13 and the names and locations of schools and day care facilities
14 attended by the children of such consultants or employees are
15 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
16 Constitution if a consultant or employee has made reasonable
17 efforts to protect such information from being accessible
18 through other means available to the public. This sub-
19 paragraph is subject to the Open Government Sunset Review Act
20 in accordance with s. 119.15 and shall stand repealed on October
21 2, 2020, unless reviewed and saved from repeal through
22 reenactment by the Legislature.

23 3. An agency that is the custodian of the information
24 specified in subparagraph 2. and that is not the employer of the
25 officer, employee, justice, judge, or other person specified in
26 subparagraph 2. shall maintain the exempt status of that
27 information only if the officer, employee, justice, judge, other
28 person, or employing agency of the designated employee submits a
29 written request for maintenance of the exemption to the
30 custodial agency.

31 4. The exemptions in this paragraph apply to information
32 held by an agency before, on, or after the effective date of the
33 exemption.

34 5. Except as otherwise expressly provided in this
35 paragraph, this paragraph is subject to the Open Government
36 Sunset Review Act in accordance with s. 119.15, and shall stand
37 repealed on October 2, 2017, unless reviewed and saved from
38 repeal through reenactment by the Legislature.

39 Section 2. The Legislature finds that it is a public
40 necessity that the home addresses, telephone numbers, dates of



432436

41 birth, and photographs of current or former impaired
42 practitioner consultants who are retained by an agency or
43 current or former employees of an impaired practitioner
44 consultant whose duties result in a determination of a person's
45 skill and safety to practice a licensed profession; that the
46 names, home addresses, telephone numbers, and places of
47 employment of the spouses and children of such consultants and
48 their employees; and that the names and locations of schools and
49 day care facilities attended by the children of such consultant
50 and employees be exempt from public records requirements if the
51 consultant or employee has made reasonable efforts to protect
52 such information from being accessible through other means
53 available to the public. An impaired practitioner consultant
54 assists the state and its regulatory boards in implementing an
55 impaired practitioner treatment program. The consultant provides
56 the necessary resources to evaluate; treat; and monitor program
57 compliance of licensees, applicants for licensure, and students
58 enrolled in prelicensure education programs who could be
59 impaired and, as a result, unable to practice with reasonable
60 skill and safety to the public. A person who is referred to the
61 program, but who, in the opinion of the consultant, based on
62 treatment and compliance monitoring information, fails to
63 successfully complete its requirements or is an immediate,
64 serious threat to public safety is at risk of failing to obtain
65 or losing the license that is necessary to engage in his or her
66 chosen profession. In 2013, a program participant with a history
67 of alcohol abuse and cocaine dependence traveled 250 miles
68 across the state to confront his compliance monitor in the
69 driveway of her home. Another program participant threatened a



432436

70 bomb attack on a program office and physical harm to its
71 employees. As a result of these incidents and other telephone
72 threats, the Legislature finds that release of identifying and
73 location information could place an impaired practitioner
74 consultant or an employee of a consultant whose duties result in
75 a determination of a person's skill and safety to practice a
76 licensed profession, or the spouses and children of such
77 consultants or their employees in danger of being physically or
78 emotionally harmed or stalked by a person who has a hostile
79 reaction to a recommendation, report, or conclusion provided by
80 a consultant or an employee of a consultant in the determination
81 of whether the practitioner is impaired. The Legislature further

82
83 ===== T I T L E A M E N D M E N T =====

84 And the title is amended as follows:

85 Delete lines 5 - 8

86 and insert:

87 location information of current or former impaired
88 practitioner consultants who are retained by an agency
89 or current or former employees of an impaired
90 practitioner consultant whose duties result in a
91 determination of a person's skill and safety to
92 practice a licensed profession and the spouses and
93 children of such consultants or



853532

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
01/06/2015	.	
	.	
	.	
	.	

The Committee on Health Policy (Bean) recommended the following:

Senate Amendment to Amendment (432436)

Delete line 56

and insert:

the necessary resources to evaluate and monitor program

By Senator Bean

4-00096-15

2015144__

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; creating an exemption from public
 4 records requirements for certain identifying and
 5 location information of impaired practitioner
 6 consultants and their employees retained by the
 7 Department of Health or other state agency and the
 8 spouses and children of such consultants and
 9 employees, under specified circumstances; providing
 10 for future legislative review and repeal of the
 11 exemption under the Open Government Sunset Review Act;
 12 providing a statement of public necessity; providing
 13 an effective date.
 14
 15 Be It Enacted by the Legislature of the State of Florida:
 16
 17 Section 1. Paragraph (d) of subsection (4) of section
 18 119.071, Florida Statutes, is amended to read:
 19 119.071 General exemptions from inspection or copying of
 20 public records.—
 21 (4) AGENCY PERSONNEL INFORMATION.—
 22 (d)1. For purposes of this paragraph, the term "telephone
 23 numbers" includes home telephone numbers, personal cellular
 24 telephone numbers, personal pager telephone numbers, and
 25 telephone numbers associated with personal communications
 26 devices.
 27 2.a.(I) The home addresses, telephone numbers, social
 28 security numbers, dates of birth, and photographs of active or
 29 former sworn or civilian law enforcement personnel, including

