Florida Academy of Family Physicians
2019 Legislative Session
Capitol Update – WEEK TWO
March 15, 2019

3,418 bills, 53 remaining days, and thousands of policy issues made for a hectic second week of the legislative session. Amidst the policy debate, the Capitol complex was packed this week with advocates from all parts of the state educating lawmakers. Broward County Day, Florida Pharmacy Day, Tourism Day, Caribbean Heritage Day, and Florida Bankers Association Capitol Day were just a few of the groups representing thousands of citizens who advocated for issues important to their business, their homes, their professions and their culture. The FAFP was also present, well represented by two doctors of the day as seen below.

2019 Doctor of the Day Program

Family medicine was well represented serving as Doctors of the Day March 12th by FAFP Government Relations Committee members Dr. Mike Cromer and Dr. Michael Swartzon sponsored by Representative James Grant (far left) and Senator Lauren Book, respectively. FAFP Board member Dr. Swartzon provided testified against HB 821 (below) and both visited with legislative leadership in an effort to address advances in scope of practice legislation. Family physicians are scheduled to take part in this important program during each week of the nine-week legislative session. Continued thanks to our membership for such strong representation in Tallahassee which advances FAFP’s advocacy efforts!

Legislation of Importance to FAFP

Bills are marked with FAFP’s position: □ Support ☑ Oppose □ Monitoring

☐ APRN Scope of Practice Expansion – House Bill Clears Committee
HB 821 by Rep. Cary Pigman (R-Avon Park) and SB 972 by Senator Jeff Brandes (R-St. Petersburg) allow advanced practice registered nurses to engage in independent practice. The bill was amended to also allow certain physician assistants to practice independently. HB 821 passed the Health Quality Subcommittee by a vote of 10 to 3. On behalf of FAFP, Government Relations Vice Chair Dr. Michael Swartzon testified against this legislation. A linked committee bill, HB 7079, dealing with the registration and biennial renewal fees for licensing advanced practice registered nurses also unanimously passed the Health Quality Subcommittee the same day.

Link to HB 821: http://www.flSenate.gov/Session/Bill/2019/821
Link to SB 972: http://www.flSenate.gov/Session/Bill/2019/972
Link to HB 7079: https://www.flSenate.gov/Session/Bill/2019/7079
Consultant Pharmacists – *Amended House Bill Clears Committee*

HB 833 by Rep. Cord Byrd (R-Neptune Beach) and SB 1050 by Senator Manny Diaz (R-Hialeah) allow consultant pharmacists to provide medication management services, order and evaluate laboratory or clinical tests, conduct patient assessments, and administer drugs within the framework of a collaborative practice agreement between the pharmacist and a physician, podiatrist or dentist. On March 12th, HB 833 passed the Health Quality Subcommittee by a vote of 10 to 0.


Influenza & Strep Testing – *No Movement*

HB 111 by Rep. Rene Plasencia (R-Orlando) and SB 300 by Senator Jeff Brandes (R-St. Petersburg) authorize pharmacists to test and treat for the influenza virus and streptococcal infections within the framework of an established written protocol of a supervising physician. On March 5th, HB 111 passed the Health Quality Subcommittee by a vote of 14 to 0 with a “strike-all amendment which:

- Authorizes pharmacists who meet certain educational and experience criteria and who maintain at least $250,000 personal liability coverage to enter into a collaborative pharmacy practice agreement with a physician to manage the chronic health conditions of that physician’s patients and treat minor non-chronic health conditions.
- Authorizes pharmacists to test for and treat influenza and streptococcus.
- Requires the board to adopt a formulary of drugs a pharmacist may prescribe for minor, nonchronic illnesses.
- Prohibits a pharmacist from initiating or prescribing a controlled substance.


