

# **Committee on Health Quality**

Tuesday, March 20, 2007 9:00 AM – 12:00 PM 306 HOB

**COMMITTEE ACTION PACKET** 

#### **Committee on Health Quality**

3/20/2007 9:00:00AM

Location: 306 HOB

#### Attendance:

	Present	Absent	Excused
Gayle Harrell (Chair)	Х		
Debbie Boyd	X		
Larry Cretul	X		
Audrey Gibson	X		
D. Alan Hays	X		
Doug Holder	X		
Paige Kreegel	x		
Julio Robaina	x		
Robert Schenck			X
Kelly Skidmore	X		
Totals:	9	0	1

Print Date: 3/20/2007 6:03 pm Page 1 of 11

#### **Committee on Health Quality**

3/20/2007 9:00:00AM

Location: 306 HOB

HB 51: Transitional Services for Adolescents and Young Adults with Disabilities

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Debbie Boyd	X				
Larry Cretul	X				
Audrey Gibson	X				
D. Alan Hays	X				
Doug Holder	X				
Paige Kreegel	X			· · · · · · · · · · · · · · · · · · ·	
Julio Robaina	X				
Robert Schenck			X		
Kelly Skidmore	X				
Gayle Harrell (Chair)	X		<u></u>		
	Total Yeas: 9	Total Nays:	0		

#### **Appearances:**

HB 51--Transitional Services for Adolescents and Young Adults with Disabilities
Deborah Ducett, Program Manager (General Public) - Proponent
JaxHATS
8249 Concord Boulevard E
Jacksonville FL 32208

HB 51--Transitional Services for Adolescents and Young Adults with Disabilities
Jeffrey Goldhagen, Physician - Information Only
JaxHATS
4318 Blue Heron Drive

Ponte Vedra Beach FL 32087 Phone: (904) 237-9475

Phone: (904) 338-6147

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# HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES Amendment No. 01 (for drafter's use only)

Bill No. **0051** 

COUNCIL/COMMITTEE A	ACTION	
ADOPTED	(Y/N)	
ADOPTED AS AMENDED	— (Y/N)	
ADOPTED W/O OBJECTION	<b>√</b> (Y/N)	ADOPTED CONTRACT
FAILED TO ADOPT	(Y/N)	03/30/2001
WITHDRAWN	(Y/N)	
OTHER		

Council/Committee hearing bill: Committee on Health Quality Representative(s) D. Davis offered the following:

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#### Amendment (with title amendment)

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Remove everything after the enacting clause and insert:

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Section 1. <u>Health and Transition Services Program;</u> creation; purposes; participating agencies and services provided; evaluation.--

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(1) A Health and Transition Services Program is created for the purpose of assisting adolescents and young adults who have chronic special health care needs in making a smooth transition from the child health care and educational systems to the adult health care system and to employment.

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(2) For administrative purposes, the program is located in Children's Medical Services in the Department of Health. The department may enter into contracts, contingent upon a specific appropriation provided in the General Appropriations Act for

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this purpose, with local health and transition services programs that meet the requirements of this section.

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03/19/2007, 2:02 p.m.

- 21 (3) The target population for the program consists of 22 persons who are 14 through 26 years of age and who have chronic 23 special health care needs.
  - (4) The program structure and design must be adapted to the needs of the local community and health services delivery system; however, the following elements should be in place in order to ensure the success of a local health and transition services program:
  - (a) A consultative partnership between adult and pediatric health care providers in a major medical health care organization or academic medical setting for the purpose of training and transferring adolescents and young adults to adult health care services.
  - (b) A primary care clinic established in a major medical health care organization for the purpose of fostering a partnership between adult and pediatric health care providers.
  - (c) Community-based health care services that are provided under agreements with major health care organizations or academic medical centers for the purpose of providing consultation concerning the management of special health care needs.
  - (d) Community-based support organizations that can provide assistance with services such as supported living and employment, health insurance, and support services to maintain the young adult in the community.
  - (5) The following services may be offered by the local health and transition services program to individuals who are served in the local health and transition services program:
  - (a) An assessment of health needs, educational and vocational status and needs, and health insurance status.

