

**Florida Academy of Family Physicians  
2019 Legislative Session  
Legislative Update  
February 22, 2019**

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Three consecutive weeks of interim legislative committee meetings concluded this week as legislators now have the opportunity to return home for one week prior to the start of the legislative session on March 5th. Governor DeSantis and legislative leaders continue to maintain a strong working relationship. We expect the overall cordiality to continue even though policy differences will naturally emerge as the legislative session kicks into gear.

The legislature is also gaining more budget clarity as it moves closer to releasing initial House and Senate budgets. This past week hundreds of local bills requesting state appropriations were filed and many of them were heard by the various appropriations subcommittees. These budget requests totaling over \$3 billion in general revenue will soon confront the reality of Florida's fiscal outlook as legislators await the results of the upcoming revised general revenue forecast which is scheduled for March 14<sup>th</sup>.

It is time to strap in and prepare for the roller coaster ride of the 2019 Legislative Session! 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 February 22<sup>nd</sup>, 2,776 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.

**2019 Doctor of the Day Program**

The new 2019 application for the legislature's Doctor of the Day Program has been released. Now is the time for family physicians to volunteer to take part in this important program during each of the nine-weeks of the 2019 Legislative Session which runs from March 5 through May 3. FAFP's membership has maintained strong representation in Tallahassee to advance our advocacy efforts! We have already had a strong showing of members who have confirmed their participation in the program and have already been scheduled to serve on specific days. For further information about the program, please contact Jay Millson at [jmillson@fafp.org](mailto:jmillson@fafp.org).

**Legislation of Importance to FAFP**

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



### **Prescription Drug Importation Program**

On February 20<sup>th</sup>, Governor DeSantis announced a plan to create a prescription drug importation program for Florida. The announcement was held at Central Florida's retirement community, The Villages, and the Governor was joined by House Speaker Jose Oliva (R-Miami Lakes), House Health Care Committee Chairman Rep. Ray Rodrigues (R-Estero), and Agency for Health Care Administration Secretary Mary Mayhew. Following the press conference, **HB 19** relating to drug importation, was filed by Rep. Tom Leek (R-Ormond Beach). The Senate has yet to take a position on the proposal.

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



### **APRN Scope of Practice Expansion**

**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.

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**

**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 legislation requires pharmacists to maintain patient records for a minimum of 5 years, to carry professional liability insurance, and to obtain certification. The bills require pharmacists to notify the patient's primary care provider within 2 business days after providing testing or treatment.

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**

**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>



### **Non-Opioid Directives**

**SB 630** Senator Keith Perry (R-Gainesville) and **HB 451** by Rep. Scott Plakon (R-Longwood) require the Department of Health to establish a volunteer non-opioid directive form. The bills require physicians to provide a copy of the form to a patient before prescribing, ordering or administering an opioid drug.

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**

**HB 7** by expands the scope of direct primary care agreements by allowing for direct health care agreements. A Senate companion bill has not been filed to-date.

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



### **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"**

**SB 1180** by Senator Debbie Mayfield (R-Vero Beach) amends 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. A House companion bill has not been filed to-date.

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



### **Immunization Registry – *Senate Bill Advances***

**HB 213** by Rep. Ralph Massullo (R-Lecanto) and **SB 354** by Senator Bill Montford (D-Tallahassee) eliminates unnecessary paperwork for physician's office and makes 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 upload from existing automated systems is an acceptable method for updating immunization information in the immunization registry. On February 19<sup>th</sup>, SB 354 passed the Health Policy Committee by a vote of 10 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>



### **HPV Immunizations**

**HB 245** by Rep. Heather Fitzenhagen (R-Fort Myers) and **SB 356** by Senator Jose Javier Rodriguez (D-Miami) revise the child immunization requirements to include the vaccine for human papillomavirus (HPV).

Link to HB 245: <http://www.flsenate.gov/Session/Bill/2019/245>

Link to SB 356: <http://www.flsenate.gov/Session/Bill/2019/356>



### **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) – *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 February 19<sup>th</sup>, SB 592 passed the Health Policy Committee by a vote of 10 to 0.

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

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



### **Opioid Prescribing**

**HB 491** by Rep. Dianne Hart (D-Tampa) and **SB 1280** by Sen. Darryl Rouson (D-St. Petersburg) exclude pain related to sickle-cell anemia from the definition of acute pain for purposes of limitations on prescriptions of opioids for acute pain.

Link to HB 491: <http://www.flsenate.gov/Session/Bill/2019/491>

Link to SB 1280: <http://www.flsenate.gov/Session/Bill/2019/1280>



### **Prior Authorization for Opioid Alternatives**

**SB 398** by Senator Gary Farmer (D-Fort Lauderdale) prohibits health insurance policies from requiring that treatment with an opioid analgesic drug product be attempted and have failed before authorizing the use of a nonopioid-based analgesic drug product. A House companion bill has not been filed to-date.

Link to SB 398: <http://www.flsenate.gov/Session/Bill/2019/398> LEGISLATION



### **Medical Malpractice**

**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.

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



### **Medicaid Expansion**

**SB 126** by Senator Perry Thurston (D-Fort Lauderdale) and **HB 223** by Rep. Barbara Watson (D-Miami Gardens) extend Medicaid eligibility to adults who are under 65 years of age whose income does not exceed 133 percent of the federal poverty level.

Link to SB 126: <http://www.flsenate.gov/Session/Bill/2019/126>

Link to HB 223: <http://www.flsenate.gov/Session/Bill/2019/223>

**SJR 284** by Senator Annette Taddeo (D-Miami) proposes the creation of a new section of the State Constitution to require amending the state Medicaid plan to provide Medicaid coverage to persons under age 65 who have an income equal to or below 138 percent of the federal poverty level. A House companion resolution has not been filed to-date.

Link to SJR 284: <http://www.flsenate.gov/Session/Bill/2019/284>



### **Health Insurance Coverage for Enteral Formulas**

**SB 358** by Senator Kelli Stargel (R-Lakeland) and **HB 539** by Rep. Ardian Zika (R-Land O'Lakes) require the state group insurance program to provide coverage for certain enteral formulas and amino-acid-based elemental formulas.

Link to SB 358: <http://www.flsenate.gov/Session/Bill/2019/358>

Link to HB 539: <http://www.flsenate.gov/Session/Bill/2019/539>



### **Insurance Coverage for Hearing Aids**

**HB 531** by Rep. Chuck Brannan (R-Lake City) and **SB 572** by Senator Dennis Baxley (R-Ocala) require certain health insurance policies to provide hearing aid coverage for insured children and provide coverage requirements.

Link to HB 531: <http://www.flsenate.gov/Session/Bill/2019/531>

Link to SB 572: <http://www.flsenate.gov/Session/Bill/2019/572>



### **Telehealth**

**HB 23** by Rep. Clay Yarborough (R-Jacksonville) creates a telehealth tax credit. In addition, HB 23 defines telehealth, who can provide telehealth, and the practice standards surrounding telehealth. Finally, the bill creates a registration process for out-of-state telehealth providers.

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

**HB 947** by Rep. Lorraine 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**

**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>