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Week Two of the 2018 Regular Legislative Session ended on Friday, January 19, 2018.

It was a shortened week due to the closing of offices on Monday for Martin Luther King Day but the pace picked up considerably on Tuesday and for the rest of the week.

Osteopathic Medicine and Health Awareness Day

On Wednesday, the FOMA held a reception at the Aloft Hotel for our medical students and physicians attending Osteopathic Medicine and Health Awareness Day. On Thursday, approximately 60 osteopathic physicians and medical school students from NSU-KPCOM, LECOM, and ACOM attended Osteopathic Medicine and Health Awareness Day at the Capitol and the Old Capitol. In the morning, a legislative aide from Sen. Passidomo, 2017 Senate Legislator of the Year Aaron Bean, and Senators Rodriguez, Bracy and Powell stopped by and spoke to the attendees.

In the afternoon, former Legislator of the Year Rep. Gayle Harrell read the proclamation declaring January 18, 2018 Osteopathic Medicine and Health Awareness Day. Subsequently, Secretary of State Ken Detzner and Surgeon General and Secretary of the Department of Health Celeste Philip, MD, MPH addressed the attendees. Afterwards, House and Senate Legislator of the Year Awards were presented to Representative Danny Burgess (R-Zephyrhills) and Senator Lauren Book (D-Plantation). Following the awards and speeches, a luncheon was provided. Concluding Osteopathic Medicine and Health Awareness Day, students and physicians met with Speaker of the House Richard Corcoran in the House of Representatives Chamber.

Tuesday

Two bills (HB 431 & HB 689) that could potentially expand the scope of practice for pharmacists passed their 1st committees in the House on Tuesday, respectively. It is the 1st of only 2 committees of reference for each bill.

PASSED/CURRENTLY OPPOSE HB 431 - Testing for and Treatment of Influenza and Streptococcus by Daniels

Authorizes pharmacists to test for & treat influenza & streptococcus; requires that written protocol between pharmacist & supervising physician contain certain information, terms, & conditions; requires that pharmacists authorized to test for & treat influenza & streptococcus provide evidence of current certification by Board of Pharmacy to supervising physician; requires that pharmacists submit their written protocols to board.

Action: Passed Health Quality Subcommittee (12-2); in Health and Human Services Committee

Link: <http://www.flsenate.gov/Session/Bill/2018/431>

Companion: SB 524 - Influenza Virus and Streptococcal Infections by Brandes; Referred to Health Policy; Appropriations Subcommittee on Health and Human Services; Appropriations

PASSED/CURRENTLY OPPOSE HB 689 – Pharmacy by Byrd

HB 689 expands the consultant pharmacist's scope of practice by authorizing a consultant pharmacist to enter into a collaborative agreement with a health facility medical director or an individual health care practitioner to:

- Order and evaluate laboratory and clinical testing;
- Conduct patient assessments;
- Administer medications; and
- Initiate, modify, or discontinue medicinal drugs pursuant to a patient-specific order or treatment protocol.

A consultant pharmacist may provide these services in any setting. The bill also authorizes a pharmacist to make recommendations regarding the patient's health care status with the patient's prescribing health care practitioner or others specifically authorized by the patient.

The bill requires the consultant pharmacist and health care practitioner to maintain the collaborative agreement, which must be made available upon request or during an inspection. The bill requires the consultant pharmacist to maintain all drug, patient care, and quality assurance records.

Action: Passed Health Quality Subcommittee (11-1); in Health and Human Services Committee

Link: <http://www.flsenate.gov/Session/Bill/2018/689>

Companion: SB 914 - Practice of Pharmacy by Garcia; Referred to Health Policy; Regulated Industries; Rules

PASSED/MONITOR HB 1099 - Advanced Birth Centers by Magar

HB 1099 creates a new licensure program within AHCA for advanced birth centers. An advanced birth center is a birth center that may perform trial of labor after cesarean deliveries for screened patients that qualify, planned low risk cesarean deliveries, and anticipated vaginal delivery of laboring patients at the beginning of the 37th week of gestation to the end of the 41st week of gestation.

