

FLORIDA OSTEOPATHIC MEDICAL ASSOCIATION  
2544 Blainstone Pines Drive  
Tallahassee, FL 32301  
850-878-7364 (O)  
850-942-7538 (F)

From: Paul Seltzer, DO, Legislative Chairman  
Stephen R. Winn, Executive Director  
Jason D. Winn, General Counsel  
Ryan Kimmey, Director of Governmental Relations

Date: April 5, 2019

Subj: Capitol Update #5

The 2019 Legislative Session is officially halfway finished as of Wednesday, and has wrapped up its 5<sup>th</sup> week. As the two chambers have finalized their two budgets, they will now meet in conference committees in the remaining 4 weeks of session to settle the over \$400 million difference. Major funding sticking points the two chambers must settle in the two budgets include: education, affordable housing, healthcare, infrastructure, and tourism advertising.

**Osteopathic Medicine and Health Awareness Day**

Wednesday evening, Osteopathic Medicine and Health Awareness Day at the Capitol started off with a reception for osteopathic physicians and students from around the state at the ALOFT hotel. Thursday morning, Osteopathic Medicine and Health Awareness Day kicked off in the morning with a quick tour and brief history lesson of the Florida Capitol from FOMA Executive Director, Stephen Winn. Shortly after, the group was able to sit at the desks of senators in the Senate chamber while being addressed by Attorney General Ashley Moody and Senate President Bill Galvano.

The Attorney General and Senate President were also kind enough to stay and take pictures with the group. After leaving the chamber, the group visited Chief Financial Officer Jimmy Patronis' office and was addressed by Meredith Stanfield, the CFO's Director of Legislative and Cabinet Affairs. The group was then able to visit their local legislators or attend committee meetings. Wrapping up Osteopathic Medicine and Health Awareness Day, the group headed to the Senate chamber of the Old Capitol where the F-O-M-A presented its legislator of the year awards.

The House Legislator of the Year award went to Representative MaryLynn Magar, who is also the Speaker of the House Pro Tem. The Senate Legislator of the Year award was given to Senator Debbie Mayfield. The group was then addressed Senator Montford who recognized April 4th, 2019, as "Osteopathic Medicine and Health Awareness Day." Legislative Chairman, Dr. Paul Seltzer addressed the group and gave a legislative update regarding bills that affect physicians and their patients. After the legislative awards, the group headed downstairs for a luncheon.

Please below from some pictures from Osteopathic Medicine and Awareness Day.



**FOMA Member alert:** On Wednesday, FOMA Member, **Michelle Mendez, DO**, served as the Doctor of the Day and was sponsored by Senator Arron Bean. Also on Thursday, another FOMA Member, **Michelle Fiorillo, DO**, served as the Doctor of the Day at the Capitol and was sponsored by Senator Kevin Rader.



Rep. Jason Fischer with Dr. Mendez



Sen. Kevin Rader with Dr. Fiorillo

**Surgeon General Update:** Earlier this week, Governor Ron DeSantis announced his pick for the state Surgeon General, **Scott Rivkees, MD**, chairman of the Department of Pediatrics at the University of Florida College of Medicine and physician-in-chief at UF Health Shands Children's Hospital. However, days after announcement, it was reported that Dr. Rivkees has been the subject of a university sexual harassment investigation, was found by a university auditor to have not properly filed financial-disclosure information and has sued a one-time colleague for libel and slander.

Senate President Bill Galvano announced this week the Senate chamber would **NOT** hold confirmation hearings for Rivkees this session.

**AHCA Secretary Update:** Mary Mayhew passed her first confirmation hearing by the Senate Health and Human Services Appropriations Committee. Her next confirmation hearing will be the Health Policy Committee scheduled for Monday 4/8.

## **Prescription Drug Importation**

HB 19 by Rep. Leek was put on Special Order Calendar for Wednesday 4/10 and is expected to be on Third Reading the day after. SB 1528 by Sen. Bean was scheduled for a vote on Thursday in the Senate Health and Human Services Appropriations Committee, but ran of time. The Senate bill is scheduled to be heard in the same committee on Tuesday, 4/9.

**A bill tracking list is attached for all the bills we are following.**

*To view the legislation below and all other bills the FOMA Legislative Team is tracking please visit [foma.org](http://foma.org), click the “Legislative” tab at the top, then the first bullet labeled “FOMA Bill Tracking.”*

Some more legislation of interest to the FOMA we are following:

**FOMA’s position on bills: M – Monitor; S – Support; O – Oppose in current form**

### **S - Department of Health/ACGME – House vote expected Wednesday 4/10**

SB 188 by Sen. Harrell and HB 7031 by the Health Quality Subcommittee and Rep. Rodriguez (AM) are the Department of Health’s bills and includes the FOMA’s ACGME language of revising licensure requirements for a person seeking licensure or certification as an osteopathic physician. The bill also revises licensure requirements for other health care professionals such as dental hygienists, as well as athletic trainers, massage therapists, etc.

