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The House and Senate have wrapped up the 6th week, meaning there are only 3 weeks left in the 2019 Legislative Session. With both budgets in the chambers settled, the two chambers will now work towards a common budget in conference the next few weeks before the last day of session of May 3rd.

FOMA Member alert: On Tuesday, FOMA Member, **Nikita Shah, DO**, testified in the House Health and Human Services against a bill that would expand the scope of practice of APRNs and PAs and grant them independent practice. Despite her testimony, the bill passed out of committee. The Senate companion has not been heard in committee yet.

Surgeon General Update: As mentioned last 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 sexual harassment investigation and legal battle from years ago.

Despite Dr. Rivkees' past, Governor DeSantis doesn't seem to be backing down from his pick. Please see the following news article: <https://www.tampabay.com/florida-politics/2019/04/09/ron-desantis-stands-by-pick-for-florida-surgeon-general-despite-heat-over-comments/>

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

AHCA Secretary Update: Mary Mayhew passed her second confirmation hearing by the Senate Health Policy Committee. Her next confirmation hearing will be by the Senate Ethics and Elections scheduled for Tuesday 4/16.

Prescription Drug Importation

HB 19 by Rep. Tom Leek passed the House floor 93-22. SB 1528 by Sen. Aaron Bean passed its second committee, Senate Health and Human Services Appropriations 10-0. The Senate bill is expected to be heard in the Appropriations committee on Thursday, 4/18. For the House floor vote count please see:

<https://www.myfloridahouse.gov/Sections/Bills/floorvote.aspx?VoteId=18638&BillId=65571&SessionId=87&>

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, 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 – **Temporarily Postponed on House floor**

SB 188 by Sen. Gayle Harrell and HB 7031 by the Health Quality Subcommittee and Rep. Ana Maria Rodriguez 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 passes House; SB 1528 passes HHS Appropriations**

HB 19 by Rep. Tom Leek and SB 1452 by Sen. Joe 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 the House 93-22.*
- *SB 1528 passed its 2nd committee 10-0 and must pass 1 more committee.*
- *SB 1452 has been referred to 3 committees and is currently waiting to be heard by Health Policy.*

M – Senate Health Care Package – no movement

SB 7078 by the Health Policy Committee and Sen. Gayle 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 2nd 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. Ralph 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 1st committee 14-0 and must pass 2 more committees.*
- *SB 7078 includes step therapy language, amongst other things.*

S - Bait and Switch –SB 1180 passes Health Policy Committee

SB 1180 by Sen. Debbie Mayfield requires at least 60 days' notice before the effective date of any changes to a prescription drug formulary during a policy year for health insurance policies and health maintenance organization contracts. A treating physician may seek continuation of a prescription drug taken off a formulary by certifying its medical necessity and submitting a form to the insurer at least 30 days prior to the formulary change. The bill also generally prohibits an insurer or HMO from reclassifying a drug to a more restrictive tier, increasing the cost sharing of an insured, or reclassifying a drug to higher cost-sharing tier during the policy year.

The companion bill, HB 1363 by Rep. Jay Williamson, prohibits a health insurer or HMO from removing a covered drug from its formulary during the policy year except where the safety of a drug has been called into question by the FDA or where a drug may be discontinued in the near future will an insurer or HMO be permitted to remove coverage during the plan year. The bill also prohibits an insurer or HMO from reclassifying a drug to a more restrictive drug tier; increasing the amount that an insured must pay out-of-pocket for a copayment, coinsurance, or deductible for prescription drugs; or reclassifying a drug to a higher cost-sharing tier during the policy year. The prohibitions outlined in the bill apply only if an insurer or HMO secures an acquisition price for a drug that will be in effect for the entire plan year. The bill does not prohibit the addition of prescription drugs to an insurer's formulary during the plan year, and it does not alter the ability of a pharmacist to dispense certain substitute drugs as provided in the

Pharmacy Code. The bill does not apply to health plans holding grandfathered status under the Patient Protection and Affordable Care Act, nor does it apply to Medicaid managed care plans.

- *SB 1180 passed its 2nd committee 8-1 and must pass 1 more committee.*
- *HB 1363 passed its 1st committee 13-1 and must pass 2 more committees.*

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

SB 650 – Health Insurer Authorization by Sen. Debbie 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. Tom Wright and Rep. David 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. Ben Albritton and HB 375 by Rep. Cary 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 – no movement

Sen. Jeff 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. Erin Grall filed a similar bill, HB 733. Sen. Tom 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 1st 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 passes House 102-14; SB 1526 scheduled for HHS Appropriations for Tuesday 4/16

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

- *SB 1526 passed its 1st committee and must pass 2 more committees.*
- *HB 23 passed the House 102-14.*

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

SB 206 by Sen. Jeff 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 passed HHS

SB 972 and HB 821 by Sen. Jeff Brandes and Rep. Cary 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 3rd and final committee 15-3.*

Practice of Pharmacy – HB 111 passed the House 99-16

SB 300 by Sen. Jeff Brandes and HB 111 by Rep. Rene 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 the House 99-16.*

Psychologists Prescribing – no movement

SB 304 by Sen. Jeff Brandes and HB 373 by Rep. Cary 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 2nd committee 7-3 and must pass 1 more committee.*

Consultant Pharmacists – HB 833 passed the House 112-4

HB 833 by Rep. Cord Byrd and SB 1050 by Sen. Manny 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 the House 112-4.*