The bill requires advanced birth centers to be operated and staffed 24 hours per day, 7 days per week. The bill requires a mother and her infant to be discharged from the advanced birth center within 48 hours after the birth of the infant for a vaginal delivery and within 72 hours when delivery is by cesarean section, except in unusual circumstances as defined by rule.

The new advanced birth center license is modeled after the current licensure program for birth centers, subjecting advanced birth centers to similar regulatory standards, inspections and rules.

Action: Passed Baking and Insurance (11-0); in Health Policy

Link: <http://www.flsenate.gov/Session/Bill/2018/1099>

Companion: SB 1564 – Advanced Birth Centers by Grimsley; referred to Health Policy; Appropriations Subcommittee on Health and Human Services; Appropriations

PASSED/MONITOR SB 280 - Telehealth by Bean

SB 280 establishes practice standards for telehealth health care services, addresses the prescribing of controlled substances and ordering of medical marijuana through telehealth, and prescribes recordkeeping and patient consent. Telehealth is the delivery of health care services using telecommunication technologies, which allows licensed practitioners in one location to diagnose and treat patients at a different location. The bill will remove regulatory ambiguity regarding the provision of health care services using this technology because it is not currently addressed in Florida Statutes.

The FOMA suggested an amendment that would add Ch. 459 (osteopathic physician statute) to a part of the bill that was inadvertently left out. The bill sponsor added the amendment and it was adopted.

Action: Passed Baking and Insurance (11-0); in Health Policy

Link: <http://www.flsenate.gov/Session/Bill/2018/280>

Companion: HB 793 – Telehealth by Massullo; in Health Quality Subcommittee

PASSED/MONITOR SB 492 - Provision of Pharmaceutical Services by Garcia

Prohibiting certain health insurance policies from requiring insureds to obtain certain prescription drugs exclusively from mail order pharmacies for the treatment of specified chronic illnesses; prohibiting certain health maintenance contracts from requiring subscribers to obtain certain prescription drugs exclusively from mail order pharmacies for the treatment of specified chronic illnesses; requiring certain health maintenance organizations to include specified disclosures in their outlines of coverage regarding such prescription drugs, etc.

Action: Passed Banking and Insurance (10-1); in Health Policy

Link: <http://www.flsenate.gov/Session/Bill/2018/492>

Companion: HB 289 – Provision of Pharmaceutical Services by Raschein; in Insurance and Banking Subcommittee

PASSED/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.

Action: Passed Health Policy (8-0); on Appropriations agenda – 1/24/18, 2:00pm

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

Companion: HB 21 – Controlled Substances by Boyd; on Appropriations agenda – 1/22/18, 3:00pm

PASSED/SUPPORT SB 138 – Perinatal Mental Health by Book

Citing this act as the "Florida Families First Act"; requiring the Department of Health to create public service announcements to educate the public on perinatal mental health care; revising components that are included in the postpartum evaluation and followup care provided by birth centers to include a mental health screening and the provision of certain information on postpartum depression, etc.

Action: Passed Health Policy (8-0), on Appropriations Subcommittee on Health and Human Services agenda – 1/24/18, 11:30am

Link: <http://www.flsenate.gov/Session/Bill/2018/138>

Companion: HB 937 - Perinatal Mental Health by Nunez; on Health Innovation Subcommittee agenda – 1/23/18, 2:30pm

PASSED/MONITOR SB 474 – Physician Orders for Life-sustaining Treatment by Brandes

Establishing the Physician Orders for Life-Sustaining Treatment (POLST) Program within the Department of Health; requiring the Agency for Health Care Administration to establish and maintain a database of compassionate and palliative care plans by a specified date; authorizing specified personnel to withhold or withdraw cardiopulmonary resuscitation if presented with a POLST form that contains an order not to resuscitate the patient; requiring the Department of

Elderly Affairs, in consultation with the agency, to adopt by rule procedures for the implementation of POLST forms in hospice care, etc.

Action: Passed Health Policy (6-2), in Appropriations Subcommittee on Health and Human Services

Link: <http://www.flsenate.gov/Session/Bill/2018/474>

Companion: HB 1339 -Physician Orders for Life-Sustaining Treatment by Pigman; in Health Quality Subcommittee

PASSED/SUPPORT SB 800 – Infectious Disease Elimination Pilot Programs by Braynon

Citing this act as the “Florida Infectious Disease Elimination Act (IDEA)”; authorizing the Department of Health to establish sterile needle and syringe exchange pilot programs upon request from eligible entities, rather than a single program established in Miami-Dade County.