Page 1 of 10

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

4-00096-15

2015144__

30 correctional and correctional probation officers, personnel of
 31 the Department of Children and Families whose duties include the
 32 investigation of abuse, neglect, exploitation, fraud, theft, or
 33 other criminal activities, personnel of the Department of Health
 34 whose duties are to support the investigation of child abuse or
 35 neglect, and personnel of the Department of Revenue or local
 36 governments whose responsibilities include revenue collection
 37 and enforcement or child support enforcement; the home
 38 addresses, telephone numbers, social security numbers,
 39 photographs, dates of birth, and places of employment of the
 40 spouses and children of such personnel; and the names and
 41 locations of schools and day care facilities attended by the
 42 children of such personnel are exempt from s. 119.07(1).
 43 (II) The names of the spouses and children of active or
 44 former sworn or civilian law enforcement personnel and the other
 45 specified agency personnel identified in sub-sub-subparagraph
 46 (I) are exempt from s. 119.07(1) and s. 24(a), Art. I of the
 47 State Constitution.
 48 (III) Sub-sub-subparagraph (II) is subject to the Open
 49 Government Sunset Review Act in accordance with s. 119.15, and
 50 shall stand repealed on October 2, 2018, unless reviewed and
 51 saved from repeal through reenactment by the Legislature.
 52 b. The home addresses, telephone numbers, dates of birth,
 53 and photographs of firefighters certified in compliance with s.
 54 633.408; the home addresses, telephone numbers, photographs,
 55 dates of birth, and places of employment of the spouses and
 56 children of such firefighters; and the names and locations of
 57 schools and day care facilities attended by the children of such
 58 firefighters are exempt from s. 119.07(1).

Page 2 of 10

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

4-00096-15

2015144__

59 c. The home addresses, dates of birth, and telephone
60 numbers of current or former justices of the Supreme Court,
61 district court of appeal judges, circuit court judges, and
62 county court judges; the home addresses, telephone numbers,
63 dates of birth, and places of employment of the spouses and
64 children of current or former justices and judges; and the names
65 and locations of schools and day care facilities attended by the
66 children of current or former justices and judges are exempt
67 from s. 119.07(1).

68 d.(I) The home addresses, telephone numbers, social
69 security numbers, dates of birth, and photographs of current or
70 former state attorneys, assistant state attorneys, statewide
71 prosecutors, or assistant statewide prosecutors; the home
72 addresses, telephone numbers, social security numbers,
73 photographs, dates of birth, and places of employment of the
74 spouses and children of current or former state attorneys,
75 assistant state attorneys, statewide prosecutors, or assistant
76 statewide prosecutors; and the names and locations of schools
77 and day care facilities attended by the children of current or
78 former state attorneys, assistant state attorneys, statewide
79 prosecutors, or assistant statewide prosecutors are exempt from
80 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

81 (II) The names of the spouses and children of current or
82 former state attorneys, assistant state attorneys, statewide
83 prosecutors, or assistant statewide prosecutors are exempt from
84 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

85 (III) Sub-sub-subparagraph (II) is subject to the Open
86 Government Sunset Review Act in accordance with s. 119.15, and
87 shall stand repealed on October 2, 2018, unless reviewed and

4-00096-15

2015144__

88 saved from repeal through reenactment by the Legislature.

89 e. The home addresses, dates of birth, and telephone
90 numbers of general magistrates, special magistrates, judges of
91 compensation claims, administrative law judges of the Division
92 of Administrative Hearings, and child support enforcement
93 hearing officers; the home addresses, telephone numbers, dates
94 of birth, and places of employment of the spouses and children
95 of general magistrates, special magistrates, judges of
96 compensation claims, administrative law judges of the Division
97 of Administrative Hearings, and child support enforcement
98 hearing officers; and the names and locations of schools and day
99 care facilities attended by the children of general magistrates,
100 special magistrates, judges of compensation claims,
101 administrative law judges of the Division of Administrative
102 Hearings, and child support enforcement hearing officers are
103 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
104 Constitution if the general magistrate, special magistrate,
105 judge of compensation claims, administrative law judge of the
106 Division of Administrative Hearings, or child support hearing
107 officer provides a written statement that the general
108 magistrate, special magistrate, judge of compensation claims,
109 administrative law judge of the Division of Administrative
110 Hearings, or child support hearing officer has made reasonable
111 efforts to protect such information from being accessible
112 through other means available to the public.

113 f. The home addresses, telephone numbers, dates of birth,
114 and photographs of current or former human resource, labor
115 relations, or employee relations directors, assistant directors,
116 managers, or assistant managers of any local government agency

4-00096-15

2015144__

117 or water management district whose duties include hiring and
 118 firing employees, labor contract negotiation, administration, or
 119 other personnel-related duties; the names, home addresses,
 120 telephone numbers, dates of birth, and places of employment of
 121 the spouses and children of such personnel; and the names and
 122 locations of schools and day care facilities attended by the
 123 children of such personnel are exempt from s. 119.07(1) and s.
 124 24(a), Art. I of the State Constitution.

125 g. The home addresses, telephone numbers, dates of birth,
 126 and photographs of current or former code enforcement officers;
 127 the names, home addresses, telephone numbers, dates of birth,
 128 and places of employment of the spouses and children of such
 129 personnel; and the names and locations of schools and day care
 130 facilities attended by the children of such personnel are exempt
 131 from s. 119.07(1) and s. 24(a), Art. I of the State
 132 Constitution.