Psychologist Prescribing – *No Movement*

SB 304 by Senator Jeff Brandes (R-St. Petersburg) and HB 373 by Rep. Cary Pigman (R-Avon Park) allow certified, licensed psychologists to prescribe, administer, discontinue, and distribute prescription drugs, including controlled substances. On March 5th, HB 373 passed the Health Quality Subcommittee by a vote of 9 to 3.


Prescription Drug Importation Program – *House Bill Passes & House Committee Introduces Linked Fee Legislation*

HB 19 by Rep. Tom Leek (R-Ormond Beach) and SB 1452 by Senator Joe Gruters (R-Sarasota) create a Canadian Prescription Drug Importation Program for Florida within the Agency for Health Care Administration. The legislation provides eligibility criteria for prescription drugs, for Canadian suppliers, and for importers under the program and requires the AHCA to request federal approval of the program. Further, the bills require the Department of Business and Professional Regulation to establish the International Prescription Drug Importation Program. The program implements the initiative supported
by Governor DeSantis and House Speaker Jose Oliva (R-Miami Lakes). Senator Aaron Bean (R-Fernandina Beach) has also filed **SB 1528** which also establishes a Canadian Prescription Drug Importation Program.

On March 12th, HB 19 passed the Health Quality Subcommittee by a vote of 12 to 2. The bill is scheduled next to be heard in the Appropriations Committee on March 18th. In addition, on March 13th, the House Health Quality Subcommittee introduced a committee bill which the subcommittee voted to unanimously file as **HB 7073**. HB 7073 which is linked to HB 19, authorizes the Board of Pharmacy and DBPR to charge fees relating to the new permits.


**Non-Opioid Directives – House Bill Gets Approval**

**SB 630** Senator Keith Perry (R-Gainesville) and **HB 451** by Rep. Scott Plakon (R-Longwood) require the Department of Health (DOH) to establish a volunteer non-opioid directive form. HB 451 also requires DOH to develop and publish on its website and educational pamphlet regarding the use of non-opioid alternatives for the treatment of pain. Additionally, the health care provider, prior to providing anesthesia or a Schedule II opioid, must inform the patient of available non-opioid treatments such as physical therapy, occupational therapy or any other appropriate therapies. These requirements do not apply to emergency care and services. On March 14th, HB 451 passed the Health & Human Services Committee by a vote of 16 to 0. The bill was amended to include acupuncture, chiropractic treatments, and massage therapy on the list of non-opioid treatments.


**Direct Health Care Agreements – House Bill Moving Quickly**

**HB 7** by Rep. Wyman Duggan (R-Jacksonville) and **SB 1520** by Senator Aaron Bean (R-Fernandina Beach) expand the scope of direct primary care agreements by allowing for direct health care agreements. More importantly, the legislation should not impact the language for direct primary care agreements that was passed in 2017. The House bill was amended to allow dentists to participate. On March 14th, HB 7 passed the Health & Human Services Committee by a vote of 15 to 2 and the Senate bill will be heard in the Banking and Insurance Committee on March 18th.

- Link to HB 7: [http://www.flsenate.gov/Session/Bill/2019/7](http://www.flsenate.gov/Session/Bill/2019/7)

**Prior Authorizations – No Movement**

**SB 650** by Senator Debbie Mayfield (R-Vero Beach) addresses insurance prior authorization requirements. The bill requires insurance companies or pharmacy benefit managers to provide descriptions in clear and easily understandable language of the requirements for and restrictions on obtaining a prior authorization for coverage of a medical procedure, course of treatment, or prescription drug. The bill provides time requirements for denials or authorizations. In addition, the bill requires a health insurer to
grant a protocol exemption if a preceding prescription drug or medical treatment is contraindicated, a preceding prescription drug is expected to be ineffective, the preceding prescription drug or treatment lacked efficacy or effectiveness or adversely affected the insured, or the preceding prescription drug or medical treatment is not in the best interest of the insured.

**HB 559** by Rep. Ralph Massullo, MD (R-Beverly Hills) requires a health insurers to provide access on its website to the plan’s current prior authorization requirements, restrictions, and forms. The bill requires a health insurer to expeditiously grant step therapy override determination requests under certain circumstances and requires health insurer to authorize coverage for prescription drugs if certain conditions are met.