Action: Passed Health Policy (8-0), on Appropriations Subcommittee on Health and Human Services agenda – 1/24/18, 11:30am

Link: <http://www.flsenate.gov/Session/Bill/2018/800>

Companion: HB 579 - Infectious Disease Elimination Pilot Programs by Jones; in Health Quality Subcommittee

PASSED/MONITOR SB 1134 – Department of Health Responsibilities to the Medical Use of Marijuana by Rouson

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.

It would also require the department to adopt rules to allow qualified patients to change qualified physicians.

Action: Passed Health Policy (8-0), on Appropriations agenda – 1/24/18, 2:00pm

Link: <http://www.flsenate.gov/Session/Bill/2018/1134>

Companion: HB 6049 – Medical Marijuana Growers by Jones; on Appropriations

Wednesday

PASSED/SUPPORT HB 199 – Step-Therapy Protocols by Harrison

This bill prohibits health insurers & HMOs from requiring insureds or subscribers to repeat step therapy protocols; provides that certain health insurers & HMOs may impose specified requirement for continued coverage; provides that such entities are not required to take specified actions.

Similar to SB 98, except that SB 98 includes prior authorization and step-therapy protocols while HB 199 is limited to just step-therapy protocols.

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

Link: <http://www.flsenate.gov/Session/Bill/2018/199>

Companion: SB 98 – Health Insurer Authorization by Steube; on Senate floor for full vote

PASSED/SUPPORT SB 351 – Pharmacy Benefit Managers by Santiago

HB 351 requires PBMs that conduct business in Florida to register with the Board of Pharmacy within the Department of Health (DOH) by providing identifying organizational information, submitting an application for registration, and submitting an annual registration fee. An expanded definition of the term “pharmacy benefit manager” is included in the bill.

Action: Passed Health Innovation (14-0); now in Appropriations Committee

Link: <http://www.flsenate.gov/Session/Bill/2018/351>

Companion: SB 1494 – Prescription Drug Pricing Transparency by Montford; referred to Health Policy, Banking and Insurance, and Appropriations

Thursday

PASSED/MONITOR HB 721 – Mental Health and Substance Abuse Services by Silvers

HB 721 requires county jails to continue to administer the psychotropic medications prescribed at mental health treatment facilities upon a facility client’s discharge and return to the county jail, unless the jail physician determines that there is a compelling medical reason to change or discontinue the medication for the health and safety of the individual. The bill also requires county jails to send all medical information for individuals in their custody who will be admitted to state mental health treatment facilities. DCF must request this information within two business days of receipt of a completed commitment packet. Upon receipt of such a request, the county jail must provide the requested information within three business days.

Action: Passed Health and Human Services Committee (20-0), now on House floor for full vote

Link: <http://www.flsenate.gov/Session/Bill/2018/721>

Companion: SB 960 – Mental Health and Substance Abuse by Baxley; on Appropriations on Health in Human Services agenda – 1/24/18, 11:30am

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 and Human Services Committee (20-0), now on House floor for full vote

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 and Human Services Committee (20-0), now on House floor for full vote

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

Companion: SB 1134 – Department of Health Responsibilities Related to the Medical Use of Marijuana by Rouson; on Appropriations agenda – 01/24/18, 2:00pm

PASSED/MONITOR SB 510 – Reporting of Adverse Incidents in Planned out-of-hospital Births by Young

Requires physicians, nurse midwives and midwives to report adverse incidents occurring as a result of an attempted or completed, planned birthing center or out-of-hospital birth to the Department of Health. The bill defines an adverse incident and requires the reporting within 15 days after the occurrence of the adverse incident.

Action: Passed Rules Committee (13-0), now on Senate floor for full vote

Link: <http://www.flsenate.gov/Session/Bill/2018/510>

Companion: HB 673 – Reporting of Adverse Incidents in Planned Out-of-Hospital Births by Magar; in Health Care Appropriations Subcommittee

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 Committee (12-6), now on Senate floor for full vote

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)

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