133 h. The home addresses, telephone numbers, places of
 134 employment, dates of birth, and photographs of current or former
 135 guardians ad litem, as defined in s. 39.820; the names, home
 136 addresses, telephone numbers, dates of birth, and places of
 137 employment of the spouses and children of such persons; and the
 138 names and locations of schools and day care facilities attended
 139 by the children of such persons are exempt from s. 119.07(1) and
 140 s. 24(a), Art. I of the State Constitution, if the guardian ad
 141 litem provides a written statement that the guardian ad litem
 142 has made reasonable efforts to protect such information from
 143 being accessible through other means available to the public.

144 i. The home addresses, telephone numbers, dates of birth,
 145 and photographs of current or former juvenile probation

4-00096-15

2015144__

146 officers, juvenile probation supervisors, detention
 147 superintendents, assistant detention superintendents, juvenile
 148 justice detention officers I and II, juvenile justice detention
 149 officer supervisors, juvenile justice residential officers,
 150 juvenile justice residential officer supervisors I and II,
 151 juvenile justice counselors, juvenile justice counselor
 152 supervisors, human services counselor administrators, senior
 153 human services counselor administrators, rehabilitation
 154 therapists, and social services counselors of the Department of
 155 Juvenile Justice; the names, home addresses, telephone numbers,
 156 dates of birth, and places of employment of spouses and children
 157 of such personnel; and the names and locations of schools and
 158 day care facilities attended by the children of such personnel
 159 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 160 Constitution.

161 j.(I) The home addresses, telephone numbers, dates of
 162 birth, and photographs of current or former public defenders,
 163 assistant public defenders, criminal conflict and civil regional
 164 counsel, and assistant criminal conflict and civil regional
 165 counsel; the home addresses, telephone numbers, dates of birth,
 166 and places of employment of the spouses and children of such
 167 defenders or counsel; and the names and locations of schools and
 168 day care facilities attended by the children of such defenders
 169 or counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of
 170 the State Constitution.

171 (II) The names of the spouses and children of the specified
 172 agency personnel identified in sub-sub-subparagraph (I) are
 173 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 174 Constitution. This sub-sub-subparagraph is subject to the Open

4-00096-15

2015144__

175 Government Sunset Review Act in accordance with s. 119.15 and
 176 shall stand repealed on October 2, 2019, unless reviewed and
 177 saved from repeal through reenactment by the Legislature.

178 k. The home addresses, telephone numbers, and photographs
 179 of current or former investigators or inspectors of the
 180 Department of Business and Professional Regulation; the names,
 181 home addresses, telephone numbers, and places of employment of
 182 the spouses and children of such current or former investigators
 183 and inspectors; and the names and locations of schools and day
 184 care facilities attended by the children of such current or
 185 former investigators and inspectors are exempt from s. 119.07(1)
 186 and s. 24(a), Art. I of the State Constitution if the
 187 investigator or inspector has made reasonable efforts to protect
 188 such information from being accessible through other means
 189 available to the public. This sub-subparagraph is subject to the
 190 Open Government Sunset Review Act in accordance with s. 119.15
 191 and shall stand repealed on October 2, 2017, unless reviewed and
 192 saved from repeal through reenactment by the Legislature.

193 1. The home addresses and telephone numbers of county tax
 194 collectors; the names, home addresses, telephone numbers, and
 195 places of employment of the spouses and children of such tax
 196 collectors; and the names and locations of schools and day care
 197 facilities attended by the children of such tax collectors are
 198 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 199 Constitution if the county tax collector has made reasonable
 200 efforts to protect such information from being accessible
 201 through other means available to the public. This sub-
 202 subparagraph is subject to the Open Government Sunset Review Act
 203 in accordance with s. 119.15 and shall stand repealed on October

4-00096-15

2015144__

204 2, 2017, unless reviewed and saved from repeal through
 205 reenactment by the Legislature.

206 m. The home addresses, telephone numbers, dates of birth,
 207 and photographs of current or former personnel of the Department
 208 of Health whose duties include, or result in, the determination
 209 or adjudication of eligibility for social security disability
 210 benefits, the investigation or prosecution of complaints filed
 211 against health care practitioners, or the inspection of health
 212 care practitioners or health care facilities licensed by the
 213 Department of Health; the names, home addresses, telephone
 214 numbers, dates of birth, and places of employment of the spouses
 215 and children of such personnel; and the names and locations of
 216 schools and day care facilities attended by the children of such
 217 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of
 218 the State Constitution if the personnel have made reasonable
 219 efforts to protect such information from being accessible
 220 through other means available to the public. This sub-
 221 subparagraph is subject to the Open Government Sunset Review Act
 222 in accordance with s. 119.15 and shall stand repealed on October
 223 2, 2019, unless reviewed and saved from repeal through
 224 reenactment by the Legislature.

225 n. The home addresses and telephone numbers of impaired
 226 practitioner consultants and their employees retained by the
 227 Department of Health or other state agency pursuant to s.
 228 456.076; the names, home addresses, telephone numbers, and
 229 places of employment of the spouses and children of such
 230 consultants and their employees; and the names and locations of
 231 schools and day care facilities attended by the children of such
 232 consultants and employees are exempt from s. 119.07(1) and s.

