Week three of the annual legislative session is when the legislative appropriations process begins publicly and interested parties chase after spreadsheets which identify the spending priorities of each budget subcommittee’s silo – Health & Human Services, Criminal & Civil Justice, General Government, Environment & Natural Resources, Transportation, Tourism & Economic Development, Higher Education and PreK-12 Education. The spending priorities listed in these spreadsheets contain items costing in the hundreds of millions of dollars, as well as small local projects costing in the tens of thousands. The only commonality is that each project is important to someone! Next week, both the House and Senate Appropriations Committees will pass a combined budget proposal, followed by a vote of each chamber during the following week. The budget process is running concurrently with policy bills being heard in committees, making for another hectic week.

Money is also critically important to legislators as they will hit the ground running immediately following session to ensure they are re-elected in 2020. 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.

2019 Doctor of the Day Program
Past FAFP board member Dr. Amaryllis Sanchez Wohlever served as Doctor of the Day on Tuesday March 19th, sponsored by her very own Senator Victor Torres from the Winter Park area. Dr. Sanchez Wohlever served in the Capitol Clinic assisting patients and spent time with legislators from both sides of the isle talking about trending healthcare topics. There are nearly two dozen family physicians scheduled to participate 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 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 – No Movement
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 7079: [https://www.flsenate.gov/Session/Bill/2019/7079](https://www.flsenate.gov/Session/Bill/2019/7079)

Consultant Pharmacists – House Bill Passes Health and Human Services
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.


Influenza & Strep Testing – House Bill Passes Health Care Appropriations
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.


Psychologist Prescribing – House Bill Passes Health Care Appropriations
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.

Prescription Drug Importation Program – House Bills Pass Appropriations/Senate Bill Scheduled in Health Policy on March 25

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.

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.


Non-Opioid Directives – Senate Bill Scheduled in Health Policy on March 25/House Bill Scheduled for 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.


Direct Health Care Agreements – Senate Bill Passes Banking & Insurance/House Bill Scheduled for House Chamber 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 are agreements that was passed in 2017. The House bill was amended to allow dentists to participate.

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

Prior Authorizations – HB 559 Passes Health Market Reform
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” – Senate Bill Passes Banking & Insurance

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.

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 Passes Health Care Appropriations/Senate Bill Scheduled in Education on March 26

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.

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

Prescription Drug Monitoring Program (PDMP) – HB 375 Passes Health & Human Services/HB 1253 Passes Health Quality

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 was amended to authorize 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.

The proposed committee substitute for 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. The PCS for SB 592 has one hearing remaining in the Appropriations Committee.


**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.


**Dispensing Medicinal Drugs – Senate Bill Passes Innovation, Industry, & Technology**

**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.


**Medical Malpractice – No Movement**

The House Civil Justice Subcommittee introduced **HB 7077** which 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 been referred to the Judiciary Committee, Banking and Insurance Committee, Appropriations Subcommittee on Health and Human Services, and the Appropriations Committee.

Link to HB 7077: [https://www.flsenate.gov/Session/Bill/2019/7077](https://www.flsenate.gov/Session/Bill/2019/7077)

**Telehealth – House Bills Pass/Senate Bill Scheduled in 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 bill creates a tax credit for health insurers and health maintenance organizations (HMOs) that cover services provided by telehealth. **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.

**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.

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

**Senate Health Policy Committee Health Care Package** – *Senate Bills Pass Health Policy*

**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.

**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.