**SB 906** by Senator Tom Wright (R-New Smyrna Beach) and **HB 271** by Reps. David Santiago (R-Deltona) and Rene Plasencia (R-Orlando) prohibit attorneys from engaging in misleading advertisements related to medicinal drugs, provide the requirements for pharmacy contracts and auditing entities, revise the rights that pharmacies have if audits are conducted, and prohibit the audits from considering as fraud any clerical and recordkeeping errors. The bills also contain provisions regarding fail-first policies.


☑️ **“Bait & Switch” – Senate Bill Scheduled for Hearing**

**SB 1180** by Senator Debbie Mayfield (R-Vero Beach) and **HB 1363** by Rep. Jayer Williamson (R-Pace) amend the Florida Insurance Code to provide additional consumer protections by prohibiting a health insurer or a health maintenance organization (HMO) from removing a covered prescription drug from its formulary except during open enrollment with some limited exceptions. The legislation also prohibits an insurer or HMO from reclassifying a drug to a more restrictive tier, increasing the out-of-pocket costs (e.g., copayment, coinsurance, or deductible) of an insured, or reclassifying a drug to higher-cost sharing tier during the policy year. On March 18th, SB 1180 will be heard in the Banking and Insurance Committee.


☑️ **Immunization Registry – House Bill Advances**

**HB 213** by Rep. Ralph Massullo (R-Lecanto) and **SB 354** by Senator Bill Montford (D-Tallahassee) eliminate unnecessary paperwork for physicians’ offices by making it more convenient for parents to comply with school immunization rules. The bills require health care providers to report into the DOH SHOTS database any immunizations administered to children and college or university students, 18 to 23 years of age, at a college or university student health care facility. Automated data uploaded from existing automated systems is an acceptable method for updating immunization information in the immunization registry. On March 14th, HB 213 passed the Health Quality Subcommittee by a vote of 14 to 0.

Prescription Drug Monitoring Program (PDMP) – Senate & House Bills Favorably Considered
Legislation passed last session required physicians or their designee to consult the statewide PDMP database before prescribing a controlled substance. HB 375 by Rep. Cary Pigman (R-Avon Park) and SB 592 by Senator Ben Albritton (R-Wauchula) exempt prescribers and dispensers from the requirement to check the PDMP before prescribing or dispensing controlled substances:
  • To a patient for the alleviation of pain related to a terminal condition; or
  • To a patient receiving palliative care for the relief of symptoms related to an incurable, progressive illness or injury.

On March 12th, SB 592 passed the Appropriations Subcommittee on Health and Human Services by a 9 to 0 vote but after much debate, the bill was amended to remove the exemption for the requirement for prescribers and dispensers to check the PDMP database before prescribing or dispensing a controlled substance to a patient receiving palliative care for the relief of symptoms related to an incurable, progressive illness or injury. The revised language will be heard next in the Appropriations Committee. On March 12th, HB 375 passed the Health Quality Subcommittee by a vote of 13 to 0.
  Link to HB 375: http://www.flsenate.gov/Session/Bill/2019/375
  Link to SB 592: http://www.flsenate.gov/Session/Bill/2019/00592/Amendment/300818

Dispensing Medicinal Drugs – Senate Bill Scheduled for Next Week
SB 1124 by Senator Gayle Harrell (R-Stuart) and HB 1115 by Rep. Matt Willhite (D-Wellington) authorize individuals licensed to prescribe medicinal drugs in an institutional pharmacy to dispense a 48-hour supply, rather than a 24-hour supply, of such drugs to any patient, including a discharged patient. On March 11th, the Senate bill passed the Health Policy by a vote of 10 to 0. The bill is scheduled next in the Senate Innovation, Industry, and Technology Committee on March 19th.
  Link to SB 1124: http://www.flsenate.gov/Session/Bill/2019/1124
  Link to HB 1115: http://www.flsenate.gov/Session/Bill/2019/1115

