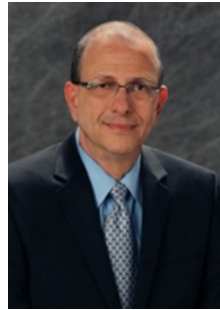


**MEDICAL LAW UPDATE –
FEDERAL AND FLORIDA
DEVELOPMENTS THAT MEDICAL
PRACTICES AND ADVISORS NEED
TO BE AWARE OF**



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**TUESDAY, AUGUST 18, 2015
12:30 P.M. AND 5:00 P.M.**

UPCOMING WEBINARS FROM GASSMAN, CROTTY & DENICOLO, P.A.

Saturday, September 12, 2015 | 9:30 a.m.

- The 10 Biggest Mistakes That Successful Parents (and Grandparents) Make with Respect to College and Related Decisions for High School Students
 - Speakers: Molly Carey Smith and Alan S. Gassman, J.D., LL.M.

Wednesday, September 24, 2015 | 12:30 p.m. and 5:00 p.m.

- The 10 Biggest Legal Mistakes Most Business Owners and Investors Make (and How You Can Avoid Making Them)
 - Speaker: Alan S. Gassman, J.D., LL.M.

Thursday, October 1, 2015 | 12:30 p.m. and 5:00 p.m.

- Income Tax Exit Strategies
 - Speakers: Steven B. Gorin and Alan S. Gassman, J.D., LL.M.

Saturday, October 3, 2015 | 9:30 a.m.

- Failure to Launch: 20-Somethings Without a Solid Career Path – What Parents (and Others) Need to Know
 - Speakers: Molly Carey Smith and Alan S. Gassman, J.D., LL.M.

Wednesday, October 14, 2015 | 12:30 p.m. and 5:00 p.m.

- Estate and Estate Tax Planning – Conventional and Advanced Planning Techniques to Minimize Taxes and Effectively Pass On Your Wealth
 - Speaker: Alan S. Gassman, J.D., LL.M.

HB 269 – EXPERIMENTAL TREATMENTS

- Known as the "Right to Try Act"
- Allows patients with a terminal condition to try a drug, biological product, or device that has successfully completed phase 1 of a clinical trial but is not yet approved by the FDA
- Licensing board may not take action against a physician's license for recommending an experimental drug, product, or device
- Provides immunity to manufacturer and physician
- Patient's heirs are not liable for the patient's outstanding debt related to the treatment

HB 321 – HIV TESTING

- Adds definitions for "health care setting" and "nonhealth care setting" to differentiate HIV testing requirements.
 - Health care setting is defined as a setting devoted to the diagnosis and provision of medical care (hospitals, urgent care centers, health departments, etc.).
 - Nonhealth care setting is defined as a site that conducts HIV testing only for diagnosis and does not provide any treatment (community based organizations, outreach settings, mobile health vehicles, etc.)
- The bill clarifies that informed consent is required in both types of settings.
- Amended the notification requirements before an HIV test can be performed in both the health care and nonhealth care settings

HB 633 – ABORTIONS AND INFORMED PATIENT CONSENT

- Requires physicians to inform pregnant women of the risks of having an abortion.
- Requires that the physician performing the abortion and the referring physician be present in the same room when obtaining informed consent.
- Imposes a 24-hour waiting period upon pregnant women who wish to have an abortion.
- Includes exceptions of the 24-hour waiting period for women who are victims of rape, incest, domestic violence, or human trafficking (with documentation evidencing that she is the victim of these crimes).

HB 655 – CLINICAL LABORATORIES

- Revises the definition of "licensed practitioner" to include consultant pharmacists and doctors of pharmacy.
- Requires clinical laboratories to make its services available to consultant pharmacists or doctors of pharmacy in addition to other licensed practitioners (currently a clinical laboratory cannot accept human specimens from pharmacists because they are not included in the statutory definition licensed practitioner).
- Clinical laboratories may not charge different prices for its services based upon the practitioner's licensing.

HB 697 – PUBLIC HEALTH EMERGENCIES

- Amends Florida Statutes to include provisions on communicable diseases. It allows law enforcement to enforce isolation and quarantine orders.
- Provides definitions for "isolation" and "quarantine"
 - "Isolation" means the separation of an individual reasonably believed to be infected with a communicable disease
 - "Quarantine" means the separation of an individual reasonably believed to have been exposed to a communicable disease but is not yet ill
- The stated goal of this legislation is to "fulfill an important state interest."

HB 751 – EMERGENCY TREATMENT FOR OPIOID OVERDOSE

- Creates the "Emergency Treatment and Recovery Act" which allows health care practitioners to prescribe and dispense emergency opioid antagonists to patients for emergency purposes.
- Provides "good samaritan" protection from civil liability to practitioners that prescribe and dispense emergency opioid antagonists.
- Does not create a duty or standard of care for a practitioner who prescribes/dispenses or a person who administers an emergency opioid antagonist.

HB 889 – HEALTH CARE REPRESENTATIVES

- Allows a person to designate a health care surrogate to act any time, including while the person is still competent and able to make his or her own decisions.
 - If the individual is competent to make decisions then his or her decision controls over that made by the surrogate.
- This ensures that redetermination of incapacity is not necessary for a designated a surrogate to make health care decisions.
- Provides for the designation of health care surrogates for minors when the minor's legal guardian cannot be timely contacted or are unable to provide consent for treatment.
- Specifies that a principal's wishes are controlling while he or she has decision making capacity

HB 1127 – INSURANCE FRAUD

- The law expressly provides that charges and claims for reimbursement made by unlicensed health care clinics that are operating in violation of the health care clinic statute, are unlawful and could constitute theft even if the claims were not paid to the unlicensed health care clinic.
- Revises the criminal penalties for such unlawful health care charges and classifies unlicensed clinic activities as a felony.
- Requires health care providers with knowledge of an unlicensed clinic to report the clinic.
- Failure to report an unlicensed clinic can result in licensing sanctions.

HB 309 – PATIENT ADMISSION STATUS NOTIFICATION

- This law adds a provision that if a patient is on "observation status" rather than inpatient status in a hospital, services that are performed during the observation status (such as x-rays, lab tests, etc.) are documented in the patient's discharge papers.
- The bill requires hospitals to inform patients if they are on "observation status" (Medicare coverage varies depending on whether a patient is inpatient or observation so the point of this law is to make it clear to the patient what his or her copayment obligation will be – it often higher if a patient is in observation status).

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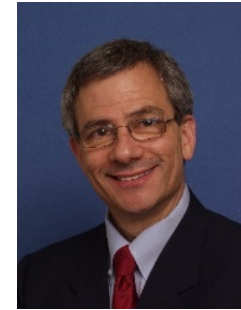
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