- (b) In coordination with the educational system, community-based organizations, and the vocational system, a plan for transition which includes adult health care services, education, habilitative services, independent living, adult employment, and health insurance.
- (c) A medical home that provides for coordinated and multidisciplinary care and focuses on engaging adult health care providers in the care and treatment of the adolescent or young adults.
  - (d) Disease self-management programs.
- (6) The local health and transition services program must be directed by a medical director having experience in adolescent health. A project coordinator shall assist the medical director in developing and implementing the program.

  Other staff may be included in order to provide a full range of health and transition services.
- (7) There may be up to 11 sites statewide, with the Jacksonville program (JaxHATS) being the first site. Each additional site must be organized in a substantially similar manner as the JaxHATS program and have flexibility with regard to staffing and costs in rural areas of the state.
- (8) The local health and transition services program must be evaluated by an organization or university that has expertise and experience in evaluating health care programs. The evaluation must be formative and cumulative and must include program process and outcome measures as well as client outcomes. The results of the evaluation may be used to improve and develop other local health and transition services programs.
  - Section 2. This act shall take effect July 1, 2007.

Amendment No. 01 (for drafter's use only)

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81 ========= T I T L E A M E N D M E N T ============

Remove the entire title and insert:

A bill to be entitled

An act relating to transitional services for young adults with disabilities; creating a Health and Transition Services Program; assigning the program for administrative purposes to Children's Medical Services in the Department of Health; authorizing the department to enter into certain contracts, contingent upon an appropriation; providing purposes of the program; delineating the target population; describing participating service providers and the services that they are to provide; creating an operational site in a designated locality in the state; providing for expansion of program sites; providing for an evaluation of the program; providing an effective date.

#### **Committee on Health Quality**

3/20/2007 9:00:00AM

Location: 306 HOB

**HB 739**: Treatment Programs for Impaired Practitioners

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Debbie Boyd	X				
Larry Cretul	X				
Audrey Gibson	X				
D. Alan Hays	X				
Doug Holder	X				
Paige Kreegel	X				
Julio Robaina	X				
Robert Schenck			X		
Kelly Skidmore	X				
Gayle Harrell (Chair)	X				
	Total Yeas: 9	Total Nays:	: 0		

#### **Appearances:**

HB 739--Treatment Programs for Impaired Practitioners
Francie Plendl, Director of Governmental Affairs (Lobbyist) - Proponent
Practitioners Resource Network
123 South Adams Street
Tallahassee FL 32303
Phone: (850) 224-6496

HB 739--Treatment Programs for Impaired Practitioners
Aimee Diaz (Lobbyist) - Opponent
Florida Justice Association
218 South Monroe Street
Tallahassee FL 32301
Phone: (850) 224-9403

HB 739--Treatment Programs for Impaired Practitioners Terry Meek (Lobbyist) - Information Only Council of Florida Medical School Deans P.O. Box 13441 Tallahassee FL

Phone: (850) 893-7821

Print Date: 3/20/2007 6:03 pm

# HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES Amendment No. 01 (for drafter's use only)

Bill No. 0739

#### COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_(Y/N)

ADOPTED AS AMENDED \_\_\_\_\_(Y/N)

ADOPTED W/O OBJECTION \_\_\_\_\_(Y/N)

FAILED TO ADOPT \_\_\_\_\_(Y/N)

WITHDRAWN \_\_\_\_\_(Y/N)

OTHER

Council/Committee hearing bill: Committee on Health Quality Representative(s) Holder offered the following:

#### Amendment (with title amendment)

Remove everything after the enacting clause and insert: Section 1. Subsections (1) and (2) of section 456.076, Florida Statutes, are amended and subsection (7) is added to that section, to read:

456.076 Treatment programs for impaired practitioners. --

- (1) For professions that do not have impaired practitioner programs provided for in their practice acts, the department shall, by rule, designate approved impaired practitioner programs under this section. The department may adopt rules setting forth appropriate criteria for approval of treatment providers. The rules may specify the manner in which the consultant, retained as set forth in subsection (2), works with the department in intervention, requirements for evaluating and treating a professional, and requirements for the continued care and monitoring of a professional by the consultant by an approved treatment provider.
- (2) The department shall retain one or more impaired practitioner consultants. The Consultant shall be either a 03/19/2007, 5:59 p.m.

