

FLORIDA OSTEOPATHIC MEDICAL ASSOCIATION
2544 Blirstone Pines Drive
Tallahassee, FL 32301
850-878-7364
FAX: 850-942-7538

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

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The Florida Osteopathic Medical Association physicians, members, and families are deeply saddened by the tragic incident that occurred at Marjory Stoneman Douglas High School in Broward County and send our prayers and condolences to the families, friends, relatives and school staff who are affected by this senseless tragedy. We wish to thank the first responders and health care professionals who rendered aid, in the field, on the road, and in the hospitals. Many times during horrific occurrences such as this, these first responders and health care professionals show bravery well beyond the call of duty and offer medical and psychological attention under tremendous pressure and stress.

We join with all the other health care professionals, health associations, and others in acknowledging that the students, teachers, parents and families of the school know they are not alone in their grief...we mourn and pray for them.

Tuesday evening, Democrat **Margaret Good** won the special election for House District 72. The special election was called after former Rep. **Alex Miller (R)** resigned to spend more time at home. Good (D) finished the night with over 52% of the vote, beating Republican **James Buchanan**, son of Congressman **Vern Buchanan**, who ended the night with 45% of the vote and Libertarian **Alison Foxall**, who finished with 3% of the vote.

It is the second special election in recent months in which Democrats captured a formerly Republican legislative seat, with the other being a win by Sen. **Annette Taddeo** of Miami.

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

Monday

No relevant legislation heard

Tuesday

PASSED/SUPPORT HB 937 – Perinatal Mental Health by Nunez

HB 937 requires the Department of Health, by January 1, 2019, to provide perinatal mental health information through its Family Health Line toll-free hotline. The bill requires the hotline to provide basic information on postpartum depression, may recommend that a caller be further evaluated by a qualified health care provider, and may refer a caller to an appropriate health care provider in the caller's local area.

The bill revises components that are included in postpartum evaluation and follow-up care provided by birth centers to include a mental health screening, provision of information on postpartum depression, and the telephone number of the Family Health Line.

Action: Passed Health Care Appropriations (12-0), now in Health & Human Services

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

Companion: SB 138 – Perinatal Mental Health by Book; in Appropriations

PASSED/SUPPORT HB 425 – Physician Fee Sharing Task Force by Plasencia

HB 425 creates a task force within the Department of Health (DOH) to address the issues related to 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.

The bill requires the task force members to serve without compensation or reimbursement for per diem and travel expenses. DOH must use existing and available resources to administer and support the activities of the task force.

Action: Passed Commerce Committee (24-1); now in Health & Human Services

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

Companion: N/A

Wednesday

PASSED/SUPPORT HB 217 – Payment of Health Care Claims by Hager

HB 217 amends ss. 627.6131 and 641.3155, F.S., to prohibit 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.

For a recent article on the bill, please see: <http://floridapolitics.com/archives/256291-insurance-retroactive-denial-ban-clears-another-house-committee-despite-qualms>

Action: Passed Appropriations (21-6); now in Health & Human Services

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

Companion: SB 162 – Payment of Health Care Claims; on Senate floor awaiting full vote

PASSED/MONITOR SB 280 - Telehealth by Bean

SB 280 establishes practice standards for telehealth health care services, addresses the prescribing of controlled substances and issuance of a physician certification for 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 Appropriations Subcommittee on Health & Human Services (6-0), in Appropriations

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

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

TP/MONITOR SB 474 – Physician Orders for Life-Sustaining Treatment by Brandes

SB 474 was temporarily postponed (TP). The bill remains in Appropriations Subcommittee on Health & Human Services.

SB 474 recognizes a Physician Order for Life Sustaining Treatment (POLST) and creates the POLST Program within the Department of Health (DOH). The bill establishes requirements for the contents of the POLST form and its proper execution, and addresses the relationship of a POLST with other advance directives. The DOH is required to develop the form by rule.

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

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/MONITOR SB 710 – Prescription Drug Donation Program by Book

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 only cancer drugs to permitting the donation of any prescription drug – excluding controlled substances – that meet 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: Passed Appropriations Subcommittee on Health & Human Services (6-0), in Appropriations

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

Companion: HB 291 – Prescription Drug Donation Repository Program by Yarborough; in Health Care Appropriations Subcommittee

Thursday

PASSED/SUPPORT HB 351 – Prescription Drug Pricing Transparency by Santiago

HB 351 requires PBMs that conduct business in Florida to register with the Office of Insurance Regulation (OIR) 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.

The bill requires that a contract between a PBM and a health plan include prohibitions on certain practices that limit patient access to pricing information. The bill specifies that a contract must require the PBM to update maximum allowable cost (MAC) pricing information at least once every seven days. This requirement was previously in the Pharmacy Practice Act; the bill moves this language to the Insurance Code, which gives OIR enforcement authority. The bill also requires a contract to limit patient cost sharing for a drug to the lesser of the applicable cost sharing amount, the total submitted charges, or the retail price.

The bill creates an affirmative duty for a pharmacist to communicate to a patient the availability of a lower cost alternative drug if one exists and whether the patient’s cost sharing obligation exceeds the retail price of a drug in the absence of prescription drug coverage.

Action: Passed Health & Human Services (18-0); moves to House floor for full vote

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

Companion: SB 1494 – Prescription Drug Pricing Transparency by Montford; on Banking & Insurance Committee agenda – 2/20/18, 1:30pm

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.

The bill authorizes a consultant pharmacist to provide these services in any setting, rather than limiting such services to nursing home or home health patients. 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 both the consultant pharmacist and health care practitioner to maintain a copy of the collaborative agreement and make it 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 & Human Services (18-0); moves to House floor for full vote

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

Companion: SB 914 – Pharmacy by Garcia; referred to Health Policy; Regulated Industries

PASSED/MONITOR HB 985 – Involuntary Commitment by Gonzalez

HB 985 amends several provisions related to the involuntary admission process: giving Agency for Persons with Disabilities a greater role in initial eligibility determinations and providing hearing rights for adverse determinations; revising the composition of and qualifications of examining committee experts; revising examining committee report requirements; revising hearing requirements; revising what the courts should consider; and requiring added consideration of and notice to the individual's guardian, if he or she has one.

With respect to the involuntary commitment process, the bill amends provisions relating to appointment of experts, competency training and conditional release determinations, and competency hearing requirements.

The FOMA worked with the Florida Psychiatric Society to amend the bill to more acceptable language to physicians.

Action: Passed Health & Human Services (15-0); moves to House floor for full vote

Link: <http://www.flsenate.gov/Session/Bill/2018/985>

Companion: SB 1280 – Involuntary Commitment by Steube by Garcia; in Appropriations Subcommittee on Health & Human Services

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.

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

For a recent article on the bill, please see: <http://floridapolitics.com/archives/256424-senators-back-opioid-bill-amid-continued-talks>

Action: Passed Rules (11-0); on Senate floor awaiting full vote

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

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