

RISING ABOVE THE TURMOIL

by Robert E. Finch

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As I write this, the Florida Legislature is convening for the first of at least three special sessions which will probably last until June. Just over a week ago legislators adjourned after a tumultuous two-month showdown centering on reapportionment and the budget; they accomplished very little.

Organized medicine, led by the Florida Medical Association, made several bold strides while keeping losses to a minimum in spite of the hostile and confused mood of most legislators. The following is a brief summary of issues in which the FMA played a part:

Health Care Reform

A comprehensive reform package, CS/SB 2390, contains the Governor's Health Care Reform package, many Health Access Florida provisions, aspects of sovereign immunity protection, and significant health insurance reforms. The enactment of this legislation represents a major victory for organized medicine; the form in which it passed signifies the defeat of proposals on universal access and the formation of a health care commission.

Joint Ventures

This legislation, SB 2264, was amended in a compromise on the Floor of the Senate in the final hours of session. The intent of the amendment is to extend the time physicians may refer patients to joint ventures by one year from the original deadline to October 1, 1995 and establish a fee schedule for all services in the four designated areas. Because of some controversy over what the language actually does, the legislature will readdress this issue during the third special session which should be held in May.

Bankruptcy

Despite tremendous pressure from the Banking and Credit Industry, HB 2271 and CX/SB 754, which would allow for the garnishment of physician wages in malpractice judgments, was never considered in the final hours of the session.

“It was a session in which every interest, including organized medicine, took its knocks. But much of the bad legislation confronted by the FMA was set aside by the efforts of physicians who worked to educate our legislators about the consequences of bad policy decisions.”

The proponents of these bills will almost certainly attempt to enact a similar amendment during the first special session when the legislature considers Banking Sunset language.

Economic Credentialing

An amendment providing physicians with “due process” rights when Hospital Governing Boards attempt to revoke or deny their staff privileges for economic reasons failed in the House of Representatives. Other attempts to pass amendments failed when the Hospital Sunset Legislation was left pending at the close of the session. This issue will be considered during the first special session and the FMA will work to attach an amendment then.

Mandatory Medicare Assignment

The contents of CX/HB 179 and 391, which mandates assignment for Medicare eligible patients in the emergency room and upon referral from a primary care physician who also accepts assignment, passed in the DPR Package, CX/HB 2249, during the session's final hours. The FMA was successful in attaching an amendment which clearly

defines when an emergency condition ends. In addition, efforts during the committee process assured that subsequent treating physicians may avoid this bill's provisions by obtaining a written waiver from the patient.

Sovereign Immunity

Many attempts were made throughout the session to pass legislation, CX/HB 529 and SB 272, which would provide this protection for physicians treating indigent and Medicaid eligible patients referred to them under contract with the state. These attempts were unsuccessful; however, due to the awareness generated by work on these bills, nearly identical language was included in the aforementioned Health Care Reform package with support from the Governor, business community, and legislative leadership. The FMA will continue to attempt to revise this language into the most practical form during each germane special session.

Workers' Compensation

No legislation was considered in the final hours of the '92 session but this issue will be addressed during one of the special sessions.

1.5 Percent Tax on Free Standing Facilities

An amendment to tighten the definitions of facilities and technical equipment to which the tax may be applied was prepared but left unconsidered at session's close. This legislation may be addressed in the Special Session under the Hospital Act.

Statute of Limitations HB 625 and SB 784

Legislation which would have greatly increased the time in which an injured party could file suit, HB 625 and SB 784, never surfaced in the final days. The Academy of Florida Trial Lawyers did make several attempts to arouse interest in passing the legislation but was

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