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**2018 FOMA Capitol Updates:**

To access the FOMA’s 2018 Capitol Updates, please visit: <http://www.foma.org/capitol-updates.html>

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The 2018 Regular Legislative Session began Tuesday, January 9, 2018 amid flowers, strong language from leadership on sexual misconduct, promises of reforms, taxes and robust talk regarding the State budget. During the Joint Session, the Governor, Senate President and the Speaker of the House gave speeches regarding their thoughts and interpretations of the 2018 Session (*Please see below for links to each speech*).

**Governor Scott** on Tuesday asked lawmakers to make it harder to pass future tax increases by requiring a “supermajority” vote by the Legislature. “This is my last session to cut taxes,” Scott told House and Senate members on the opening day of the 2018 legislative session. “And we must acknowledge that, unfortunately, at some point, there will be politicians sitting in this chamber who are not as fiscally responsible as we are today.” Scott wants lawmakers to back a constitutional amendment, which if approved by voters in the fall, would require two-thirds votes by the Legislature to pass tax increases. The Republican-led legislature can now pass a tax increase by a majority vote, with the last increase being a \$1 hike in 2009 on the tax on packs of cigarettes. [https://www.youtube.com/watch?v=TleQe\\_LFzJs](https://www.youtube.com/watch?v=TleQe_LFzJs)

**House Speaker Richard Corcoran** declared the Florida House as the “House of Reformers,” signaled Tuesday that his chamber will move aggressively during the 2018 legislative session to target “sanctuary” cities, hold down taxes and expand school choice. Speaker Corcoran addressed the House as lawmakers began the annual 60-day session, and he outlined priorities that are almost certain to stir debate --- and controversy. During the opening-day address Tuesday, Corcoran described the House stance as taking the “moral high ground.” “The Florida House will never support raising taxes on any individual or any business --- ever,” he said. “We won’t raise them directly. We won’t raise them indirectly.”

<https://www.youtube.com/watch?v=CxvxU8DU564>

**Senate President Joe Negron** reiterated his chamber will have “zero tolerance” for sexual harassment or misconduct against employees and visitors, as he gave an opening address Tuesday for the 2018 Legislative Session. Negron also talked of the need to address impacts from Hurricane Irma and to further build up the state university system. Negron also said the Senate will work with Gov. Rick Scott on his request for additional pay raises for law-enforcement officers and with House Speaker Richard Corcoran, R-Land O’ Lakes, on expanding school choice. President Negron also said he wanted to take a multidisciplinary approach to helping solve Florida’s opioid crisis. Drug-related deaths in Florida jumped by 35% in 2016, but experts say the situation is even more dire than the statistic demonstrates.

[https://youtu.be/m\\_ZV808IIwg](https://youtu.be/m_ZV808IIwg)

Once the opening day festivities were concluded, the House and Senate moved on to the business of the Legislature by conducting Committee hearings. As of January 12, 2018, there have been 3,095 bills filed for the Session (this total includes ALL of the House Special Projects Appropriations Bills). The 2018 60-day Session is slated to end on March 9, 2018.

## Tuesday

### **PASSED/MONITOR** HB 313 – Access to Health Care Practitioner Services by Grant (M)

This bill incentivizes physicians to provide pro bono health care services to certain low-income individuals and provides an opportunity for physicians from other jurisdictions and retired physicians to provide health services to low-income and medically underserved individuals in Florida.

**Action:** Passed Health Care Appropriations (13-0), now in Health & Human Services

**Link:** <http://www.flsenate.gov/Session/Bill/2018/313>

**Companion:** N/A

## Wednesday

### **PASSED/MONITOR** SB 150 – Motor Vehicle Insurance by Lee (T)

SB 150 would repeal the Florida Motor Vehicle No-Fault Law. It would require motorists to carry \$5,000 in what is known as medical payments coverage, or MedPay, and minimum amounts of bodily-injury coverage that would increase over time.

An amendment filed by Senator Garcia was adopted that added MDs, DOs, chiropractic physicians and dentists to be included in services covered by MedPay.

**Action:** Passed Banking and Insurance (10-1), now in Appropriations Subcommittee on Health and Human Services

**Link:** <http://www.flsenate.gov/Session/Bill/2018/150>

**Companion:** HB 19 – Motor Vehicle Insurance by Grall; on House floor for Third Reading

### **NO VOTE/MONITOR SB 8 – Controlled Substance by Benacquisto**

SB 8 addresses the opioid crisis in Florida. The main components of the legislation: establish a 3-day limit for Schedule II prescriptions but would allow a 7-day limit if deemed medically necessary, requires health care practitioners to check the Prescription Drug Monitoring Program (PDMP) before writing prescriptions for controlled substances, and require physicians to complete a mandatory 2-hour training course to prescribe controlled substances as part of biennial renewal.

The Senate bill was initially scheduled to take a vote, but concerns were raised by physicians who testified the 3 and 7 day limits are too strict for certain patients. Senator Benacquisto asked the Health Policy committee to hold off on a vote until next week so that changes could be made to the bill.

