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As we head near the midpoint of the Session, dozens of bills are moving and the Florida House and Senate will vote next week on their respective \$87 billion plus budgets. The two chambers will have to hash out a difference of around \$100 million, which isn’t much in context of an \$87 billion budget. Legislators will continue to work on the differences for the remainder of the session.

“I think we’re in great shape,” Senate Appropriations Chairman Rob Bradley, R-Fleming Island, said Wednesday after his committee unanimously passed the \$87.3 billion Senate budget bill (SB 2500). “The overall numbers are very similar.”

Below are a number of key issues the FOMA is following that occurred this week.

## Monday

### **PASSED/MONITOR** HB 291 – Prescription Drug Donation Repository Program by Yarborough

HB 291 creates Prescription Drug Donation Repository Program within DOH; provides criteria & conditions for donation of prescription drugs & supplies from certain authorized entities for dispensing to eligible patients.

**Action:** Passed Health Quality Subcommittee (13-0), now in Health & Human Services Committee

**Link:** <http://www.flsenate.gov/Session/Bill/2018/291>

**Companion:** SB 710 – Prescription Drug Donation Program by Book; in Appropriations on Health and Human Services

### **PASSED/MONITOR** HB 425 – Physician Fee Sharing Task Force by Plasencia

HB 425 creates a 26-member task force within the Department of Health (DOH) to address the issues related barriers to innovation and modernization of provider payment models created by federal law, and requires the task force to report its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2018.

**Action:** Passed Health Quality Subcommittee (14-0), now in Insurance & Banking Committee

**Link:** <http://www.flsenate.gov/Session/Bill/2018/425>

**Companion:** N/A

### **PASSED/MONITOR** HB 657 – Licensure of Internationally Trained Physicians by Diaz

HB 657 establishes certain licensure requirements for certain foreign-trained physicians; authorizes Board of Medicine to impose licensure conditions, limitations, or restrictions on certain foreign-trained physicians.

**Action:** Passed Health Quality Subcommittee (12-0), now in Health Care Appropriations Committee

**Link:** <http://www.flsenate.gov/Session/Bill/2018/657>

**Companion:** N/A

### **PASSED/MONITOR** HB 1185 – Use of Stem Cells in a Clinic Setting by Brodeur

HB 1185 requires a physician to register his or her office with DOH when engaging in certain practices & procedures using or purporting to use stem cells or products containing stem cells in office setting.

**Action:** Passed Health Quality Subcommittee (12-0), now in Appropriations Committee

**Link:** <http://www.flsenate.gov/Session/Bill/2018/1185>

**Companion:** SB 1508 – Use of Stem Cells in a Clinic Setting by Young; on Health Policy agenda – 2/6/18, 11:00am

**PASSED/MONITOR HB 1337 – Nursing by Pigman**

HB 1337 repeals the separate certification for a clinical nurse specialist and includes clinical nurse specialist as a category of ARNP. A person who is currently certified as a CNS would have to meet all the same licensure requirements as an ARNP, including practicing pursuant to a written protocol with a physician and maintaining professional liability coverage.

Currently, ARNP are licensed as registered nurses and then certified as advanced practice registered nurses. The bill authorizes DOH to license, rather than certify, ARNP as such. ARNP must still hold a license as a registered nurse to be licensed as an ARNP. The bill adds an additional route to licensure as an ARNP by authorizing DOH to issue a license to an individual who has completed a formal post-basic educational program of at least one academic year, the primary purpose of which is to prepare the nurse for advanced or specialized practice.

The bill also adds the category of “certified nurse practitioner” to ARNP, which is comprised of the same group of licensees who are currently termed “nurse practitioners.”

The bill changes the term “advanced registered nurse practitioner” to “advanced practice registered nurse” (APRN) throughout Florida Statutes. This will bring Florida in uniformity with the majority of states.

