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**How To Access Bills We Are Tracking:**

Please visit [www.foma.org](http://www.foma.org). Once there, scroll down the page and click on “Capitol Updates.” Then scroll down to “Quicklinks” and click on “Bill Tracking.” Look for your bill number and click on it for the most current information. If you have any questions, please call the FOMA Office of Governmental Relations at (850) 878-7364 and we will be glad to help you.

**2018 FOMA Capitol Updates:**

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

**How to Find Your Legislators:**

Please use the following link and input your respective information,  
<https://www.myfloridahouse.gov/Sections/Representatives/myrepresentative.aspx>

Florida legislators finished the third week of the 60-day session where they are ready to start grappling with a state budget that will exceed \$80 billion. The House and Senate both released their respective proposed budgets on Friday.

**Budget**

Governor Scott has proposed an **\$87.4 billion** budget, the Senate is proposing **\$87.3 billion** and the House is proposing **\$87.2 billion**.

The budget process usually doesn't gel until the final week of session — if then. The House and Senate will debate and carve up their budgets and then Budget Conference members will be named to try and work out the final negotiations. Once that is accomplished, there will be a 72 hour “cooling off” period where the budget cannot be touched. At the end of the 72 hours, the House and Senate will vote on the budget and send it to the Governor for his approval and possible vetoes. Please remember that nothing in the budget is final until the Governor approves

it. We will continue to keep you updated on the budget process and the negotiations as they begin to unfold.

### **NSU and LECOM Funding**

Within the House and Senate budgets, Nova Southeastern University is proposed **\$250,000** in both budgets, and Lake Erie College of Osteopathic Medicine is proposed **\$2.1 million** in the Senate budget and was left out of the House budget.

### **Annual CRT Lunch**

On Tuesday, January 23, the Florida Osteopathic Medical Association held its annual Corporate Educational Advocacy Roundtable (CRT) Luncheon in Tallahassee at the Governor's Club. The event was well attended by various CRT Pharmaceutical member representatives. FOMA Legislative Chair, **Paul Seltzer, DO**, opened up the meeting and introduced FOMA President and former Representative, **Ron Renuart, DO, FACP**, and **John Bailey, DO**, a FOMA Member of the Pharmaceutical and Therapeutics Committee (P&T Committee). A robust roundtable discussion of current FOMA and pharmaceutical legislative issues took place and Dr. Bailey, gave an excellent perspective of the working of the P&T Committee. Dr. Renuart also gave his thoughts on various legislative issues from the viewpoint of a former legislator.

### **Annual Medical School Deans Dinner**

On Tuesday, January 23, in the late afternoon, the Annual Medical School Dinner was held at the Florida State University Alumni Hall for the Deans of numerous Medical Schools throughout Florida. Several staff members of the schools and medical school students attended also.

The FOMA Legislative Update was given by FOMA President, **Ron Renuart, DO, FACP**, and touched on several important issues such as:

- Opioids
- Prior Authorization
- Direct Primary Care
- Pharmacy Benefit Managers
- Creation of the Office of Drug Control
- Prescription drug pricing transparency
- State Employees Prescription Drug Program
- Consumer Protection from Nonmedical Changes to Prescription Drugs

The Florida Medical Association (FMA) also did a presentation on legislative issues which basically followed the FOMA. The FOMA and the FMA consistently work together to make sure physicians and their patients are protected from harmful legislation and that they are gaining the benefits of positive legislation to all forms of health care.

### **Capitol Medical Society Installation**

On Thursday, January 25, **David Dixon, DO**, was installed as President of the Capitol Medical Society. A dinner was held at the Florida State University Alumni Hall in honor of Dr. Dixon becoming President. There were approximately 150 attendees including **Richard Thacker, DO** and staff of the Florida Osteopathic Medical Association. We want to wish Dr. Dixon a very energetic and enjoyable term as President.

## Monday

### **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 Appropriations Committee (19-0), now in Health & Human Services

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

**Companion:** SB 8 – Controlled Substances by Benacquisto; passed Appropriations (19-0)

## Tuesday

### **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/SUPPORT** 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/SUPPORT HB 937 – Perinatal Mental Health by Nunez**

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 Innovation (13-0), now in Health & Human Services

**Link:** <http://www.flsenate.gov/Session/Bill/2018/937>

**Companion:** SB 138 - Perinatal Mental Health by Book; passed Appropriations Subcommittee on Health & Human Services (7-0)

**PASSED/MONITOR SB 112 – Involuntary Examinations under the Baker Act by Campbell**

This bill adds advanced registered nurse practitioners (ARNPs) and physician assistants (PAs) to the list of health care practitioners who may initiate an involuntary examination of a person under the Florida Mental Health Act, also known as the Baker Act.