Page 1 of 4 h0739-hg-01 strike-all amendment

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Amendment No. 01 (for drafter's use only)

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licensee under the jurisdiction of the Division of Medical Ouality Assurance within the department who, and at least one consultant must be a practitioner or recovered practitioner licensed under chapter 458, chapter 459, or part I of chapter 464 or an entity that employs a medical director who must be a practitioner or recovered practitioner licensed under chapter 458, chapter 459, or part I or chapter 464. The consultant shall assist the probable cause panel and department in carrying out the responsibilities of this section. This shall include working with department investigators to determine whether a practitioner is, in fact, impaired. The department may contract with the consultant, for appropriate compensation, for services to be provided, if requested by the school, for students enrolled in schools for licensees listed in s. 456.073(12)(a) who are alleged to be impaired as a result of the misuse or abuse of alcohol or drugs, or both, or due to a mental or physical condition. No medical school accredited by the Liaison Committee on Medical Education or Commission on Osteopathic College Accreditation, or other school, that provides for the education of students in health care professions listed in 456.073(12)(a), that is governed by accreditation standards that require notice and the provision of due process procedures to students, shall be held liable in any civil action for referring a student to the consultant retained by the department or for taking actions in reliance of the recommendations, reports or conclusions provided by such consultant, without intentional fraud in carrying out the provisions of this section.

(7) (a) An impaired practitioner consultant retained pursuant to subsection (2), and its officers and employees, shall be considered agents of the department for purposes of s. 768.28, while acting within the scope of its duties under the

03/19/2007, 5:59 p.m.

- 1. That the impaired practitioner consultant establish a quality assurance program to monitor services delivered under the contract.
- 2. Quarterly evaluations of the impaired practitioner consultant's quality assurance program, treatment, and monitoring records.
- 3. That the impaired practitioner consultant's quality assurance program is subject to review and approval by the department.
- 4. That the impaired practitioner consultant operate under policies and procedures approved by the department.
- 5. That the impaired practitioner consultant provide to the department for approval a policy and procedure manual that comports to all statutes, rules and contract provisions approved by the department.
- 6. That the department be entitled to review the records relating to the impaired practitioner consultant's performance under the contract for the purpose of management audits, financial audits, or program evaluation.
- 7. That all performance measures and standards be subject to verification and approval by the department.
- 8. That the department may terminate the contract with the impaired practitioner consultant for non compliance with the contract.
- (b) In accordance with s. 284.385, the Department of
  Financial Services shall defend any claim, suit, action or
  proceeding against the consultant or its officers and employees
  brought as a result of any act or omission of action of any of
  its officers or employees for an act or omission arising out of

Amendment No. 01 (for drafter's use only)

and in the scope of the consultant's duties under its contract with the department.

(c) If the impaired practitioner consultant retained pursuant to this section is retained by any other state agency, and if the contract between the state agency and the consultant complies with the requirements of this section, then the consultant, and its officers and employees shall be considered agents of the State of Florida for the purposes of this section, while acting within the scope of and pursuant to guidelines established in the contract between the state agency and the consultant.

Section 2. This act shall take effect July 1, 2007.

Remove the entire title and insert:

A bill to be entitled

An act relating to treatment programs for impaired practitioners; amending s. 456.076, F.S.; revising requirements for program consultants; authorizing the Department of Health to contract with consultants to provide treatment services for all health professions and occupations students alleged to be impaired; providing for absence of liability in civil actions of certain schools for referring students to such consultants or taking certain actions without intentional fraud; providing limited sovereign immunity for certain program consultants under specific contractual conditions; requiring the Department of Financial Services to defend actions against program consultants; providing an effective date.

