

**Florida Academy of Family Physicians
2019 Legislative Session
Capitol Update – WEEK FOUR
March 29, 2019**

The state Capitol hosted both ends of the life spectrum this week as both Children’s Week and Senior Days were featured events in the Capitol complex. Amidst the many related educational activities and policy meetings related to both children and seniors, each Chamber spent time putting the finishing touches on their respective budget proposals.

This week was also the last week for many House subcommittees to meet, meaning that any bills not having been heard in a subcommittee of reference may not make it to the finish line this session. The policy funnel that is the 60-day legislative session is starting to narrow.

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 provide by texting “FFMPAC” to 91999 or by [CLICKING HERE](#).

Legislation of interest to the FAFP is tagged and tracked as bills are filed. The following is a brief summary of the key issues impacting the Florida Academy of Family Physicians.

2019 Doctor of the Day Program



The FAFP was very well represented on Tuesday, March 26 by FAFP Board Member and Government Relations Committee Chair Dr. Christy Cavanagh who brought one of her PGY-2 residents Dr. Jaime Hall to serve as Doctor of the Day in the Capitol. Visits were had with sponsor Representative Heather Fitzenhagen, as well as Senator Lizbeth Benacquisto (left) to talk about healthcare issues important to the Ft. Myers community and how bills of interest to family medicine will impact patients. A record 16 FAFP members have participated as Doctors of the Day in 2019 which says a great deal as to the commitment to ensuring family medicine's voice is heard in Florida's Capitol building throughout the entire 60-day session. If you are interested in learning more on how to serve, contact Jay Millson (jmillson@fafp.org).

Legislation of Importance to FAFP

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

APRN Scope of Practice Expansion – *Both House Bills Pass Health Care Appropriations on March 26*

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. 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 – *No Movement*

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 – *House Bill Passes Health & Human Services on March 28*

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 was amended to:

- Authorize 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.
- Authorize pharmacists to test for and treat influenza and streptococcus.
- Require the board to adopt a formulary of drugs a pharmacist may prescribe for minor, nonchronic illnesses.
- Prohibit 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 – *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.

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 – *House Bill Passes Health Care Appropriations on March 26*

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.

Link to HB 831: <http://www.flsenate.gov/Session/Bill/2019/831>

Link to SB 1192: <http://www.flsenate.gov/Session/Bill/2019/1192>



Prescription Drug Importation Program – *Both House Bills Pass Health & Human Services on March 28/Senate Bill Passes Health Policy on March 25*

HB 19 by Rep. Tom Leek (R-Ormond Beach) and **SB 1528** by Senator Aaron Bean (R-Fernandina Beach) 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).

HB 7073 introduced 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 HB 19: <http://www.flsenate.gov/Session/Bill/2019/19>

Link to SB 1528: <http://www.flsenate.gov/Session/Bill/2019/1528>

Link to HB 7073: <http://www.flsenate.gov/Session/Bill/2019/7073>



Non-Opioid Directives – *Senate Bill Scheduled in Health Policy on April 1/House Bill Postponed in House Chamber on March 27*

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.

Link to SB 630: <http://www.flsenate.gov/Session/Bill/2019/630>

Link to HB 451: <http://www.flsenate.gov/Session/Bill/2019/451>



Direct Health Care Agreements – *Senate Bill Scheduled in Health Policy on April 1/House Bill Scheduled Approved by House Chamber (90-24) on March 27*

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 also expands the 2018 law to allow for such agreements between patients and dentists.

Link to HB 7: <http://www.flsenate.gov/Session/Bill/2019/7>

Link to SB 1520: <http://www.flsenate.gov/Session/Bill/2019/1520>

 **Prior Authorizations – *No Movement***

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.

Link to HB 559: <http://www.flsenate.gov/Session/Bill/2019/559>

 **"Bait & Switch" – *House Bill Passes Health Market Reform on March 26***

SB 1180 by Senator Debbie Mayfield (R-Vero Beach) and **HB 1363** by Rep. Jaye 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.

