



2013 Legislative and Regulatory Review

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What Passed

- Optometry Bill- Definition of Surgery
- Physician Assistants Prescribing Controlled Substances in Hospitals Pursuant to Physician Orders
- 8 hours of CME for DOH-approved Volunteer Health Services.
- Tort



Tort Bill

- Insurers CAN provide independent representation for both defendant and subsequent treating physician
- Defendants CAN talk to subsequent treating physician with plaintiff notice and approval
- Expert witnesses must be in same specialty as defendant.



What Did NOT Pass

- Mandatory Certification of Surgical Technicians
- ARNP Independent Practice
- Telemedicine
- ER Sovereign Immunity
- Legislative Recognition of Mandatory Arbitration Clauses
- Clear and Convincing Standard for ER Diagnostic Tests
- Doctor of Nursing Disclosure

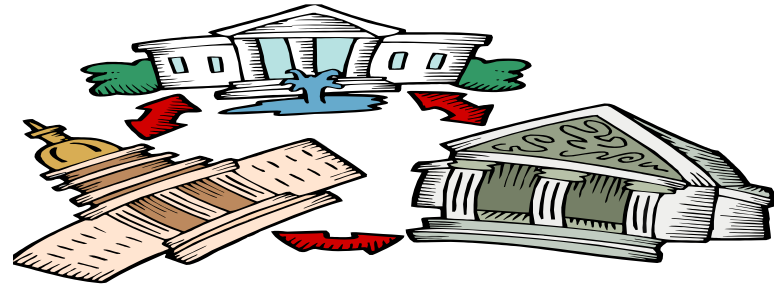


Next Year's Challenges

- ARNP and PA Independent Practice
- Mandatory Disclosure of Prices



MEDICAID



SENATE WANTS TO USE \$51 BILLION OF FEDERAL
DOLLARS OVER TEN YEARS

HOUSE DOES NOT
SPECIAL SESSION?

BOARD OF MEDICINE

- TIME OUT RULE IN HOSPITALS AND ASCs NOW REQUIRES TWO VERIFICATIONS BY LICENSED HEALTH CARE PROFESSIONALS
- Time outs (MD only) required for office liposuction/lipoplasty, Mohs, thoracentesis, paracentesis



SELF-REFERRAL

- New Medicare Push on Laboratory Self-Referrals.



WARNING

- FLORIDA LAW PROHIBITS THE PROVISION OF ANYTHING OF VALUE IN RETURN FOR PATIENT REFERRALS.
- INCLUDES GIFT CARDS
- A FELONY



HIPAA CHANGES

- EFFECTIVE SEPTEMBER 22, 2013
- FINES INCREASED TO UP TO \$1,500,000
- Business Associates are directly responsible for complying with Privacy and Security Regulations

HIPAA CHANGES

- Patients may request their records electronically
- Patients may withhold permission to send PHI to insurers if patients paid in full themselves.
- **COVERED ENTITIES MUST NOW REPORT ALL BREACHES BY END OF CALENDAR YEAR IN WHICH THEY OCCUR.**