#### **Committee on Health Quality**

3/20/2007 9:00:00AM

Location: 306 HOB

**HB 893 : Controlled Substances** 

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Debbie Boyd	X				
Larry Cretul	X				
Audrey Gibson	X				
D. Alan Hays	X		<del></del>		
Doug Holder	X				
Paige Kreegel	X				
Julio Robaina	X				
Robert Schenck			X		
Kelly Skidmore	X				
Gayle Harrell (Chair)	X				
	Total Yeas: 9	Total Nays:	0		

#### **Appearances:**

HB 893--Controlled Substances

Francie Plendl, Director of Governmental Affairs (Lobbyist) - Proponent

Florida Medical Association 123 South Adams Street Tallahassee FL 32302

Phone: (850) 224-6496

HB 893--Controlled Substances

Stephen R. Winn, Executive Director (WAIVED TIME IN SUPPORT OF THE BILL) (Lobbyist) - Proponent

Florida Osteopathic Medical Association

2007 Apalachee Parkway Tallahassee FL 32301 Phone: (850) 878-7364

HB 893--Controlled Substances

Chris Nuland (WAIVED TIME IN SUPPORT OF THE BILL) (Lobbyist) - Proponent

Florida Chapter, American College of Physicians

1000 Riverside Avenue Jacksonville FL 32204 Phone: (904) 355-1555

HB 893--Controlled Substances

Mr. Bill Janes, Director (WAIVED TIME IN SUPPORT OF THE BILL) (Lobbyist) (State Employee) - Proponent

Governor's Office of Drug Control

Capitol, 2105 Tallahassee FL

Phone: (850) 488-9557

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#### **Committee on Health Quality**

3/20/2007 9:00:00AM

Location: 306 HOB

HB 893--Controlled Substances

Ron Villella (WAIVED TIME IN SUPPORT OF THE BILL) (Lobbyist) - Proponent

Purdue

311 East Park

Tallahassee FL 32301 Phone: (850) 224-5081

HB 893--Controlled Substances

Mark Fontaine, Executive Director (WAIVED TIME IN SUPPORT OF THE BILL) (Lobbyist) - Proponent

Florida Alcohol & Drug Abuse Association 2868 Mahan Drive

Tallahassee FL 32308

Phone: (850) 878-2196

Print Date: 3/20/2007 6:03 pm Page 5 of 11

Amendment No. 01 (for drafter's use only)

Bill No. 893

COUNCIL/COMMITTEE	ACTION	
ADOPTED	(Y/N)	
ADOPTED AS AMENDED	- $(Y/N)$	
ADOPTED W/O OBJECTION	(Y/N)	ADOPTED
FAILED TO ADOPT	(Y/N)	03/20/2007
WITHDRAWN	(Y/N)	
OTHER		

Council/Committee hearing bill: Committee on Health Quality Representative(s) Harrell offered the following:

#### Amendment (with title amendment)

Remove line(s) 162-265 and insert:

893.055 Prescription Drug History.--

- (1) Definitions.--
- (a) "Agency" means the Agency for Health Care Administration.
  - (b) "Department" means the Department of Health.
- (c) "Federal privacy laws" means the provisions relating to the disclosure of patient privacy information under federal law, including, but not limited to, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Pub. L. No. 104-91, and its implementing regulations, the Federal Privacy Act, 5 U.S.C. s. 552(a), and its implementing regulations, and any other federal law, including, but not limited to, federal common law and decisional law, that would prohibit the disclosure of patient privacy information.

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of a pharmacist, a practitioner licensed under chapter 456 and

(d) "Health care practitioner" means, with the exception

(e) "Pharmacy" means a pharmacy subject to licensure or

regulation by the department under chapter 465 that dispenses or

delivers a controlled substance listed in Schedule II, Schedule

authorized by law to prescribe drugs.

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48 49 III, or Schedule IV to a patient in this state. (2) (a) By June 30, 2008, the agency shall contract with a vendor for the design and operation of a secure, privacyprotected website that shall provide a health care practitioner,

medication history. In order to provide comprehensive patient medication history, the agency shall require the contracted

pharmacy, or pharmacist access to comprehensive patient

vendor to subcontract with private-sector organizations that currently operate electronic prescribing networks that provide such medication history.

