



Florida Academy of Family Physicians 2019 Legislative Session Capital Update – WEEK NINE May 4, 2019

Just a little extra time. After a 2019 Legislative Session marked by cooperation and cordiality, the legislature needed a few extra hours to finish the details of its \$90-billion budget. While the action on policy bills concluded on Friday, the legislature returned Saturday afternoon to vote on final passage of the budget. Legislators will now return to their districts, and more importantly, to their families for the short break prior to the process starting all over again in September.

The FFM-PAC, with the guidance of MHD, has been involved by supporting key legislators and leadership on both sides of the isle. FAFP members' help is always needed and can be provided by texting "FFMPAC" to 91999 or by [CLICKING HERE](#). In addition, the FAFP Board approved a \$30,000 contribution to the FFMPAC at its May 3, 2019, meeting showing the FAFP's full commitment to the process.

Legislation of interest to the FAFP was tagged and tracked throughout the legislative session. The following is a brief summary of the key issues impacting the Florida Academy of Family Physicians.

2019 Doctor of the Day Program

Outstanding! A record 17 FAFP members served as Doctor of the Day during the 2019 Legislative Session, marking how committed family physicians are to getting involved in the political process to best support themselves and their patients. If you are interested in serving in 2020, please email Jay Millson jmillson@fafp.org.

Budget Negotiations Resolved– *Final Budget Vote Finalized on Saturday*

On April 30th, Senate and House budget conference chairs, Senator Rob Bradley (R-Fleming Island) and Rep. Travis Cummings (R-Fleming Island) announced that conference negotiations had been resolved between the chambers. The Appropriations chairs agreed to a \$91.1 billion budget deal. Overall, the negotiated budget conference report prioritizes education with a \$783 million increase in K-12 education funding, \$682.6 million in funding for water quality and protection, and \$1.85 billion in funding for Hurricane Michael recovery. The budget deal also leaves \$3.4 billion in total reserves. The budget conference report also includes \$90 million for a tax relief package which includes sales taxes "holiday" periods on back-to-school items and for hurricane season supplies. A reduction in the sales

tax on commercial leases from the current rate of 5.7% down to a rate of 5.5% was also part of the tax package.

Legislation of Importance to FAFP

Bills are marked with FAFP's position: Support Oppose  Monitoring

APRN Scope of Practice Expansion – *FAILED*

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 House bill was amended to also allow certain physician assistants to practice independently and to authorize an autonomous physician assistant, a physician assistant, or an advanced practice registered nurse to examine and report on a ward's medical and mental health conditions in the annual guardianship plan submitted to the court. A linked committee bill, **HB 7079**, deals with the registration and biennial renewal fees for licensing advanced practice registered nurses.

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 – *FAILED*

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.

Link to HB 833: <http://www.flsenate.gov/Session/Bill/2019/833>

Link to SB 1050: <http://www.flsenate.gov/Session/Bill/2019/1050>

Influenza & Strep Testing – *FAILED*

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. The House bill also:

- 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.

Link to HB 111: <http://www.flsenate.gov/Session/Bill/2019/111>

Link to SB 300: <http://www.flsenate.gov/Session/Bill/2019/300>

 **Psychologist Prescribing – *FAILED***

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.

Link to SB 304: <http://www.flsenate.gov/Session/Bill/2019/304>

Link to HB 373: <http://www.flsenate.gov/Session/Bill/2019/373>

Electronic Prescribing – *HB 831 PASSES LEGISLATURE (39-0) (104-8)*

HB 831 by Rep. Amber Mariano (R-Hudson) requires health care practitioners to electronically generate and transmit prescriptions for medicinal drugs upon their license renewal or by July 1, 2021, whichever is earlier. The bill also provides an exception to mandatory e-prescribing for those prescribers who do not have access to an EHR system and creates seven exceptions to the requirement consistent with federal-law exceptions to the e-prescribing requirement for the Medicare program. The bill also authorizes the DOH to adopt rules in consultation with the appropriate boards and provides an exemption if the practitioner determines it is in the best interest of the patient, or the patient determines that it is in their best interest, to compare prescription prices among area pharmacies.