**Action:** No vote; will be heard again in Health Policy on 1/16/18, 4:00pm

**Link:** <http://www.flsenate.gov/Session/Bill/2018/8>

**Companion:** HB 21 – Controlled Substances by Boyd; Passed Health Quality Subcommittee (15-0), now in Appropriations Committee

### **PASSED/MONITOR HB 21 – Controlled Substances by Boyd**

HB 21 is the House version of the legislation filed to help combat the opioid crisis. The main components of the legislation: establish a 3-day limit for Schedule II prescriptions but would allow a 7-day limit if deemed medically necessary, requires health care practitioners to check the Prescription Drug Monitoring Program (PDMP) before writing prescriptions for controlled substances, and require physicians to complete a mandatory 2-hour training course to prescribe controlled substances as part of biennial renewal.

**Action:** Passed Health Quality Subcommittee (15-0), now in Appropriations Committee

**Link:** <http://www.flsenate.gov/Session/Bill/2018/21>

**Companion:** SB 8 – Controlled Substances by Benacquisto; On Health Policy agenda - 1/16/18, 4:00pm

### **PASSED/MONITOR HB 289 – Provision of Pharmaceutical Services by Raschein**

Prohibits an insurer or health maintenance organization (HMO) from requiring an insured living with a chronic illness to use mail-order pharmacy, except for certain excluded drugs. The bill defines “chronic illness,” as HIV, epilepsy, hypertension, or diabetes. The bill also prohibits insurers and HMOs from requiring different copayments or conditions to use a retail pharmacy,

if the pharmacy agrees to the same terms, conditions, and reimbursement amounts applicable to a mail order pharmacy.

**Action:** Passed Health Innovation Subcommittee (14-0), now in Insurance and Banking Subcommittee

**Link:** <http://www.flsenate.gov/Session/Bill/2018/289>

**Companion:** SB 492 – Provision of Pharmaceutical Services by Garcia; On Banking & Insurance Committee agenda, 01/16/18, 4:00pm

### **PASSED/MONITOR HB 573 – Involuntary Examinations under the Baker Act by Daniels**

This bill adds advanced registered nurse practitioners (ARNPs) and physician assistant (PAs) to the list of health care practitioners who may initiate the involuntary examinations of a person under the Baker Act

Under current law, only a physician, clinical psychologist, psychiatric nurse, mental health counselor, marriage and family therapist or clinical social worker may initiate an involuntary examination by executing such a certificate.

**Action:** Passed Health Quality Subcommittee (13-0), now in Civil Justice and Claims Subcommittee

**Link:** <http://www.flsenate.gov/Session/Bill/2018/573>

**Companion:** SB 112 – Involuntary Examinations under the Baker Act by Campbell; referred to Health Policy; Children Families, and Elder Affairs; Judiciary; Rules

### **PASSED/MONITOR HB 673 – Reporting of Adverse Incidents in Planned Out-of-Hospital Births by Magar**

HB 673 requires a physician, certified nurse midwife, or licensed midwife attending a planned out-of-hospital birth to submit an adverse incident report to the Department of Health (DOH), within 15 days of the occurrence of the incident.

**Action:** Passed Health Quality Subcommittee (13-0), now in Health Care Appropriations Subcommittee

**Link:** <http://www.flsenate.gov/Session/Bill/2018/673>

**Companion:** SB 510 – Reporting of Adverse Incidents in Planned Out-of-Hospital Births by Young; in Senate Rules Committee

### **PASSED/CURRENTLY OPPOSE HB 973 – Performance of Physician Assistants and Advanced Registered Nurse Practitioners by Daniels**

HB 973 authorizes MDs and DOs to delegate authority to ARNPs and PAs to sign, certify, stamp, verify, or endorse any document required by law to be signed by a physician. However, the bill specifically prohibits a PA or ARNP who is not a psychiatric nurse from approving the release of an individual from a Baker Act receiving facility.

**Action:** Passed Health Quality Subcommittee (10-0), now in Health and Human Services Committee

**Link:** <http://www.flsenate.gov/Session/Bill/2018/973>

**Companion:** SB 708 – Performance of Physician Assistants and Advanced Registered Nurse Practitioners by Brandes; referred to Health Policy; Judiciary; Rules

### **PASSED/MONITOR HB 6049 – Medical Marijuana Growers by Jones**

Under current law, the Department of Health is required to grant a Medical Marijuana Treatment Center (MMTC) license to a recognized class member of *Pigford v. Glickman/Black Farmers Litigation* and must be a member of the Florida Chapter of the Black Farmer and Agriculturalists Association.

This legislation would remove the provision that the recognized class member must be a member of the Florida Chapter of the Black Farmer and Agriculturalists Association.