**Action:** Passed Health Policy (7-1), now in Children, Families, and Elder Affairs

**Link:** <http://www.flsenate.gov/Session/Bill/2018/112>

**Companion:** HB 573 – Involuntary Examinations under the Baker Act by Daniels; in Health & Human Services

**PASSED/SUPPORT SB 162 – Payment of Health Care Claims by Steube**

SB 162 prohibits health insurers and health maintenance organizations (HMOs) from retroactively denying a claim at any time if the insurer or HMO verified the eligibility of an insured or subscriber at the time of treatment and provided an authorization number.

**Action:** Passed Health Policy (10-0), now in Rules Committee

**Link:** <http://www.flsenate.gov/Session/Bill/2018/162>

**Companion:** HB 217 – Payment of Health Care Claims by Hager; in Health Innovation Subcommittee

**PASSED/MONITOR SB 164 – Mammography by Grimsley**

SB 164 requires facilities that perform mammography to send a patient a summary report that includes specific information describing the patient's mammogram and to include a statutorily prescribed notice if the patient has heterogeneously or extremely dense breasts. The prescribed notice must inform the patient that dense breast tissue can make it more difficult to determine some abnormalities and may be associated with an increased risk of breast cancer. The notice must also include a statement that puts the patient on notice that additional screenings may not be covered by insurance.

**Action:** Passed Health Policy(8-0), now in Rules Committee

**Link:** <http://www.flsenate.gov/Session/Bill/2018/164>

**Companion:** HB 735 – Mammography by Harrell; in Health Innovation Subcommittee

**PASSED SB 954 – State Employees’ Prescription Drug Program by Passidomo**

This bill directs the Department of Management Services to implement formulary management cost-saving measures in the state employees’ prescription drug program, including the inclusion and exclusion of prescription drugs. The cost-saving measures may not restrict access to the most clinically appropriate, clinically effective, lowest net-cost prescription drugs. The measures must also permit a specified prescribing practitioner to indicate when an excluded drug is medically necessary and cannot be substituted.

The bill removes a provision authorized in Chapter 99-255, Laws of Florida, which prohibits the implementation of a prior authorization program or a restricted formulary program on a nonHMO enrollee’s access to certain prescription drugs.

Based on a January 1, 2019 implementation date, the bill has a projected positive fiscal impact to the state of \$15.3 million in General Revenue and \$11.7 million in trust funds in fiscal year 2018-2019. The annualized savings are projected at a total \$54.1 million.

**Action:** Passed Health Policy (8-0), now in Appropriations Subcommittee on General Government

**Link:** <http://www.flsenate.gov/Session/Bill/2018/954>

**Companion:** HB 517 – State Employees’ Prescription Drug Program by Magar; on House floor for full vote

**PASSED/SUPPORT SB 1680 – Immunization Registry by Montford**

SB 1680 requires certain health care practitioners to report vaccination administration data to the Department of Health (DOH) immunization registry when vaccinating children, or college or university students, 18 to 23 years of age, at a college or university student health care facility. Mandatory reporting to the registry will eliminate the use of a paper-based certification of immunization. The bill removes a parent’s or guardian’s ability to opt a child out of the immunization registry.

The reporting of the vaccination data to the registry for other persons is permitted, but not required.

The bill also requires school boards, and private school governing bodies, to establish and enforce a policy requiring that, before a child may attend a public or private school, the child must have on file a Florida Certification of Immunization (FCI) with the DOH immunization registry. Currently the policy allows submission of an FCI in paper form.

**Action:** Passed Health Policy (6-2); in Education Committee

**Link:** <http://www.flsenate.gov/Session/Bill/2018/1680>

**Companion:** HB 1045 – Immunization Registry by Pigman; in Health & Human Services

### **PASSED/MONITOR SB 514 – Transplant of Human Tissue by Young**

SB 514 requires the Department of Health (DOH) to develop a pamphlet that contains certain information on the risks and benefits of human cell and tissue transplants. The DOH must publish the pamphlet on its website, and electronically notify physicians when it is available.

**Action:** Passed Health Policy (8-0); now in Judiciary

**Link:** <http://www.flsenate.gov/Session/Bill/2018/514>

**Companion:** HB 429– Donation and Transfer of Human Tissues by Pigman; on House floor awaiting full vote

## **Wednesday**

### **PASSED/SUPPORT HB 579 – Infectious Disease Elimination Pilot Programs by Jones**

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 Quality (15-0), in Health and Human Services

**Link:** <http://www.flsenate.gov/Session/Bill/2018/579>

**Companion:** SB 800 - Infectious Disease Elimination Pilot Programs by Braynon; passed Appropriations Subcommittee on Health and Human Services (7-0)

### **PASSED/SUPPORT HB 1045 – Immunization Registry by Pigman**

HB 1045 requires physicians, physician assistants, and nurses who administer vaccines to children aged 18 or younger or to students, aged 19 to 23, at a Florida college or university health care facility to report the vaccination to the immunization registry. The bill also authorizes automated data uploads to the immunization registry from existing electronic health record systems. The bill repeals the ability of a parent or guardian of a child to opt to exclude his or her child from participating in the immunization registry.