Link to Enrolled Version of HB 831:

<http://www.flsenate.gov/Session/Bill/2019/831/BillText/er>



Prescription Drug Importation Program – *HB 19 PASSES LEGISLATURE (27-13) (93-20)/HB 7073 PASSES LEGISLATURE (103-11) (35-0)*

HB 19 by Rep. Tom Leek (R-Ormond Beach) establishes two programs to import FDA-approved prescription drugs into the state: the Canadian Drug Importation Program and the International Drug Importation Program. For both programs, the bill establishes eligibility criteria for the types of prescription drugs which may be imported, and the entities that may export or import prescription drugs. The bill also outlines the importation process, safety standards, drug distribution requirements, and penalties for violations of program requirements. Both programs require federal approval or cooperation before prescription drug importation under either program can begin. For the Canadian Drug Importation Program, HB 19 requires the Agency for Health Care Administration (AHCA) to seek federal approval by July 1, 2020 and begin operating the importation program within 6 months after receiving approval. HB 19 requires an AHCA contracted vendor to develop a wholesale prescription drug importation list identifying the prescription drugs that have the highest potential for cost savings to the state by December 1, 2019. HB 19 also requires the Department of Business and Professional Regulation to establish an International Drug Importation Program. This program would allow importation of certain prescription drugs by a wholesale distributor, a pharmacy and a pharmacist from any country.

HB 7073 by the House Health Quality Subcommittee is linked to HB 19 and authorizes the Board of Pharmacy and DBPR to charge fees relating to the new permits.

Link to Enrolled Version of HB 19:

<http://www.flsenate.gov/Session/Bill/2019/19/BillText/er>

Link to Enrolled Version of HB 7073:

<http://www.flsenate.gov/Session/Bill/2019/7073/BillText/er>



Non-Opioid Directives – *HB 451 PASSES LEGISLATURE (113-1) (40-0)*

HB 451 by Rep. Scott Plakon (R-Longwood) requires that before providing anesthesia or prescribing, ordering, dispensing, or administering an opioid listed as a Schedule II controlled substance to treat pain, the patient must be informed about available nonopioid alternatives. A healthcare practitioner will discuss the advantages and disadvantages of using nonopioid alternatives and provide an educational pamphlet about using nonopioid alternatives. The pamphlet will be developed by the Department of Health and posted on its website. Those healthcare practitioners providing emergency services and care are exempt from these requirements. Link to Enrolled Version of HB 451:

<http://www.flsenate.gov/Session/Bill/2019/451/BillText/er>



Direct Health Care Agreements – *HB 7 PASSES LEGISLATURE (90-24) (40-0)/ HB 843 PASSES LEGISLATURE (39-0) (115-0)*

HB 7 by Rep. Wyman Duggan (R-Jacksonville) expands 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 passed in 2017. The direct primary care agreement language was also amended onto **HB 843**.

Link to Enrolled Version of HB 7:

<http://www.flsenate.gov/Session/Bill/2019/7/BillText/er>

Link to Enrolled Version of HB 843:

<http://www.flsenate.gov/Session/Bill/2019/843/BillText/er>



Immunization Registry – *HB 213 PASSES LEGISLATURE (38-0) (111-2)*

HB 213 by Rep. Ralph Massullo (R-Lecanto) eliminates unnecessary paperwork for physicians' offices by making it more convenient for parents to comply with school immunization rules. The bill requires 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. Schools would verify required vaccinations via the SHOTS registry, rather than requiring the Form 680. The bill also requires that the consent to treatment form contain a notice of the right to opt out of the registry.

Link to Enrolled Version of HB 213:

<http://www.flsenate.gov/Session/Bill/2019/213/BillText/er>



Prescription Drug Monitoring Program (PDMP) – *HB 375 PASSES LEGISLATURE (114-0) (39-0)/HB 1253 PASSES LEGISLATURE (111-0) (39-0)*

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) exempts prescribers and dispensers from the requirement to consult the PDMP prior to prescribing or dispensing a controlled substance to a patient who has been admitted to hospice. The House bill also authorizes DOH to enter into reciprocal agreements to share prescription drug monitoring information with the United

States Department of Veterans Affairs, the United States Department of Defense, and the Indian Health Service.

