

**Florida Academy of Family Physicians
2019 Legislative Session
Capital Update – Week 1
March 8, 2019**

The 2019 Legislative Session has convened! For the next 60 days it will develop a roughly \$90 billion budget and grapple with a myriad policy issues ranging from water quality to criminal justice reform to health care regulation to medical marijuana policy. In his first two months of office Governor DeSantis is charting a cooperative path with the legislature. On Tuesday, March 5th, he delivered his “State of the State” address and emphasized the need for “bold action” especially in the areas of education and deregulation.

Following the Governor’s remarks, the legislature got down to business with committee meetings and floor activity taking up the remainder of the week. Speaker Jose Oliva’s opening remarks to the House of Representatives solidified what organized medicine has feared, stating “ Nothing is a great financial threat to the public and private coffers alike as is health care,” and “the health care industrial complex receives federal dollars, state dollars, local dollars, and private dollars and still they need more.” Of his many solutions is addressing healthcare workforce shortages by allowing “highly trained and skilled nurse practitioners to practice to the full extent of their training.” Thus, the FAFP is working closely with the Florida Medical Association and organized medicine to address this legislation as well as many other bills that concern family medicine as can be read below.

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](#).

As of March 8th, 3,363 House and Senate bills have been filed for consideration during the 2019 Legislative Session. 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.

Legislation of Importance to FAFP

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

? APRN Scope of Practice Expansion – *Bill being heard March 12*

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 FAFP intends to testify against this legislation with FAFP Government Relations Committee Vice Chair Dr. Michael Swartzon being in Tallahassee Tuesday March 12.

Link to HB 821: <http://www.flsenate.gov/Session/Bill/2019/821>

Link to SB 972: <http://www.flsenate.gov/Session/Bill/2019/972>

Consultant Pharmacists

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 Advances

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.

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 – House Bill Clears Committee

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. We anticipate that the bill will be heard in the House Health Care Appropriations Subcommittee next week.

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

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

Prescription Drug Importation Program – Senate Legislation Filed

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.

Link to HB 19: <http://www.flsenate.gov/Session/Bill/2019/19>

Link to SB 1452: <http://www.flsenate.gov/Session/Bill/2019/1452>

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



Non-Opioid Directives - Amended 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. On March 5th, HB 451 was amended to require DOH to develop and publish on its website and educational pamphlet regarding the use of non-opioid alternatives for the treatment of pain. In addition, 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. HB 451, as amended, passed the Health Quality Subcommittee by a vote of 14 to 0.

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 - House Bill Gets Favorable Vote

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. On March 7th, the House bill was amended to allow dentists to participate. HB 7 cleared the Health Market Reform Subcommittee by a vote of 13 to 0.

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

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.

Link to SB 650: <http://www.flsenate.gov/Session/Bill/2019/650>

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

Link to SB 906: <http://www.flsenate.gov/Session/Bill/2019/906>

Link to HB 271: <http://www.flsenate.gov/Session/Bill/2019/271>

“Bait & Switch” – *House Companion Bill Filed*

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. This legislation will provide the same protections to Floridians who have commercial health plan coverage from midyear benefit changes. Senator Mayfield states that the legislation will ensure that the benefits Florida families sign up for during open enrollment are the benefits they actually receive and that Florida families who are covered through Medicare are protected from these bait-and-switch tactics.

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 – *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 5th, HB 213 passed the Health Quality Subcommittee by a vote of 14 to 0.

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

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

Physician Orders for Life-sustaining Treatment

SB 206 by Senator Jeff Brandes (R-St. Petersburg) establishes the Physician Orders for Life-Sustaining Treatment (POLST) Program within the Department of Health, specifies which document takes precedence when directives in POLST forms conflict with other advance directives, and requires the Agency for Health Care Administration (AHCA), by January 1, 2020, to establish and maintain a clearinghouse for compassionate and palliative care

plans. In addition, the bill authorizes home health agency personnel to withhold or withdraw cardiopulmonary resuscitation if presented with a POLST form that contains an order not to resuscitate the patient. **SB 208** also filed by Senator Brandes creates the requisite public records exemption for personal identifying information contained in compassionate and palliative care plans filed with the Clearinghouse for Compassionate and Palliative Care Plans managed by AHCA. House companion measures have not been filed to-date.

Link to SB 206: <http://www.flsenate.gov/Session/Bill/2019/206>

Link to SB 208: <http://www.flsenate.gov/Session/Bill/2019/208>



Stem Cell Treatments

HB 65 by Reps. Chuck Clemons (R-Newberry) and Cary Pigman (R-Avon Park) and **SB 954** by Senator Lori Berman (D-Lantana) establish patient eligibility criteria and requirements relating to the access to and use of investigational stem cell treatments, require DOH to adopt rules, prohibits governmental interference in such stem cell treatments, require institutional review boards to oversee treatments, keep records, and submit reports, and prohibit the purchase or sale of stem cells.

Link to HB 65: <http://www.flsenate.gov/Session/Bill/2019/65>

Link to SB 954: <http://www.flsenate.gov/Session/Bill/2019/954>



Prescription Drug Monitoring Program (PDMP) - *Amended Senate Bill 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 6th, 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.

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

Link to PCS for SB 592:

<http://www.flsenate.gov/Session/Bill/2019/00592/Amendment/300818>



Dispensing Medicinal Drugs - *Senate Bill on Agenda*

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 Senate bill will be heard in the Health Policy Committee on March 11th.

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 – Reform Package Debated

SB 80 by Senator Kelli Stargel (R-Lakeland) specifies how to calculate damages in certain personal injury or wrongful death actions and prohibits admission of specified information relating to costs of medical or health care as evidence in such actions.

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

HB 149 by Reps. John Cortes (D-Kissimmee) and Sam Killebrew (R-Winter Haven), and **SB 514** by Senator Kevin Radar (D-Delray Beach) authorize an adult child who was under the care of a legal parental guardian at the time of a parent's death to file a medical negligence claim and authorize a legal parental guardian of an adult child to file claim for medical negligence under certain circumstances.

Link to HB 149: <http://www.flsenate.gov/Session/Bill/2019/149>

Link to SB 514: <http://www.flsenate.gov/Session/Bill/2019/514>

HB 17 by Rep. Tom Leek (R-Ormond Beach) is a comprehensive tort reform package. The bill includes product liability limitations, medical malpractice litigation changes and a \$1 million cap on noneconomic damages. On March 6th, the House bill passed the Civil Justice Subcommittee by a vote of 10 to 5.

Another bill, **SB 1320** by Senator Kelli Stargel (R-Lakeland), requires that certain evidence of the usual and customary rates for health care services, procedures, or equipment be introduced at trial under specified circumstances in personal injury or wrongful death actions for certain claims of damages.

Link to HB 17: <http://www.flsenate.gov/Session/Bill/2019/17>

Link to SB 1320: <http://www.flsenate.gov/Session/Bill/2019/1320>

Telehealth – Bill Gets Initial Favorable Hearing

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 5th, the House bill passed the Health Quality Subcommittee by a vote of 11 to 2.

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

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

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

Link to HB 947: <http://www.flsenate.gov/Session/Bill/2019/947>



Electronic Prescribing – *House Bill Gets Favorable Hearing*

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.

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

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