- *SB 188 passed the Senate 39-0.*
- *HB 7031 passed its committees and is awaiting a full chamber vote.*

### **O - Prescription Drug Importation Program – HB 19 placed on Special Order Calendar Wednesday 4/10; SB 1528 scheduled for HHS Appropriations Tuesday 4/9**

HB 19 by Rep. Leek and SB 1452 by Sen. Gruters would allow pharmacies and wholesale drug distributors located outside the United States to export drugs to pharmacists, pharmacies and wholesale drug distributors who would be registered with the Florida Department of Business and Professional Regulation. The importing pharmacists would be precluded from selling or dispensing prescription drugs imported under the program to anyone who isn’t a state resident. Some drugs could not be imported including anything that is intravenously injected or inhaled during surgery, controlled substances and biological products. Sen. Bean has filed similar legislation, SB 1528, which only establishes a Canadian Prescription Drug Importation Drug Program. **The FOMA continues to oppose importation in its current form.**

- *HB 19 passed its committees and is awaiting a full chamber vote.*
- *SB 1528 passed its 1<sup>st</sup> committee 8-2 and must pass 2 more committees.*
- *SB 1452 has been referred to 3 committees and is currently waiting to be heard by Health Policy.*

### **M – Senate Health Care Package – SB 7078 passes HHS Appropriations**

SB 7078 by the Health Policy Committee and Sen. Harrell is a comprehensive health care bill that includes the following provisions: provides patient access to medical records and patient medical record charges; requires that hospitals provide non-emergency patients with information

on the rate of hospital-acquired infections, the overall rating of the Hospital Consumer Assessment of Healthcare Providers and Systems survey, and the 15-day readmission rate; requires that a hospital inform the patient's primary care provider within 24 hours after the patient's admission to the hospital; requires that a hospital notify a patient of observation status.; expands direct primary care agreements to include direct health care agreements; prohibits step therapy for a new health care plan when the patient had been approved for the medication in the last 180 days; provides for price transparency in health insurance contracts/gag prohibition; establishes an Interstate Medical Licensure Compact for physicians.

- *SB 7078 passed its 2<sup>nd</sup> committee 5-4 and must pass 1 more committees.*
- *There is currently no House companion. However, there are many House bills that include SB 7078's language.*

### **S – Prescription Drug Utilization Management – no movement**

HB 559 by Rep. Massullo, MD, would require health insurers to provide access on its website to process for step therapy protocol exception determination requests made by insureds & health care providers; require health insurers to expeditiously grant step therapy override determination requests under certain circumstances; require health insurers to authorize coverage for prescription drug prescribed by insured's health care provider under certain circumstances.

- *HB 559 passed its 1<sup>st</sup> committee 14-0 and must pass 2 more committees.*
- *SB 7078 includes step therapy language, amongst other things.*

### **S - Bait and Switch – HB 1363 temporarily postponed in Commerce Committee; SB 1180 scheduled for Health Policy Committee Monday 4/8**

SB 1180 by Sen. Mayfield and HB 1363 by Rep. Williamson, both bills titled Consumer Protection from Nonmedical Changes to Prescription Drug Formularies, would prohibit specified changes to certain insurance policy prescription drug formularies; requires small employer carriers to limit specified changes to prescription drug formularies under certain health benefit plans; prohibits certain health maintenance organizations from making specified changes to health maintenance contract prescription drug formularies.

- *SB 1180 passed its 1<sup>st</sup> committee 6-0 and must pass 2 more committees.*
- *HB 1363 passed its 1<sup>st</sup> committee 13-1 and must pass 2 more committees.*

### **S - Prior Authorization/Fail-First Protocols – no movement**

SB 650 – Health Insurer Authorization by Sen. Mayfield would redefine the term “health insurer” and define the term “urgent care situation”; require health insurers and pharmacy benefits managers on behalf of health insurers to provide, by specified means, certain information relating to prior authorization; require health insurers to publish on their websites and provide to insureds in writing a procedure for insureds and health care providers to request protocol exceptions.

- *SB 650 has been referred to 3 committees and is currently waiting to be heard by the Banking and Insurance Committee.*
- *No House companion has been filed.*

SB 906 and HB 271 – Prescribed Drug Services and Audits by Sen. Wright and Rep. Santiago partly deal with the prior authorization process and fail-first protocols as well as many other provisions including PBM's.

- *SB 906 has been referred to 3 committees and is currently waiting to be heard by the Banking and Insurance Committee.*
- *HB 271 has been referred to 3 committees and is currently waiting to be heard by the Health Market Reform Subcommittee.*

**S - Prescription Drug Monitoring Program – no movement**

SB 592 by Sen. Albritton and HB 375 by Rep. Pigman, MD, would expand the exceptions of the requirement that a prescriber or dispenser must consult the PDMP to review a patient's controlled substance dispensing history before prescribing or dispensing a controlled substance for a patient receiving palliative care for the relief of symptoms related to an incurable, progressive illness or injury.