Link to Enrolled Version of HB 375:

<http://www.flsenate.gov/Session/Bill/2019/375/BillText/e1>

HB 1253 by Rep. Amber Mariano (R-Hudson) expands the Attorney General's indirect access to PDMP data to all cases involving prescribed controlled substances, rather than just Medicaid fraud cases. The bill authorizes the Attorney General to use PDMP records to pursue an investigation and litigation regardless of when they were compiled. The bill also eliminates a prohibition against information in the PDMP database being subject to discovery and entered as evidence in a civil or administrative action against a dispenser or pharmacy and also authorize program staff to testify in a proceeding to authenticate PDMP records. The bill also requires that DOH develop a unique identifier for each patient in the PDMP system, clarifies that the Attorney General may only obtain de-identified patient information from the PDMP for active investigations or pending civil or criminal litigation involving controlled substances, for cases other than Medicaid fraud cases.

Link to Enrolled Version of HB 1253:

<http://www.flsenate.gov/Session/Bill/2019/1253/BillText/er>



Telehealth – *HB 23 PASSES LEGISLATURE (30-9) (113-0)/HB 7067 PASSES LEGISLATURE (113-3) (38-0)*

HB 23 by Rep. Clay Yarborough (R-Jacksonville) 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 certain prohibitions on controlled substances prescribing.

HB 7067 by the Health Quality Subcommittee requires DOH or the applicable regulatory board to charge a \$150 registration fee for out-of-state health care professionals seeking to provide health care services using telehealth to Florida residents. The bill also creates a biennial registration renewal fee of \$150 for those providers.

Link to Enrolled Version of HB 23:

<http://www.flsenate.gov/Session/Bill/2019/23/BillText/er>

Link to Enrolled Version of HB 7067:

<http://www.flsenate.gov/Session/Bill/2019/7067/BillText/er>



Senate Health Policy Committee Health Care Package – *HB 843 PASSES LEGISLATURE (39-0) (115-0)*

HB 843 by Rep. Ana Maria Rodriguez (R-Doral) is a comprehensive health care bill that:

- Creates the dental student loan repayment program.
- Creates the Donated Dental Services Program.

- Requires hospital notification to patients of the rate of hospital required infections, rating of the Hospital Consumer Assessment of Healthcare Providers and System survey and the 15-day readmission rate.
- Requires hospital notification to the patient's primary provider of admission or discharge from a hospital.
- Allows an ambulatory surgical center to keep patients for 24 hours and allows the Agency to adopt rules that establish minimum standards for pediatric patients.
- Makes changes to the pediatric cardiac technical advisory panel.
- Requires notification to the patient of observation status rather than in patient status at a hospital.
- Provides that CLIA certified providers are not clinics for purposes of Chapter 400, F.S.
- Contains language dealing with restrictive covenants for physicians.
- Modifies the direct primary care agreements to be direct health care agreements.
- Prohibits step therapy when the insured has previously been approved to receive the prescription drug through the completion of a step therapy protocol and the previous insurance company had paid for it within the last 90 days.

HB 843 also requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to research and analyze the Interstate Medical Licensure Compact and the relevant requirements and provisions of general law and the State Constitution and develop a report and recommendations addressing this state's prospective entrance into the compact as a member state while remaining consistent with those requirements and provisions. OPPAGA is required to submit its report and recommendations to the Governor, the Senate President, and House Speaker no later than October 1, 2019.

Link to Enrolled Version of HB 843:

<http://www.flsenate.gov/Session/Bill/2019/843/BillText/er>

Human Trafficking - *HB 851 PASSES LEGISLATURE (108-1) (36-0)*

Among several other policy changes, **HB 851** by Rep. Heather Fitzenhagen (R-Fort Myers) responds to the current human trafficking problem by requiring healthcare professionals including medical physicians and osteopathic physicians to take a one hour educational course on human trafficking by January 2021. The course must address both sex trafficking and labor trafficking, how to identify individuals who may be victims of human trafficking, how to report cases of human trafficking, and resources available to victims. In addition health care providers are required to conspicuously post a sign about the National Human Trafficking Hotline.

Link to Enrolled Version of HB 851 (*when available*):

<http://www.flsenate.gov/Session/Bill/2019/851>