4-00096-15

2015144

233 24(a), Art. I of the State Constitution if the consultants or
 234 employees have made reasonable efforts to protect such
 235 information from being accessible through other means available
 236 to the public. This sub-subparagraph is subject to the Open
 237 Government Sunset Review Act in accordance with s. 119.15 and
 238 shall stand repealed on October 2, 2020, unless reviewed and
 239 saved from repeal through reenactment by the Legislature.

240 3. An agency that is the custodian of the information
 241 specified in subparagraph 2. and that is not the employer of the
 242 officer, employee, justice, judge, or other person specified in
 243 subparagraph 2. shall maintain the exempt status of that
 244 information only if the officer, employee, justice, judge, other
 245 person, or employing agency of the designated employee submits a
 246 written request for maintenance of the exemption to the
 247 custodial agency.

248 4. The exemptions in this paragraph apply to information
 249 held by an agency before, on, or after the effective date of the
 250 exemption.

251 5. Except as otherwise expressly provided in this
 252 paragraph, this paragraph is subject to the Open Government
 253 Sunset Review Act in accordance with s. 119.15, and shall stand
 254 repealed on October 2, 2017, unless reviewed and saved from
 255 repeal through reenactment by the Legislature.

256 Section 2. The Legislature finds that it is a public
 257 necessity that the home addresses and telephone numbers of an
 258 impaired practitioner consultant and the consultant's employees
 259 retained by the Department of Health or other state agency
 260 pursuant to s. 456.076, Florida Statutes; that the names, home
 261 addresses, telephone numbers, and places of employment of the

4-00096-15

2015144

262 spouses and children of such consultant and employees; and that
 263 the names and locations of schools and day care facilities
 264 attended by the children of such consultant and employees be
 265 exempt from public records requirements if the consultant or
 266 employees have made reasonable efforts to protect such
 267 information from being accessible through other means available
 268 to the public. The Legislature finds that the release of such
 269 identifying and location information could place the impaired
 270 practitioner consultant, the consultant's employees, and the
 271 spouses and children of the consultant and the consultant's
 272 employees in danger of being physically and emotionally harmed
 273 or being stalked by a disgruntled practitioner who has a hostile
 274 reaction to a recommendation, report, or conclusion provided by
 275 the consultant or the consultant's employees in determining
 276 whether the practitioner is impaired. The Legislature further
 277 finds that the harm that may result from the release of such
 278 identifying and location information outweighs any public
 279 benefit that may be derived from the disclosure of the
 280 information.

281 Section 3. This act shall take effect upon becoming a law.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/6/14

Meeting Date

Topic Impaired Professional Exemption

Bill Number SB 144

(if applicable)

Name Myrtle Greene

Amendment Barcode

(if applicable)

Job Title Chief operations officer

Address P.O. Box 49130

Phone 904-270-1620

Street Jacksonville Beach FL 32050

City

State

Zip

E-mail mygreene@ipnfl.org

Speaking: [X] For [] Against [] Information

Representing Intervention Project for Nurses

Appearing at request of Chair: [X] Yes [] No

Lobbyist registered with Legislature: [] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/6/2015

Meeting Date

Topic Public Records/Impaired Practitioner
Consultants

Bill Number 5B144
(if applicable)

Name Tom Crabb

Amendment Barcode _____
(if applicable)

Job Title Attorney for Professionals Resource
Network, Inc. and the Intervention Project

Address 301 S. Bronough #200
for Nurses

Phone 850-425-6654

Lallahassee FL 32301
City State Zip

E-mail tcraab@radgylaw.com

Speaking: For Against Information

Representing Professionals Resource Network, Inc. and
Intervention Project for Nurses, Inc

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/6/15
Meeting Date

Topic Impaired Professionals Exemption

Bill Number SB 144
(if applicable)

Name Penelope Ziegler, M.D.

Amendment Barcode _____
(if applicable)

Job Title Medical Director, PRN

Address P.O. Box 16510

Phone 904-277-8004

Street

Fernandina Beach FL 32035

City

State

Zip

E-mail drziegler@flprn.org

Speaking: For Against Information

Representing Professionals Resource Network

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/6/15

Meeting Date

Topic Impaired Professional Exception ^{Public} Records

Bill Number SB 144
(if applicable)

Name Linda L. Smith

Amendment Barcode _____
(if applicable)

Job Title CEO

Address PO Box 49130

Phone (904) 270-1620

Street

Jacksonville Beach FL 32240

City

State

Zip

E-mail lsmith@ipnf1.org ^{X 118}

Speaking: For Against Information

Representing Intervention Project for Nurses

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-6-15

Meeting Date

Topic _____

Bill Number SB 144
(if applicable)

Name Jeff Scott

Amendment Barcode _____
(if applicable)

Job Title _____

Address 1430 Piedmont Dr. E.

Phone 850 224-6496

Street

Tallahassee

FL

State

32308

Zip

E-mail j.scott@flmedical.org

City

Speaking: For Against Information

Representing Florida Medical Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-6-2015

Meeting Date

Topic PUBLIC RECORDS / IMPAIRED PRACTITIONER

Bill Number SB 144
(if applicable)

Name STEPHEN R. WINN

Amendment Barcode _____
(if applicable)

Job Title EXECUTIVE DIRECTOR

Address 2007 APALACHEE PARKWAY

Phone 850-878-7364

Street

TALLAHASSEE FL 32301

City

State

Zip

E-mail _____

Speaking: For Against Information

Representing FLORIDA OSTEOPATHIC MEDICAL ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-6-2015
Meeting Date

Topic Emergency Services

Bill Number _____
(if applicable)

Name Leanne Gassaway

Amendment Barcode _____
(if applicable)

Job Title Vice President, State Affairs

Address 601 Pennsylvania Ave NW Ste 500
Street
Washington DC 20004
City State Zip

Phone (562) 429-7493

E-mail Lgassaway@ahip.org

Speaking: For Against Information

Representing America's Health Insurance Plans (AHIP)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-6-15

Meeting Date

Bill Number (if applicable)

Topic Out of Network EMS

Amendment Barcode (if applicable)

Name Mac Kemp

Job Title Deputy Chief

Address 911 Easterwood Dr.

