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Subj: Capitol Update #2

The 2019 Legislative Session has officially finished its 2nd week. Policy bills are moving steadily through the two chambers. Both chambers met Governor DeSantis' March 15th deadline of passing legislation banning smokable medical marijuana. The House has sent one of Speaker Oliva's priorities, repealing the certificate of need process for hospitals, to the House floor for a full chamber vote. The FOMA's ACGME language included in the Department of Health's package bill has passed both chambers and now awaits a final vote in each chamber.

As state economists have finalized their estimates for the next year, signs of proposed legislative budgets will start appearing next week. Appropriations committees will start proposing their budgets as early as Tuesday. House and Senate appropriations committees will discuss initial spending plans for areas like education, health care, the environment etc.

House and Senate chambers will later approve their own full budgets before negotiating on the final budget for the next fiscal year which starts July 1st. Governor DeSantis proposed the highest budget ever, at \$91.3 billion. Speaker Jose Oliva stated that the budget will be tighter than the Governor's proposal, something Senate President Bill Galvano also acknowledged. During session, the budget is the only bill the legislature must pass.

Smokable Medical Marijuana passes House and Senate, awaits Governor's signature

On Wednesday, March 13, the House followed suit to the Senate and overwhelmingly passed legislation that would drop the ban on smokable medical marijuana and authorize qualified patients to receive smokable medical marijuana by qualified certifying physicians. The Senate voted 34-4 and the House voted 101-11. This measure is the legislature's first full action of the 2019 Session, which was demanded by Governor Ron DeSantis; the Governor gave the legislature until March 15 to pass legislation the dropped the smoking ban. The bill is currently awaiting the Governor's approval and has until March 20 to sign it into law. Upon the Governor's signature of the bill, patients would be allowed to purchase up to 2.5 ounces of medical marijuana for smoking every 35 days and allow terminally ill children to smoke the

marijuana only if they have a second opinion from a pediatrician. For more information on the bill, please see: <https://bit.ly/2T9CoZz>

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

FOMA Member alert: On Tuesday, FOMA Member, **Nikita Shah, DO**, testified in the House Health Quality Subcommittee against a bill that would expand the scope of practice by Advanced Practice Registered Nurses and Physician Assistants and give APRNs and PAs independent practice. Despite her powerful testimony, the bill passed out of committee. For more information on the bill and Dr. Shah's testimony, please see: <https://bit.ly/2HxWeeI>



Dr. Shah and former Senate
President Tom Lee



Dr. Shah and FOMA Executive
Director Stephen Winn

If you would like to become more involved in the legislative process like Dr. Shah, please email Ryan Kimmey, Director of Governmental Relations at ryan@foma.org.

Surgeon General Update: another week goes by 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, 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 on Senate floor awaiting a chamber vote and HB 7031 passes Health & Human Services

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 its committees and is awaiting a full chamber vote on 3/21/19.*
- *HB 7031 passed Health & Human Services is headed to the House floor for a final vote.*

Prescription Drug Importation Program – HB 19 passes Health Quality Subcommittee, scheduled for Monday, March 18 in Appropriations

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 passed its 1st committee 12-2 and will be heard by the Appropriations Committee, Monday, March 18.*
- *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.*

Bait and Switch – SB 1180 scheduled for Monday, March 18 in Banking and Insurance

SB 1180 by Sen. Debbie Mayfield and HB 1363 by Rep. Jayer 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 is scheduled for Banking and Insurance Monday, March 18.*
- *HB 1363 has been referred to 3 committees and is currently waiting to be heard by the Health Market Subcommittee.*

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 – HB 559 scheduled for Tuesday, March 19 in Health Market Reform

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 scheduled for Tuesday, March 19 in Health Market Reform Subcommittee.*
- *No Senate companion has been filed yet.*

Prescription Drug Monitoring Program – HB 375 passes 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 2nd committee 9-0 after it was amended in committee and must pass 1 more committee before going to the Senate floor.*
- *HB 375 passed its 1st committee 13-0 after it was amended in committee and must pass 2 more committees.*

Repeal of PIP – SB 1052 passes Infrastructure and Security

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 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.*

Telehealth – HB 23 scheduled for Monday, March 18 in Ways and Means

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 was removed from Tuesday, March 12's agenda but will be heard on Monday, March 18.*
- *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 adds PAs, and passes 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 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 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 – no movement

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 1st committee 14-0 and must pass 2 more committees to be voted on by the entire House.*

Prescriptive Authority Certification for Psychologists – 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 1st committee 9-3 and must pass 2 more committees to be voted on by the entire House.*