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Subj: Capitol Update 1

The 2019 Legislative Session has officially finished its 1<sup>st</sup> week with 7 more to go, scheduled to end May 3<sup>rd</sup>. As of Friday, the members of House of Representatives have filed 2,458 bills and members from the Senate have filed 938 bills, totaling over 3,000 bills. The FOMA Legislative Team is tracking over 220 of those bills.

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

On Tuesday, the opening day of session, Senate President Bill Galvano, House Speaker Jose Oliva, and Governor Ron DeSantis each gave opening day remarks.

Senate President Galvano started and addressed the Senate Chamber. Although he didn't outline his priority issues, President Galvano stressed the importance of time management and asked Senate members to carefully collaborate and vet issues, policies, and ideas. President Galvano stated "history is not going to judge the success of this session by the number of bills we pass. To the contrary, it will judge the success of this session by the quality of our actions.

Shortly after President Galvano's remarks, Speaker Oliva addressed the House of Representatives. Of his priorities this session, the Speaker addressed health care first.

Speaker Oliva took aim at hospitals, which he referred to as the "health care industrial complex" and cited the House's priority of repealing the state's certificate of need process. Speaker Oliva also stated that highly trained and skilled nurse practitioners should be allowed to practice to the fullest extent of their training. He then stated Florida will unleash powerful new technologies like telehealth to operate to its full potential.

The Speaker's last point on health care was to "free state agencies and Floridians alike to purchase medications at the prices the rest of the world purchases them at. To the Speaker's point, there is current legislation filed that would allow the state to import prescription drugs to Florida from Canada.

Governor DeSantis spoke to a joint session of the House and Senate in his State of the State address. In his comments regarding health care, the Governor supported the idea of prescription drug importations, “I want Floridians to be able to purchase prescription drugs from Canada at lower prices.” The Governor also stated that is supportive of the Speaker’s call to foster innovation and competition in the health care system.

For videos of the full speeches please see the following:

**Senate President:** <https://thefloridachannel.org/videos/3-5-19-senate-session/>

**Speaker of the House:** <https://thefloridachannel.org/videos/3-5-19-house-session/>

**Governor:** <https://thefloridachannel.org/videos/3-5-19-state-of-the-state-address-by-governor-ron-desantis/>

Surgeon General Update: we have started session WITHOUT a secretary of the Department of Health, who serves as the state’s top doctor, Surgeon General.

***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:

**Department of Health/ACGME – SB 188 passes Appropriations and HB 7031 passes Health Care Appropriations**

SB 188 by 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 Appropriations 21-0 and is headed to the Senate floor.*
- *HB 7031 passed Health Care Appropriations and must pass 1 more committees before going to the House floor.*

**Prescription Drug Importation Program – HB 19 scheduled for Tuesday, March 12 in Health Quality Subcommittee**

HB 19 by Rep. Tom Leek 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. Senators Bean and Gruters have filed similar legislation, SB 1528, and SB 1452, respectively.

- *HB 19 has been referred to 3 committees, and is scheduled to be heard Tuesday in Health Quality Subcommittee.*

- *SB 1528 has been referred to 3 committees and is currently waiting to be heard by Health Policy.*
- *SB 1452 has been referred to 3 committees and is currently waiting to be heard by Health Policy.*

**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 yet.*

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.*

**Step-Therapy – 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 has been referred to 3 committees and is currently waiting to be heard by the Health Market Reform Subcommittee.*
- *No Senate companion has been filed yet.*

**Prescription Drug Monitoring Program – SB 592 passes Appropriations on HHS; HB 375 scheduled for Tuesday, March 12 in Health Quality Subcommittee**

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 2<sup>nd</sup> committee 9-0 after it was amended in committee and must pass 1 more committee before going to the Senate floor.*
- *HB 375 has been referred to 3 committees and will be heard Tuesday by the Health Quality Subcommittee.*

### **Repeal of PIP – SB 1052 scheduled for Tuesday, March 12 in Infrastructure and Security 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 has been referred to 3 committees and is scheduled to be heard by the Infrastructure and Security Committee on Tuesday.*
- *HB 733 has been referred to 3 committees and is currently waiting to be heard by the Insurance and Baking Subcommittee.*

### **Telehealth – HB 23 passes Health Market Reform Subcommittee and scheduled for Tuesday, March 12 in Ways and Means Committee**

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**.

- *HB 947 has been referred to 3 committees and is currently waiting to be heard by the Health Quality Subcommittee.*
- *HB 23 passed its 1<sup>st</sup> committee 11-2 and will be heard Tuesday by the Ways and Means Committee.*
- *SB 1526 has been referred to 3 committees and is currently waiting to be heard by Health Policy.*

### **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**

#### **APRN Independent Practice – HB 821 scheduled for Tuesday, March 12 in Health Quality Subcommittee**

SB 972 and HB 821 by Sen. Brandes and Rep. Pigman, MD, look to expand the scope of practice of Advanced Practice Registered Nurses. Amongst other things, the legislation would allow APRNs 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 been referred to 3 committees and is scheduled to be heard by the Health Quality Subcommittee on Tuesday.*

**Testing for and Treatment of Influenza and Streptococcus – HB 111 passes Health Quality Subcommittee**

SB 300 by Sen. Brandes and HB 111 by Rep. Plasencia would authorize pharmacists to test for & treat influenza & streptococcus.

- *SB 300 has been referred to 3 committees and is currently waiting to be heard by the Health Policy Committee.*
- *HB 111 passed its 1<sup>st</sup> committee 14-0 and must pass 2 more committees to be voted on by the entire House.*

**Prescriptive Authority Certification for Psychologists – HB 373 bill passes Health Quality Subcommittee**

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 1<sup>st</sup> committee 9-3 and must pass 2 more committees to be voted on by the entire House.*