The bill eliminates examples of the types of rules that DOH may promulgate related to the prevention and control of communicable diseases and the immunization registry, but retains DOH’s authority to adopt rules as needed to administer the programs.

The bill requires that school districts and private schools have a policy that requires each student to have a certification of immunizations on file with the state’s immunization registry.

**Action:** Passed Health Quality (15-0); now in Health & Human Services

**Link:** <http://www.flsenate.gov/Session/Bill/2018/1045>

**Companion:** SB 1680 – Immunization Registry by Montford; passed Health Policy (6-2)

**PASSED/MONITOR HB 1047 – Department of Health by Gonzalez**

HB 1047 makes several changes related to programs overseen by Medical Quality Assurance, within the Department of Health (DOH), which licenses and regulates health care practitioners in this state. Specifically dealing with physicians, the bill includes but is not limited to:

- Authorizes DOH to request a date of birth on a licensure application;
- Authorizes DOH to adopt rules to implement the Conrad 30 Waiver program;

**Action:** Passed Health Quality (12-0); now in Health Care Appropriations

**Link:** <http://www.flsenate.gov/Session/Bill/2018/1047>

**Companion:** SB 1486 – Department of Health by Grimsley; in Health Policy

**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 Appropriations Subcommittee on Health and Human Services (7-0), now in Appropriations

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

**Companion:** HB 937 - Perinatal Mental Health by Nunez; passed Health Innovation (13-0)

**TP/MONITOR SB 710 – Prescription Drug Donation Program by Book**

*SB 710 was temporarily postponed (TP) in its current committee. We will continue to monitor this bill.*

SB 710 changes the name of the Cancer Drug Donation Program (CDDP) to the Prescription Drug Donation Program. The bill expands the program from handling cancer only drugs to permitting the donation of any prescription drug, excluding non-controlled substance that meets the applicable safety criteria. The bill also extends participation in the program to certain, licensed nursing home facilities with a closed drug delivery system.

**Action:** TP in Appropriations Subcommittee on Health and Human Services (no vote), remains in current committee

**Link:** <http://www.flsenate.gov/Session/Bill/2018/710>

**Companion:** HB 291 – Prescription Drug Donation Program by Yarborough; in Health Quality

**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 Appropriations Subcommittee on Health and Human Services (7-0), in Appropriations

**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 960 – Mental Health and Substance Abuse by Baxley**

SB 960 requires jails to continue to administer psychiatric medications as prescribed at state mental health treatment facilities upon a facility client's return to jail, unless the jail physician determines a change in medication will not adversely affect the defendant's mental health status or ability to continue with court proceedings.

The bill also requires the Department of Children and Families to request an individual's medical information from jails when an individual is committed to a state mental health treatment facility within a certain timeframe. The bill also requires jails to respond to the request within a specific timeframe.

**Action:** Passed Appropriations Subcommittee on Health and Human Services (7-0), now in Appropriations

**Link:** <http://www.flsenate.gov/Session/Bill/2018/960>

**Companion:** HB 721 –Mental Health and Substance Abuse by Baxley; in Health Quality 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 Appropriations (19-0); now in Rules

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

**Companion:** HB 21 – Controlled Substances by Boyd; in Health & Human Services

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

*SB 1134 was temporarily postponed (TP) in its current committee. We will continue to monitor this bill.*

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:** TP in Appropriations (no votes); remains in current committee

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

**Companion:** HB 6049 – Medical Marijuana Growers by Jones; on House floor awaiting full vote

## Thursday

### **PASSED/SUPPORT HB 37 – Direct Primary Care Agreements by Burgess**

HB 37 provides that a direct primary care agreement (agreement) and the act of entering into such an agreement are not insurance and not subject to regulation under the Florida Insurance Code (Code), including chapter 636, F.S. The bill also exempts a primary care provider, which includes a primary care group practice, or his or her agent, from any certification or licensure requirements in the Code for marketing, selling, or offering to sell an agreement.

**Action:** Passed full House (97-10), referred to Senate companion committees

**Link:** <http://www.flsenate.gov/Session/Bill/2018/37>

**Companion:** SB 80 – Direct Primary Care Agreements by Lee (T); in Appropriations

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