(b) The contracted vendor shall comply with all applicable state and federal privacy laws and maintain the website within the United States.

- (c) The contracted vendor must create a system to verify with the department that each health care practitioner, pharmacy, or pharmacist requesting access to the website holds a valid, active license under the appropriate practice act.
- (3) A health care practitioner authorized to access the website may only use the website to obtain medication history for a current patient for prescribing purposes with the written permission of the patient.
- (4) A pharmacy or pharmacist authorized to access the website may only use the website to obtain medication history in dispensing a current prescription for Schedule II, Schedule III,

Amendment No. 01 (for drafter's use only)

- or Schedule IV medicinal drugs with the written permission of the patient. The pharmacy or pharmacist shall not have access to pharmacy identifying information within a patient's medication history.
  - (5) No recovery shall be allowed in any court in this state against a health care practitioner, pharmacy, or pharmacist authorized to obtain information under this section for accessing or failing to access such information.
  - (6) A violation of this section by a health care practitioner, pharmacy, or pharmacist shall constitute grounds for disciplinary action under each respective licensing chapter and s. 456.072(1)(k).
  - (7) Any contractor entering into a contract under this section is liable in tort for the improper release of any confidential information received in addition to any breach of contract liability. Sovereign immunity may not be raised by the contractor, or the insurer of that contractor on the contractor's behalf, as a defense in any action arising out of the performance of any contract entered into under this section or as a defense in tort, or any other application, for the maintenance of confidentiality of information and for any breach of contract.

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

Remove line(s) 11-28 and insert:

893.055, F.S.; requiring the Agency for Health Care
Administration to contract for creation of a website to
provide private-sector medication history to certain
pharmacies and health care practitioners; providing
limitations on use; providing liability for the improper

03/19/2007, 6:22 p.m.

Amendment No. 01 (for drafter's use only)

80	release of any confidential information; precluding the use
81	of a specified defense by specified defendants in certain
82	actions; providing penalties; creating s. 893.065, F.S.;

03/19/2007, 6:22 p.m.

#### **Committee on Health Quality**

3/20/2007 9:00:00AM

Location: 306 HOB

**HB 1141 : Osteopathic Physicians** 

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Debbie Boyd	X				
Larry Cretul	X				
Audrey Gibson	X				
D. Alan Hays	X				
Doug Holder			X		
Paige Kreegel			X		
Julio Robaina	X	-			
Robert Schenck			X		
Kelly Skidmore	X				
Gayle Harrell (Chair)	X				
	Total Yeas: 7	Total Nays:	0		

#### **Appearances:**

HB 1141--Osteopathic Physicians

Francie Plendl, Director of Governmental Affairs (WAIVED TIME IN SUPPORT OF THE BILL) (Lobbyist) - Proponent

Florida Medical Association 123 South Adams Street Tallahassee FL 32302 Phone: (850) 224-6496

HB 1141--Osteopathic Physicians

Stephen R. Winn, Executive Director (WAIVED TIME IN SUPPORT OF THE BILL) (Lobbyist) - Proponent

Florida Osteopathic Medical Association 2007 Apalachee Parkway

Tallahassee Fl 32301 Phone: (805) 878-7364

Print Date: 3/20/2007 6:03 pm

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#### **Committee on Health Quality**

3/20/2007 9:00:00AM

Location: 306 HOB

HB 1485 : Chiropractic Medicine

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Debbie Boyd	X				
Larry Cretul	X				
Audrey Gibson	X				
D. Alan Hays	X				
Doug Holder			X		
Paige Kreegel			X		
Julio Robaina	X				
Robert Schenck		·	X		
Kelly Skidmore	X				
Gayle Harrell (Chair)	X				-

#### **Appearances:**

HB 1485--Chiropractic Medicine
Paul Lambert (WAIVED TIME IN SUPPORT OF THE BILL) (Lobbyist) - Proponent
Florida Chiropractic Association
1026 East Park Avenue
Tallahassee FL 32301
Phone: (850) 224-9393