Phone 850 606 2100

Street

Tallahassee, FL

City

State

Zip

Email Kempm@leoncountyfl.gov

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Leon County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/6/15

Meeting Date

Bill Number (if applicable)

Topic EMS Out of Network Billing

Amendment Barcode (if applicable)

Name Joe Scaldone

Job Title EMS BILLING MGR

Address 6575 NORTH W ST

Phone 850-471-6507

Street

PENSACOLA

City

FL

State

32505

Zip

Email JASCALDONE@

MY ESCAMBIA.ca

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Escambia County EMS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-6-15
Meeting Date

Topic Breakfast

Bill Number _____
(if applicable)

Name J. Mike Drinkwater

Amendment Barcode _____
(if applicable)

Job Title President Mark Gottlieb & Ass.

Address 4527 Eaton Ln.
Street

Phone 904-553-9955

Jacksonville FL 32246
City State Zip

E-mail mikod@markgottlieb.com

Speaking: For Against Information

Representing Florida College of Emergency Physicians

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/6/15
Meeting Date

Topic Out of Network Charges

Bill Number _____
(if applicable)

Name Tammy Perdue

Amendment Barcode _____
(if applicable)

Job Title General Counsel

Address 516 N. Adams St

Phone 850-224-7173

Tallahassee FL 32301
City State Zip

E-mail tperdue@aif.com

Speaking: For Against Information

Representing Associated Industries of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

Philip Boyce is a Senior Vice President with Baptist Health in Jacksonville, FL. Baptist Health consists of five hospitals, 300+ physicians in 13 different groups, and various ancillary companies. Since 1995, Philip has been responsible for Baptist Health's managed care strategy, contracting, and managed care revenue cycle processes. He is also over Utilization Management for the hospitals, and assists with government relations activities. Philip was employed by Blue Cross Blue Shield of Florida for nine years, and serving as Director of Network Development prior to joining Baptist Health. Boyce has a B.A. in Business Administration from Azusa Pacific University in Southern California, and Master's Degree in Inter-Cultural Communications.



Leanne D. Gassaway
Vice President – State Affairs
America’s Health Insurance Plans (AHIP)

Ms. Gassaway is a passionate health care advocate and is currently the Vice President for State Affairs for America’s Health Insurance Plans. AHIP is a national trade association that represents over 1,200 health insurance plans covering more than 200 million Americans. In this capacity, she is responsible for assisting in legislative, regulatory and policy advocacy efforts in the states, and activities at various political and regulatory organizations, such as the National Association of Insurance Commissioners (NAIC) and National Governors Association. She also is focused on federal and state driven efforts regarding the federal Patient Protection and Affordable Care Act (ACA).

Prior to coming to AHIP, Ms. Gassaway had an active tenure working in government affairs and implementation management. She began her career in 1994 at PacifiCare Health Systems, now a UnitedHealth Care company. At PacifiCare, she was the Director of Regulatory Advocacy over a nine state region. She also worked for CIGNA Corporation as the Western Region Government Affairs Director. In these positions, she was responsible for tracking, analyzing and managing proposed legislation, regulation and other political initiatives that affected medical, dental, vision, pharmacy and behavioral health issues. She participated in education and policy collaborations with brokers, employers, health care providers, consumer advocates and other key health care stakeholders on a variety of matters.

She also served as Vice President of Legal and Regulatory Affairs for the California Association of Health Plans. In this capacity, she oversaw legal and regulatory issue management for 40 full service health plans and Medi-Cal managed care plans in California, who provide benefits for over 21 million enrollees. She was responsible for managing the legal and regulatory relationships with the Department of Managed Health Care, Office of Patient Advocate, Department of Health Services, Major Risk Medical Insurance Board, Department of Insurance, and the Centers for Medicare and Medicaid Services.

Ms. Gassaway has a Masters Degree in Health Care Administration from California State University, Long Beach focusing on public policy and health care law. She has a Bachelors Degree in Urban and Regional Planning from California State Polytechnic University, Pomona.

Ms. Gassaway lives in Long Beach, California with her husband and four children. She loves to golf, read great books, and is active in her community and church.

Out-of-Network Charges: Providers Charging Exorbitant Prices for Services

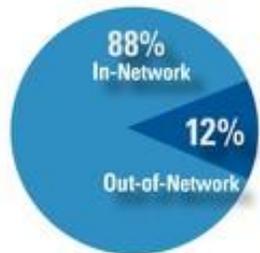


Health plans create physician networks to ensure patients have access to a wide choice of high-quality providers. Over decades, patients have saved billions of dollars in premiums and out-of-pocket costs by using in-network providers who have agreed to lower rates for their services. When patients receive care out-of-network, such as during an emergency or when a physician refuses to join a network, there is no limit to what providers can charge for these services.