**Action:** Passed Health Quality Subcommittee (15-0), now in Health and Human Services Committee

**Link:** <http://www.flsenate.gov/Session/Bill/2018/6049>

**Companion:** SB 1134 – Medical Marijuana Treatment Center Licensure by Rouson; on Health Policy agenda – 01/16/18, 4:00pm

### **PASSED/MONITOR HB 444 – Pregnancy Support Services by Bean**

SB 444 codifies the existing Pregnancy Support Services program which has been funded by the state since the 2005-2006 fiscal year. The program provides pregnancy support and wellness services, such as client services, program awareness activities, and communication activities, through a statewide alliance of community organizations.

**Action:** Passed Appropriations Subcommittee on Health and Human Services (4-2), now in Appropriations Committee

**Link:** <http://www.flsenate.gov/Session/Bill/2018/444>

**Companion:** HB 41 – Pregnancy Support and Wellness Services by Toledo; passed final House vote (73-29)

## **Thursday**

### **PASSED/SUPPORT SB 98 – Health Insurer Authorization by Steube**

This bill revises provisions of the Insurance Code relating to prior authorization and step therapy or fail-first protocols. The bill creates an expedited, standard process for the approval or denial of prior authorizations and protocol exceptions, which provides greater transparency for consumers and providers regarding the policies and procedures of health insurers. The bill defines the term, “health insurers,” to include health insurers, health maintenance organizations, and Medicaid managed care plans.

**Action:** Passed Rules Committee (11-0), now moves to Senate floor

**Link:** <http://www.flsenate.gov/Session/Bill/2018/98>

**Companion:** HB 199 – Health Insurer Authorization by Harrison; in Health Innovation Subcommittee

## Friday

Friday afternoon, the House of Representative passed its 4 health care priorities through its chamber:

- **HB 19 – Motor Vehicle Insurance (repeal of PIP) by Grall**
- **HB 23 – Recover Care Services by Renner**
- **HB 35 – Patient Safety Culture Surveys by Grant (M)**
- **HB 41 – Pregnancy Support and Wellness Service by Toledo**

### **PASSED/MONITOR** HB 19 – Motor Vehicle Insurance by Grall

HB 19 repeals “personal injury protection” (PIP) law and removes the limitation on tort liability provided under PIP. When drivers are at fault in an accident, they will be fully liable for any damages they cause. Due to this change, the bill expands the scope of legal liabilities covered under an uninsured/underinsured motorist policy.

In place of PIP, bodily injury (BI) coverage will be required at the time of registration of a motor vehicle. It increases the minimum BI coverage limits to \$25,000 in damages due to the bodily injury or death of any one person and \$50,000 for bodily injury or death to two or more persons. The minimum PD coverage limit is not changed. The minimum security limits for self-insurance of BI and PD requirements are increased.

Unlike its Senate companion (SB 150), the House version, HB 19, does not include medical payment coverage.

**Action:** Passed final House vote (88-15)

**Link:** <http://www.flsenate.gov/Session/Bill/2018/19>

**Companion:** SB 150 – Motor Vehicle Insurance by Lee (T); in Appropriations Subcommittee on Health and Human Services

### **PASSED/MONITOR** HB 23 – Recovery Care Services by Renner

This bill creates “recovery care centers” that would keep postsurgical patients up to three days. It would also ambulatory surgical centers, which primarily provide elective surgeries, to keep patients up to 24 hours.

**Action:** Passed final House vote (79-23)

**Link:** <http://www.flsenate.gov/Session/Bill/2018/23>

**Companion:** SB 250 – Ambulatory Surgical Centers and Mobile Surgical Facilities by Steube; in Appropriations Subcommittee on Health and Human Services

**PASSED/MONITOR HB 35 – Patient Safety Culture Surveys by Grant (M)**

HB 35 requires the Agency for Health Care Administration (AHCA) to develop patient safety culture surveys to measure aspects of patient safety culture in hospital and ambulatory surgical centers.

The surveys shall measure the frequency of adverse events, quality of handoffs and transitions, staff comfort in reporting a potential problem or error, the level of teamwork within hospital units and the facility as a whole, staff compliance with patient safety regulations and guidelines, staff's perception of facility support for patient safety, and staff's opinions on whether or not they would undergo a health care service or procedure at the facility.

**Action:** Passed final House vote (100-2)

**Link:** <http://www.flsenate.gov/Session/Bill/2018/35>

**Companion:** SB 1458 – Patient-safety Culture Surveys by Brandes; referred to Health Policy; Appropriations Subcommittee on Health and Human Services; Appropriations

**PASSED/MONITOR HB 41 – Pregnancy Support and Wellness Services by Toledo**

HB 41 codifies the existing Pregnancy Support Services program which has been funded by the state since the 2005-2006 fiscal year. The program provides pregnancy support and wellness services, such as client services, program awareness activities, and communication activities, through a statewide alliance of community organizations.

**Action:** Passed final House vote (73-29)

**Link:** <http://www.flsenate.gov/Session/Bill/2018/41>

**Companion:** SB 444 – Pregnancy Support Service by Bean; on Appropriations Committee agenda – 01/18/18, 4:00pm

\*\*Please note that position on legislation is current, and could change with amendments throughout the legislative process.