



Legislative Update - July

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*As we hit the halfway mark for 2020, still in the midst of a global pandemic, Florida's government continues to function. Governor Ron DeSantis signed several bills this week, including Florida's 2020-21 Fiscal Year budget. The FOMA has continued to monitor these issues through the pandemic and will continue to keep you updated. Over 100 new laws go into effect on July 1st.
- Paul D. Seltzer, DO, FOMA Legislative Chairman*

Budget Finalized with \$1 Billion in Vetoes

Governor DeSantis, on Monday, signed the budget, with \$1 billion in line-item vetoes. These vetoes, in response to the economic crisis created by the coronavirus pandemic, aim to reduce the budget in anticipation of lower revenues as a result of the pandemic.

More than \$140.5 million of these vetoes came from the healthcare portion of the budget. These cuts included \$38.4 million that would have been used to increase Medicaid rates for providers who care for people with disabilities in institutions. The additional funding was targeted to providers that care for people with severe maladaptive behaviors. The vetoes also included \$250,000 for Nova Southeastern's Pediatric Feeding Disorders Clinic and \$3.5 million for NSU's Veterans Access Clinic.

The majority of the cuts in the healthcare field was \$44 million in "special projects", with a good portion of the original budget still intact. However, not all special projects got the axe, as the Lake Erie College of Osteopathic Medicine received \$5 million for Clinic Based Health Service Outreach.

Notably, the final budget includes over \$280.3 million for graduate medical education, an almost \$34 million increase over last year's budget. The budget also includes \$10.3 million towards

implementing the Canadian Drug Importation Program. The budget allocates \$131.8 million of total funding to fight the opioid epidemic, and a \$74.8 million increase in Medicaid rates for nursing homes.

Legislative Links

Takeaways from Tallahassee

Governor DeSantis signed several bills into law this week. Here are the ones that are of interest to the FOMA and our physicians, all of which go into effect July 1, 2020.

SB 172 – The Florida Drug and Cosmetic Act

- Expressly preempts to the state the regulation of over-the-counter proprietary drugs and cosmetics. This overrides recent local regulation of specific types of sunscreen.

CS/CS/HB 59 – Automated Pharmacy Systems

- Expands current law regulating automated pharmacy systems located in long-term care facilities, hospices, and state correctional institutions to include automated pharmacy systems employed by community pharmacies.

CS/HB 467 – Physical Therapy Practice

- The bill eliminates the prohibition on physical therapists performing acupuncture that pierces the skin and authorizes the Board of Physical Therapy Practice to adopt rules related to the standards of practice for PTs to perform dry needling. The bill establishes minimum experience, education, and training requirements for PTs who perform dry needling.

CS/CS/CS/HB 713 – Health Regulation

- The bill includes several provisions related to the Department of Health, Dental Practice, and Athletic Trainers. Notably, this bill also includes the FOMA's ACGME language, which updates that statute to allow osteopathic medical students to participate in the recent merger between the AOA and ACGME residency accreditation programs.

CS/CS/HB 763 – Patient Safety Culture Surveys

- The bill requires hospitals and ASCs to use the Hospital or ASC Survey on Patient Safety Culture (SOPS), as applicable, to conduct patient safety culture surveys of facility staff. The facilities must conduct the survey biennially, and submit the data to AHCA in a format specified by rule. The bill requires the facility to conduct the survey anonymously to encourage staff employed by or working in the facility to complete the survey. The bill authorizes a hospital or ASC to contract to administer the survey, and to develop an internal

action plan to identify survey measures to improve upon between surveys, which may be submitted to AHCA.

CS/CS/CS/HB 115 – Keep Our Graduates Working Act

- The bill prohibits any state authority, including DOH, from denying the issuance of, refusing to renew, suspending, or revoking a professional license based solely on the licensee being delinquent on a payment of or defaulting on his or her student loans, and removes the specific provision allowing DOH to discipline a health care practitioner for failing to repay a student loan and the associated mandatory discipline.

CS/HB 1179 – Nondiscrimination in Organ Transplants

- The bill prohibits covered entities from taking specific actions against an individual with a developmental or intellectual disability who is eligible to receive an anatomical gift (human body parts donated after death for use in transplants, therapy, research, or education) based solely on the fact that they have a disability. Covered entities include health care practitioners, health care facilities, and any other entity responsible for potential recipients of anatomical gifts.

CS/CS/SB 404 – Abortion (Parental Consent)

- The bill prohibits a physician from performing an abortion on a minor unless the physician has received a notarized, written consent statement signed by the minor and her mother, father, or legal guardian and the physician has been presented with proof of identification and proof of parentage or guardianship by the parent or legal guardian. The bill allows physicians who perform abortions without consent to be charged with a third-degree felony. However, the consent requirement does not apply if:
 - Notice is not required under specified exceptions to the parental notice requirement;
 - The abortion is performed during a medical emergency when there is insufficient time to obtain consent;
 - The parent or guardian has waived the right to consent; or
 - The minor petitions the circuit court where she resides and receives a judicial waiver of parental consent.

HB 1189 – Genetic Information for Insurance Purposes

- The bill prohibits issuers of life insurance, long-term care insurance, and disability income insurance from canceling, limiting, or denying coverage, and from setting different premium rates, based on personal genetic information without a specific diagnosis related to the genetic information. The bill also prohibits these insurers from requiring or soliciting genetic information, using genetic test results, or considering a person's decisions or actions relating to genetic testing for any insurance purpose.

For more information, and a complete list of all the bills we tracked this session, click the button below to visit our bill tracking website.

Bill Tracking

With the 2020 Legislative Session at an end, the 2020 Election Cycle is in full swing, and it is more important than ever to support candidates that put patients first. The FOMA needs your help to do this. Every dollar to our Political Action Committee goes towards supporting our mission of protecting Florida's patients. To donate, click the button below.

FOMA PAC



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