A new report¹ found that some out-of-network providers are charging exorbitant prices for services. In some instances, these charges are nearly 100 times more than what Medicare pays for the same service in the same area. When out-of-network providers are given a “blank check” to charge whatever they want, it drives up the cost of coverage and leaves patients with extremely high medical bills.

Highest Reported Out-of-Network Provider Charges Compared to Medicare Payments for 10 Common Medical Procedures

Nationally, approximately 88% of all claims were paid on an in-network basis in 2011.



Some out-of-network providers are charging significantly higher prices than what Medicare pays for the same service in the same area.



¹ Survey of Charges Billed by Out-of-Network Providers: A Hidden Threat to Affordability, AHIP, February 2013

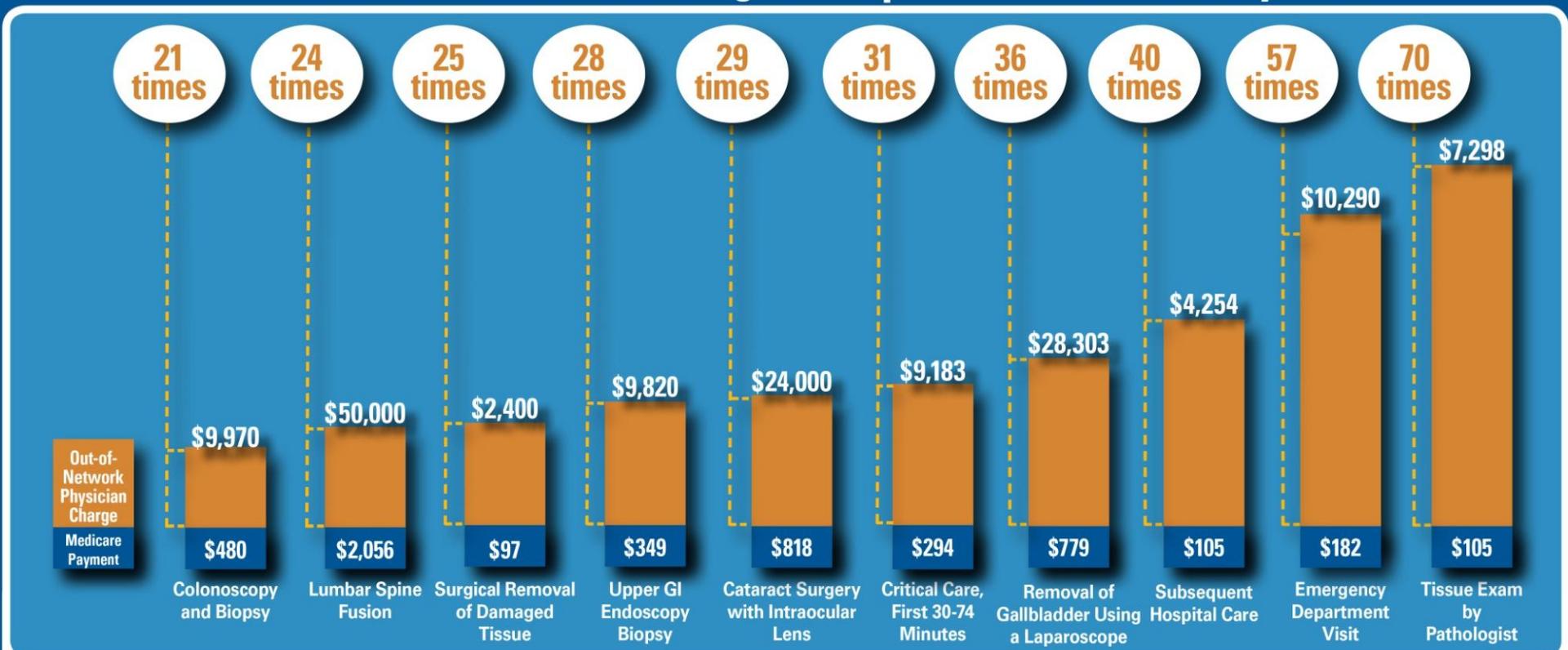
Out-of-Network Charges: Providers Charging Exorbitant Prices for Services in Florida



Health plans create physician networks to ensure patients have access to a wide choice of high-quality providers. Over decades, patients have saved billions of dollars in premiums and out-of-pocket costs by using in-network providers who have agreed to lower rates for their services. When patients receive care out-of-network, such as during an emergency or when a physician refuses to join a network, there is no limit to what providers can charge for these services.

A new report¹ found that some out-of-network providers are charging exorbitant prices for services. In some instances, these charges are nearly 100 times more than what Medicare pays for the same service in the same area. When out-of-network providers are given a “blank check” to charge whatever they want, it drives up the cost of coverage and leaves patients with extremely high medical bills.

Out-of-Network Provider Charges Compared to Medicare Payment



For these out-of-network claims, some providers are charging excessively high prices —nearly 100 times more than Medicare pays for the same service in the same area.