Medical Malpractice – House Committee Introduces Bill
On March 13th, the House Civil Justice Subcommittee took up a proposed committee bill, HB 7077. The committee bill revises medical malpractice laws by establishing a cap on noneconomic damages, requiring accuracy in medical damages admissible before a jury in a medical malpractice claim, allowing presuit communication with treating physicians, and creating an optional communication and resolution program. The committee approved the bill for introduction, and it has been officially introduced.
  Link to HB 7077: https://www.flsenate.gov/Session/Bill/2019/7077

Telehealth – House Bill Placed Back on Committee Agenda
HB 23 by Rep. Clay Yarborough (R-Jacksonville) authorizes Florida licensed health care professionals to use telehealth to deliver health care services within their respective scopes
of practice. The bill also authorizes out-of-state health care professionals to use telehealth to deliver health care services to Florida patients if they register with the DOH or the applicable board, meet certain eligibility requirements, and pay a fee. A registered telehealth provider may use telehealth, within the relevant scope of practice established by Florida law and rule, to provide health care services to Florida patients, but is prohibited from opening an office in Florida and from providing in-person health care services to patients located in Florida. The bill also establishes standards of practice for services provided using telehealth, including patient examination, record-keeping, and prohibition on prescribing controlled substances for chronic malignant pain. Additionally, the bill creates a tax credit for health insurers and health maintenance organizations (HMOs) that cover services provided by telehealth. On March 12th, the House bill was on the agenda of the Ways and Means Committee but was postponed. The bill is back up on the committee’s agenda for March 18th. The committee also unanimously voted to introduce a new telehealth registration fee bill, HB 7067, which is linked to the main legislation and will also be heard on March 18th.

Additionally, Senator Gayle Harrell (R-Stuart) has filed SB 1526 prohibiting Medicaid managed care plans from using providers who exclusively provide services through telehealth to achieve network adequacy, prohibiting a telehealth provider from using telehealth to prescribe a controlled substance, and prohibiting a health maintenance organization from requiring a subscriber to receive services via telehealth.

Link to HB 7067: [https://www.flsenate.gov/Session/Bill/2019/7067](https://www.flsenate.gov/Session/Bill/2019/7067)

HB 947 by Rep. Loranne Ausley (D-Tallahassee) defines telehealth, who can provide telehealth, and the practice standard for a telehealth provider.


**Senate Health Policy Committee Health Care Package – Bills Get Hearing Next Week**

The Senate Health Policy Committee has released SB 7078, a comprehensive health care bill, which will be taken up at the committee’s meeting on March 18th. The committee bill includes the following provisions:

- Provides patient access to medical records and patient medical record charges.
- Requires that hospitals provide non-emergency patients with information on the rate of hospital-acquired infections, the overall rating of the Hospital Consumer Assessment of Healthcare Providers and Systems survey, and the 15-day readmission rate.
- Requires that a hospital inform the patient’s primary care provider within 24 hours after the patient’s admission to the hospital.
- Requires that a hospital notify a patient of observation status.
- Expands direct primary care agreements to include direct health care agreements.
- Prohibits step therapy for a new health care plan when the patient had been approved for the medication in the last 180 days.
- Provides for price transparency in health insurance contracts / gag prohibition.
- Establishes an Interstate Medical Licensure Compact for physicians.
The committee also released the necessary public records bill for the Interstate Licensure Compact – **SB 7080** – which will also be discussed at the committee meeting on March 18th.


**Electronic Prescribing – No Movement**

**HB 831** by Rep. Amber Mariano (R-Hudson) and **SB 1192** by Senator Aaron Bean (R-Fernandina Beach) require all prescriptions to be electronically generated and transmitted. On March 5th, the House bill passed the Health Quality Subcommittee by a vote of 12 to 1.