**Action:** Passed Health Quality Subcommittee (14-0), now in Health & Human Services Committee

**Link:** <http://www.flsenate.gov/Session/Bill/2018/1337>

**Companion:** SB 1594 – Nursing by Brandes; in Appropriations

## Tuesday

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

HB 573 adds advanced registered nurse practitioners and physician assistants to the list of health care practitioners who may initiate the involuntary examination of a person under the Baker Act.

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

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

**Companion:** SB 112 – Involuntary Examinations under the Baker Act by Campbell; on Children, Families, and Elder Affairs Committee agenda – 2/6/18, 9:00am

**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.

**Action:** Passed Health Policy (8-0); in Appropriations Subcommittee on Health & Human Services

**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 Health Policy (8-0); in Appropriations

**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 1486 - Department of Health by Grimsley**

SB 1486 updates numerous provisions relating to healthcare practitioners and facilities regulated by the Department of Health (DOH), Division of Medical Quality Assurance. More specifically for physicians, the bill

- Authorizes rulemaking for the selection of physicians under the Conrad 30 Waiver Program;
- Requires the date-of-birth for health care professional licensure applications;
- Repeals the requirement that the Board of Medicine (BOM) conduct a review of organizations that board certify physicians in dermatology

**Action:** Passed Health Policy (8-0), in Appropriations

**Link:** <http://www.flsenate.gov/Session/Bill/2018/1486>

**Companion:** HB 1047 – Department of Health by Gonzalez; in Health Care Appropriations Subcommittee

### **PASSED/MONITOR SB 1594 – Nursing by Brandes**

SB 1594 changes the title of “advanced registered nurse practitioner” (ARNP) to “advanced practice registered nurse” (APRN) throughout the Florida Statutes. Instead of being certified to practice in this state as currently required for ARNPs, the bill requires APRNs to be licensed.

The bill repeals the clinical nurse specialist (CNS) license; adding the CNS specialty certification into APRN licensure. *All authorizations granted to, and requirements of, APRNs will be applicable to a CNS, including but not limited to, the authority to prescribe controlled substances under certain parameters and to maintain medical malpractice insurance.*

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

**Link:** <http://www.flsenate.gov/Session/Bill/2018/1594>

**Companion:** HB 1337 – Nursing by Pigman

### **PASSED/SUPPORT SB 1862 – Physician Fee Sharing by Broxson**

SB 1862 provides exceptions from the prohibition against physicians entering into fee-splitting arrangements or receiving any commission, bonus, kickback, or rebate for patients referred for health care goods and services. The exceptions created by the bill:

- Allow an allopathic or osteopathic physician to enter into an alternative payment arrangement that otherwise complies with state and federal law; and
- If the physician is an employee or independent contractor of the entity compensating the physician, allows the physician to receive a share of certain profits of the entity that are based on the services provided by the physician or under the physician’s supervision and are not based on the volume or value of referrals, as long as the forms of payment or compensation comply with state and federal law.

**Action:** Passed Health Policy (8-0), now on Judiciary Committee agenda – 2/6/18, 2:00pm

**Link:** <http://www.flsenate.gov/Session/Bill/2018/1862>

**Companion:** N/A

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

SB 514 requires the Department of Health to develop a pamphlet that contains the following information on the risks and benefits of human cell and tissue transplants:

- An overview of the risks of transmission of infectious diseases associated with a transplant;
- A summary of the standards of testing and screening of donors;
- A summary of processing methods used to reduce the risk of the transmission of bacteria and disease;
- A statement acknowledging the importance of limiting information provided to the supplier about the recipient; and
- A statement acknowledging the generosity of donors.

The Department must publish the pamphlet on its website and electronically notify physicians when it is available.

**Action:** Passed Judiciary (10-0), now on Rules Committee agenda – 2/7/18, 4:00pm

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

**Companion:** HB 429 - Donation and Transfer of Human Tissue by Pigman; passed full House vote (114-0)

### **PASSED/SUPPORT HB 217 - Payment of Health Care Claims by Hager**

HB 217 prohibits a health insurer or health maintenance organization (HMO) from retroactively denying a claim at any time because of insured ineligibility, if the insurer or HMO verified the eligibility of the patient at the time of treatment and provided an authorization number.