¹ Survey of Charges Billed by Out-of-Network Providers: A Hidden Threat to Affordability, AHIP, February 2013

More Information

- Complete Report available at <http://www.ahip.org/Value-of-Provider-Networks-Report-2012/>



www.timeforaffordability.org



[@ahipcoverage](https://twitter.com/ahipcoverage)

Jeffery A See, Representing Florida Air Medical Association – Jeff is a Regional Vice of Air Methods Corporation, and has more than 20 years of Helicopter Emergency Medical Services (HEMS) in various professional roles. A Registered Nurse and Paramedic by trade, Jeff fully appreciates all aspects of HEMS operations from his days of a helicopter crew member with Bayflite in St Petersburg, to his current role with administrative responsibility of 24/7 operations of over 50 HEMS bases in 6 states. Jeff served as a past President of the Florida Air Medical Association President for two terms and is still actively engaged in the organization and more notably understands the complexities and challenges of FAA Part 135 Air Operators. Jeff is a strong advocate for safety and quality and has an excellent understanding of the issues that HEMS providers face locally and nationally. Jeff holds a Associates in Nursing and Bachelor of Business from Louis University.

JOSEPH A. SCIALDONE
5318 Morgan Ridge Drive • Milton, FL 32570-8590
Mobile: 850-390-3150 • Email: JoeScialdone@GMail.com

EDUCATION:

WEBSTER UNIVERSITY, Irvine, CA

- ◆ M.A., Information Systems Management, 3.8/4.0 G.P.A.

STATE UNIVERSITY OF NEW YORK AT PLATTSBURGH

- ◆ B.S., Major: Computer Science, Minor: Mathematics

NATIONAL ACADEMY OF AMBULANCE CODING, Mechanicsburg, PA

- ◆ Certified Ambulance Coder # CACoooo1681



CAREER HISTORY:

- 8/10 – Present **EMS BILLING MANAGER**, Escambia County EMS, Pensacola, FL
- Responsible for all ambulance billing processes and policies for municipal EMS system.
 - Key compliance asset to municipality's largest enterprise department with over \$11,000,000 in revenue and 42,000 911-dispatched responses annually.
 - Focal for successful billing system audits from Page, Wolfberg & Wirth, LLC, David Werfel & Associates, HHS's OIG, Florida Medicare and FL/AL Medicaid programs.
- 3/07 – 8/10 **DIRECTOR ACCOUNTS PAYABLE**, Ambulance Bill Chaser, Inc., Milton, FL
- Compliance and contracting for Ambulance billing company.
 - Responsible for all billing and Electronic Data Interchange activity.
 - Establish information exchange interface with all client hospitals.
 - Conduct internal audits for billing systems and external client compliance programs.
- 1/06 – 3/07 **VICE PRESIDENT of BILLING SERVICES**, Lifeguard Ambulance, Pensacola, FL
- Responsible for all ambulance billing processes, policies and procedures for the multi-state organization, in excess of \$12,000,000 in annual revenue.
 - Developed Key Performance Indicators for tracking billing performance and implementing corrective actions to processes as required.
 - Implemented internal audit procedures and developed system compliance program.
- 1/00 – 8/05 **PRESIDENT/CEO**, Ambulance Billing Systems, Inc. and Medix Healthcare, LLC
- Chief Executive Officer for a medical billing corporation (ABS, Inc.).
 - Effectively applied adept knowledge of insurance payor community to conduct medical billing for air and ground ambulance service providers.
 - Integrate with all clients accounting functions for Aged Receivable accounts.
 - Responsible for the training and integration of Federal, State and Commercial program requirements into the staff operating protocols.
 - Client Marketing and conduct compliance presentations to their operational staff.
 - Company sold February 2005.
 - Chief Executive Officer for all aspects for a private ambulance service (Medix).
 - Handle compliance issues and contracting requirements for a ground ambulance service that compliantly operated in San Antonio, Texas.
 - Company sold August 2005.
- 8/96 – 12/99 **PROJECT CONTROL MANAGER**, Applied Materials, Austin, Texas
- Responsible for System Project Management (PM) policies and procedures for entire Metal Deposition Division (MDD), that earned 1.4 Billion dollars of annual revenue.
 - Managed 21 System PMs, 8 Non-System PMs and three Software Project Managers.
 - MDD authority when working with other Division Executives on integrated projects.
- 8/95-12/96 **CONFIGURATION ENGINEER**, Applied Materials, Silicon Valley, Santa Clara, CA
- Managed the build of highly configurable wafer fabrication production equipment.
 - Marketing technical interface; translating customer requirements to product definition.
 - Created procedures to streamline Project Planning and Control methodology.
- Veteran **United State Marine Corps Officer**, CH-53 Pilot, Honorably discharged.

CourtSmart Tag Report

Room: KN 412
Caption: Senate Health Policy

Case:
Judge:

Type:

Started: 1/6/2015 1:34:29 PM
Ends: 1/6/2015 3:18:24 PM Length: 01:43:56

1:35:08 PM Roll call
1:35:24 PM Opening Remarks
1:40:43 PM TAB 1-SB 94 by Joyner-Closing the Gap Grant Program
1:40:54 PM Senator Joyner
1:41:44 PM Roll Call on SB 94
1:42:07 PM SB-94 Voted Favorably
1:42:18 PM TAB 2-SB 144 by Bean-Public Records/Impaired Practitioner Consultants/Dept. of Health
1:42:34 PM Sen. Sobel in Chair
1:42:50 PM AM 432436 by Sen. Bean
1:44:07 PM AM 853532 by Sen. Bean
1:44:35 PM AM to AM (853532)
1:44:51 PM AM to AM Adopted
1:45:01 PM Myrtle Green waives in support
1:45:36 PM Tom Crabb waives in support
1:45:51 PM Penelope Ziegler waives in support
1:45:53 PM Linda L. Smith waives in support
1:46:06 PM Jeff Scott waives in support
1:46:09 PM Stephen R. Winn waives in support
1:46:20 PM Sen. Joyner
1:46:33 PM Sen. Bean
1:47:09 PM Sen. Gaetz
1:48:08 PM Sen. Bean responds
1:48:17 PM Sen. Sobel
1:48:25 PM Sen. Gaetz Responds
1:48:43 PM SB 144 Roll Call
1:48:56 PM SB 144 voted favorably as amended
1:49:16 PM TAB 3-Panel Discussion on Out-of-Network Emergency Medical Services
1:49:45 PM Chair Bean starts panel discussion
1:50:54 PM Mac Kemp, Deputy Chief, Leon Co. EMS
1:56:45 PM Chair Bean
1:57:26 PM Joseph Scialdone, Escambia Co. EMS
2:00:42 PM Chair Bean
2:01:00 PM Jeffery See, FL Air Medical Association
2:05:19 PM Chair Bean
2:05:45 PM Philip Boyce, Sr. VP, Baptist Health, Florida Hospital Association
2:11:16 PM Chair Bean
2:11:44 PM Mike Drinkwater, President at Martin Gottleb and Associates
2:16:52 PM Chair Bean
2:17:11 PM Audrey Brown, President & CEO of the Florida Association of Health Plans
2:20:36 PM Chair Bean
2:20:44 PM Leanne Gassaway, VP of State Affairs, American Health Insurance Plans
2:26:45 PM Chair Bean asks members for comments/questions
2:27:10 PM Sen. Braynon
2:28:07 PM Philip Boyce Responds
2:31:07 PM Chair Bean
2:31:14 PM Sen. Braynon
2:32:04 PM Philip Boyce Responds
2:34:36 PM Chair Bean
2:34:40 PM Sen. Gaetz
2:37:32 PM Audrey Brown Responds
2:40:26 PM Sen. Gaetz
2:41:18 PM Audrey Brown Responds

2:41:28 PM Sen. Gaetz
2:41:39 PM Audrey Brown Responds
2:41:46 PM Leanne Gassaway Responds
2:43:56 PM Sen. Gaetz
2:45:03 PM Leanne Gassaway Responds
2:46:57 PM Sen. Gaetz
2:47:02 PM Leanne Gassaway Responds
2:47:07 PM Sen. Gaetz
2:47:14 PM Leanne Gassaway Responds
2:47:20 PM Sen. Gaetz
2:47:29 PM Leanne Gassaway Responds
2:50:05 PM Chair Bean
2:50:12 PM Vice Chair Sobel
2:50:35 PM Audrey Brown Responds
2:50:41 PM Vice Chair
2:50:45 PM Audrey Brown Responds
2:50:49 PM Vice Chair
2:51:14 PM Leanne Gassaway Responds
2:51:31 PM Vice Chair
2:51:54 PM Mike Drinkwater Responds
2:52:38 PM Vice Chair
2:52:59 PM Mike Drinkwater Responds
2:53:51 PM Vice Chair
2:54:12 PM Mike Drinkwater Responds
2:54:38 PM Vice Chair
2:54:43 PM Mike Drinkwater Responds
2:54:56 PM Vice Chair
2:55:02 PM Mike Drinkwater Responds
2:56:36 PM Vice Chair
2:56:41 PM Jeffery See Responds
2:57:09 PM Vice Chair
2:57:15 PM Leanne Gassaway Responds
2:58:20 PM Vice Chair
2:58:22 PM Leanne Gassaway Responds
2:58:28 PM Chair Bean
2:58:32 PM Sen. Garcia
2:59:02 PM Joseph Scialdone Responds
2:59:29 PM Sen. Garcia
2:59:41 PM Joseph Scialdone Responds
3:01:22 PM Sen. Garcia
3:01:29 PM Joseph Scialdone Responds
3:02:41 PM Sen. Garcia
3:02:52 PM Joseph Scialdone Responds
3:04:00 PM Sen. Garcia
3:04:12 PM Mike Drinkwater Responds
3:05:32 PM Sen. Garcia
3:05:44 PM Mike Drinkwater Responds
3:05:56 PM Sen. Garcia
3:06:17 PM Mike Drinkwater Responds
3:07:07 PM Sen. Garcia
3:07:14 PM Mike Drinkwater Responds
3:07:19 PM Sen. Garcia
3:07:24 PM Mac Kemp Responds
3:07:52 PM Sen. Garcia
3:08:01 PM Mac Kemp Responds
3:08:17 PM Chair Bean
3:08:28 PM Philip Boyce Responds
3:11:36 PM Chair Bean
3:12:15 PM Mike Drinkwater Responds
3:13:00 PM Joseph Scialdone Responds
3:13:44 PM Chair Bean
3:14:03 PM Mac Kemp Responds

3:14:43 PM Chair Bean
3:14:51 PM Sen. Garcia
3:15:34 PM Mike Drinkwater Responds
3:15:53 PM Chair Bean
3:16:46 PM Tammy Perdue, General Counsel, Associated Industries of FL
3:17:42 PM Chair Bean
3:18:01 PM Meeting Adjourned