Link to SB 1180: <http://www.flsenate.gov/Session/Bill/2019/1180>

Link to HB 1363: <http://www.flsenate.gov/Session/Bill/2019/1363>

 **Immunization Registry – *Senate Bill Passes in Education on March 26/House Bill Passes Health & Human Services on March 28***

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. The House bill was amended to require a parent or college student to submit a form to the health care practitioner or entity providing the immunization or to DOH to opt-out of the immunization registry, require DOH to remove all records and identifying information of the child or student who has opted out of the registry, and clarify that a parent may request to opt out of the registry for a child from birth through age 17, and a college student, aged 18 to 23, may request to opt out.

Link to HB 213: <http://www.flsenate.gov/Session/Bill/2019/213>

Link to SB 354: <http://www.flsenate.gov/Session/Bill/2019/354>

 **Prescription Drug Monitoring Program (PDMP) – *HB 375 on Calendar of Bills Ready for Floor Consideration/SB 592 Passes Appropriations on March 27/HB 1253 Passes Judiciary on March 28/SB 1700 Scheduled in Health Policy on April 1***

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.

SB 592 by Senator Ben Albritton (R-Wauchula) amends s. 893.055, F.S., to exempt prescribers and dispensers from the requirement to check the prescription drug monitoring program (PDMP) database before prescribing or dispensing controlled substances to a patient for the alleviation of pain related to a terminal condition.

Link to HB 375: <http://www.flsenate.gov/Session/Bill/2019/375>

Link to SB 592: <http://www.flsenate.gov/Session/Bill/2019/592>

HB 1253 by Rep. Amber Mariano (R-Hudson) and **SB 1700** by Senator Tom Lee (R-Thonotosassa) expand 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 bills eliminate 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 House bill was amended to require that DOH develop a unique identifier for each patient in the PDMP system.

Link to HB 1253: <http://www.flsenate.gov/Session/Bill/2019/1253>

Link to SB 1700: <http://www.flsenate.gov/Session/Bill/2019/1700>



Dispensing Medicinal Drugs - *House Bill Passes Health Quality on March 26*

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. The House bill was amended authorize a hospital pharmacy to dispense the greater of a 24-hour supply or a supply of medicine sufficient to last until the next business day to a patient in an emergency room or a hospital inpatient upon discharge and to authorize all prescribers, not just physicians, to prescribe medicinal drugs to be dispensed under these circumstances.

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 - *No Movement*

HB 7077 by the House Civil Justice Subcommittee 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 bill has been referred to the Health and Human Services Committee and Judiciary Committee. The companion measure, **SB 80** by Senator Kelli Stargel (R-Lakeland) has not been heard in the Senate.

Link to HB 7077: <https://www.flsenate.gov/Session/Bill/2019/7077>

Link to SB 80: <http://www.flsenate.gov/Session/Bill/2019/80>



Telehealth – HB 23 & HB 7026 Pass Health & Human Services on March 28/Senate Bill Passes Health Policy on March 25

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 House bill creates a tax credit for health insurers and health maintenance organizations (HMOs) that cover services provided by telehealth and was amended to add clinical labs to the list of providers who could provide telehealth services.

SB 1526 by Senator Gayle Harrell (R-Stuart) prohibits 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. The Senate version of the legislation requires that that insurers and HMOs reimburse health providers for telehealth services as they would if the services were provided face-to-face, but it does not contain tax breaks for health insurers and HMOs.

HB 7026 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 HB 23: <http://www.flsenate.gov/Session/Bill/2019/23>

Link to SB 1526: <http://www.flsenate.gov/Session/Bill/2019/1526>

Link to HB 7067: <https://www.flsenate.gov/Session/Bill/2019/7067>



Senate Health Policy Committee Health Care Package – SB 7080 Scheduled in Governmental Oversight & Accountability on April 2

SB 7078 by the Health Policy Committee is a comprehensive health care bill that 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.

In addition, **SB 7080** by the Health Policy Committee is the requisite public records exemption bill for the Interstate Licensure Compact.

Link to SB 7078: <http://www.flsenate.gov/Session/Bill/2019/7078>

Link to SB 7080: <http://www.flsenate.gov/Session/Bill/2019/7080>