HB 1485--Chiropractic Medicine
Leonard Schulte (WAIVED TIME IN SUPPORT OF THE BILL) (Lobbyist) - Proponent
Palmer College
106 East College Avenue #900
Tallahassee FL 32301

Phone: (850) 222-6100

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Amendment No. 01 (for drafter's use only)

	Βi	11	No.	1	48	5
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# COUNCIL/COMMITTEE ACTION ADOPTED \_\_\_\_(Y/N) ADOPTED AS AMENDED \_\_\_\_(Y/N) ADOPTED W/O OBJECTION \_\_\_\_\_(Y/N) FAILED TO ADOPT \_\_\_\_\_(Y/N) WITHDRAWN \_\_\_\_\_(Y/N) OTHER

Council/Committee hearing bill: Committee on Health Quality Representative(s) Long offered the following:

#### Amendment

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Remove line 52 and insert:

publicly funded state university or college and its affiliated

## Committee on Health Quality 3/20/2007 9:00:00AM

Location: 306 HOB

#### Workshop

#### HB 1239:

X Workshopped

#### **Appearances:**

Chris Card (Lobbyist) - Proponent
Workshop HB 1239--Alcohol Abuse by an Expectant Mother
The Florida Center for Child & Family Development
2805 West San Rafael Street
Tampa FL 33629
Phone: (813) 843-1827

Joseph Chiaro M.D., Deputy Secretary (Lobbyist) (State Employee) - Proponent Workshop HB 1239--Alcohol Abuse by an Expectant Mother Children's Medical Services, Department of Health 4052 Bald Cypress Way Prather Building Tallahassee FL 32399
Phone: (850) 245-4211

Kathryn Shea, Chief Operating Officer - Proponent
Workshop HB 1239--Alcohol Abuse by an Expectant Mother
The Florida Center & FASD Interagency Action Group
4620 17th Street
Sarasota FL 34240
Phone:(941) 371-8820

Robert W. Yelverton, M.D. (General Public) - Proponent
Workshop HB 1239--Alcohol Abuse by an Expectant Mother
Florida OB/GYN Society
5840 West Cypress
Tampa FL 33607
Phone:(813) 286-0033

Theresa Stoops, Parent (General Public) - Proponent
Workshop HB 1239--Alcohol Abuse by an Expectant Mother
Fetal Alcohol Syndrome
7309 Silver Saddle Court
Tallahassee FL
Phone: (850) 576-1984

#### HB 1425:

X Workshopped

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## Committee on Health Quality 3/20/2007 9:00:00AM

Location: 306 HOB

#### **Appearances:**

Carole Griffin, President (General Public) - Proponent
Workshop HB 1425--Child Sexual Abuse Reporting and Evidence Collection
Florida Eagle Forum
501 East College Avenue
Tallahassee FL 32301
Phone:(850) 893-1843

John Knight (Lobbyist) - Opponent Workshop HB 1425--Child Sexual Abuse Reporting and Evidence Collection Florida Medical Association

Robert W. Yelverton, M.D. (General Public) - Information Only
Workshop HB 1425--Child Sexual Abuse Reporting and Evidence Collection
Florida OB/GYN Society
5840 West Cypress Street
Tampa FL 33607
Phone: (813) 286-0033

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## Committee on Health Quality 3/20/2007 9:00:00AM

Location: 306 HOB

**Summary:** 

#### **Committee on Health Quality**

Tuesday March 20, 2007 09:00 am

HB 51	Favorable With Recommended Council Substitute	Yeas:	9	Nays:	0
НВ 739	Favorable With Recommended Council Substitute	Yeas:	9	Nays:	0
HB 893	Favorable With Recommended Council Substitute	Yeas:	9	Nays:	0
HB 1141	Favorable	Yeas:	7	Nays:	0
HB 1239	Workshopped				
HB 1425	Workshopped				
HB 1485	Favorable With Amendments (1)	Yeas:	7	Nays:	0