**Action:** Passed Health Innovation (10-2); in Appropriations Committee

**Link:** <http://www.flsenate.gov/Session/Bill/2018/217>

**Companion:** SB 162 – Payment of Health Care Claims by Steube; on Senate floor for final vote

### **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 Insurance & Banking (13-0); now in Health & Human Services Committee

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

**Companion:** SB 98 – Health Insurer Authorization by Steube; passed Senate final vote (37-0), in messages

## Wednesday

### **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 final Senate vote (37-0), now in messages

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

**Companion:** HB 199 – Step Therapy Protocols by Harrison; in Health & Human Services Committee

### **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 (18-0), on Senate floor awaiting vote

**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 Related to the Medical Use of Marijuana by Rouson**

SB 1134 amends the Department of Health's (DOH) responsibilities under s. 381.986, F.S., relating to the medical use of marijuana. The bill:

- Requires the DOH to adopt rules that allow qualified patients to change qualified physicians while remaining registered with the Medical Marijuana Use Registry.
- Eliminates the requirement that an applicant be a member of the Black Farmers and Agriculturists Association – Florida Chapter (BFAA-FC) for the one Medical Marijuana Treatment Center (MMTC) license designated to be issued to a recognized class member of *Pigford v. Glickman* or *In Re Black Farmers Litigation*.
- Requires all applicants for the one Recognized Class Member License be registered to do business in Florida for five consecutive years before applying for the license.
- Strikes an obsolete date by which such license was to be issued.

**Action:** Passed Appropriations (19-1); now in Rules Committee

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

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

**PASSED/MONITOR HB 973 - Performance of Physician Assistants and Advanced Registered Nurse Practitioners by Book**

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 full House vote (114-0), awaiting further action

**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 429 - Donation and Transfer of Human Tissue by Pigman**

HB 429 requires DOH to develop and publish on its website an educational pamphlet on the risks and benefits of human cells, tissue, and cellular and tissue-based product transplants. At a minimum, the pamphlet must include:

- An overview of the risk of infectious disease transmission;
- An overview of the standards for donor testing and screening;
- An overview of processing methods intended to reduce the risk of disease or bacterial transmission in donated human cells, tissue, or cellular or tissue-based products;



- The importance of providing limited recipient transplant information to the supplier of the human cells, tissue, or cellular or tissue-based product; and
- Information about the generosity of the human donor who provided the human cells, tissue, or cellular or tissue-based product.

DOH must electronically notify physicians of the availability of this pamphlet.

**Action:** Passed House full vote (114-0), awaiting further action

**Link:** <http://www.flsenate.gov/Session/Bill/2018/429>

**Companion:** SB 514 – Transplant of Human Tissue by Young

### **PASSED/MONITOR HB 721 - Mental Health & 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 full House vote (114-0), awaiting further action

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

**Companion:** SB 960 – Mental Health and Substance Abuse by Baxley; in Appropriations

## **Thursday**

### **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 & Human Services Committee (18-0), awaiting full House vote

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

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

### **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 authorizes such a student to refuse to be included in the immunization registry. The bill also authorizes automated data uploads to the immunization registry from existing electronic health record systems.

**Action:** Passed Health & Human Services (19-0); on House floor awaiting full vote

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

**Companion:** SB 1680 – Immunization Registry by Montford; in Education Committee

**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 Rules Committee (12-0), now on Senate floor awaiting full vote

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

**Companion:** HB 217 – Payment of Health Care Claims by Hagar; in Appropriations Committee

**TP/MONITOR SB 8 – Controlled Substance by Benacquisto**

*SB 8 was temporarily postponed (TP). It will be heard again on Wednesday 2/7/18.*

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.

SB 8 provides an appropriation of \$53.5 million to combat the opioid crisis.

**Action:** TP in Appropriations (no vote); on Appropriations agenda – 2/7/18, 2:00pm

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

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

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