- *SB 592 passed its committees and is awaiting a full chamber vote*
- *HB 375 passed its committees and is awaiting a full chamber vote.*

**O - Repeal of PIP – SB 1052 passes Banking & Insurance Committee**

Sen. Brandes filed SB 896 – Motor Vehicle Insurance which would eliminate Florida's no-fault law insurance law and the requirement that motorists carry \$10,000 in personal-injury protection (PIP). Rep. Grall filed a similar bill, HB 733. Sen. Lee has also filed his version of motor vehicle insurance legislation, SB 1052.

- *SB 896 has been referred to 3 committees and is currently waiting to be heard by the Infrastructure and Security Committee.*
- *SB 1052 passed its 1<sup>st</sup> committee 8-0 and is must pass 2 more committees.*
- *HB 733 has been referred to 3 committees and is currently waiting to be heard by the Insurance and Baking Subcommittee.*

**S - SB/O HB - Telehealth – HB 23 placed on Special Order Calendar for Wednesday 4/10**

HB 947, HB 23 and SB 1526 would set the practice standards for telehealth care in the state of Florida. HB 947 by Rep. Ausley defines a telehealth provider as a practitioner who is licensed in the state of Florida. HB 23 by Rep. Yarborough defines a telehealth provider as a practitioner who is licensed or certified in the state of Florida. SB 1526 would limit telehealth providers to only licensed physicians.

- *SB 1526 passed its 1<sup>st</sup> committee and must pass 2 more committees.*
- *HB 23 passed its committees and is awaiting a full chamber vote. HB 947 has been referred to 3 committees and is currently waiting to be heard by the Health Quality Subcommittee.*

**M - Physician Orders for Life-Sustaining Treatment (POLST) – no movement**

SB 206 by Sen. Brandes would: establish the Physician Orders for Life-Sustaining Treatment (POLST) Program within the Department of Health; specify which document takes precedence when directives in POLST forms conflict with other advance directives; require the Agency for Health Care Administration to establish and maintain a clearinghouse for compassionate and palliative care plans consisting of a database accessible to health care providers and facilities and other authorized individuals; authorize specified personnel to withhold or withdraw cardiopulmonary resuscitation if presented with a POLST form that contains an order not to resuscitate the patient.

- *SB 206 has been referred to 3 committees and is currently waiting to be heard by the Health Policy Committee.*
- *No House companion has been filed yet.*

### **Scope of Practice - O**

#### **APRN/PA Independent Practice – HB 821 scheduled for Tuesday 4/9**

SB 972 and HB 821 by Sen. Brandes and Rep. Pigman, MD, look to expand the scope of practice of Advanced Practice Registered Nurses and Physician Assistants. Amongst other things, the legislation would allow APRNs and Pas to practice without protocol.

- *SB 972 has been referred to 3 committees and is currently waiting to be heard by the Health Policy Committee.*
- *HB 821 has passed its 2<sup>nd</sup> committee 8-2 and must pass 1 more committee.*

#### **Practice of Pharmacy – HB 111 placed on Special Order Calendar for Wednesday 4/10**

SB 300 by Sen. Brandes and HB 111 by Rep. Plasencia would authorize pharmacists to test for & treat influenza & streptococcus within the framework of an established written protocol of a supervising physician. The House bill was amended to: authorize pharmacists who meet certain educational and experience criteria and who maintain at least \$250,000 personal liability coverage to enter into a collaborative pharmacy practice agreement with a physician to manage the chronic health conditions of that physician’s patients and treat minor non-chronic health conditions; authorize pharmacists to test for and treat influenza and streptococcus; require the board to adopt a formulary of drugs a pharmacist may prescribe for minor, nonchronic illnesses; prohibit a pharmacist from initiating or prescribing a controlled substance.

- *SB 300 has been referred to 3 committees and is currently waiting to be heard by the Health Policy Committee.*
- *HB 111 passed its committees and is awaiting a full chamber vote.*

#### **Psychologists Prescribing – no movement**

SB 304 by Sen. Brandes and HB 373 by Rep. Pigman, MD, would create certification for prescriptive authority for psychologists. Prescriptive authority for psychologists “means the authorization to prescribe, administer, discontinue, or distribute without charge drugs or controlled substances recognized or customarily used in the diagnosis, treatment, or management of an individual with a psychiatric, mental, cognitive, nervous, emotional, developmental, or behavioral disorder.”

- *SB 304 has been referred to 3 committees and is currently waiting to be heard by the Health Policy Committee.*
- *HB 373 passed its 2<sup>nd</sup> committee 7-3 and must pass 1 more committee.*

#### **Consultant Pharmacists – HB 833 placed on Special Order Calendar for Wednesday 4/10**

HB 833 by Rep. Byrd and SB 1050 by Sen. Diaz 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.

- *SB 1050 has been referred to 3 committees and is currently waiting to be heard by the Health Policy Committee.*
- *HB 833 passed its committees and is awaiting a full chamber vote.*