



FOMA Legislative Update - Week 5

Paul Seltzer, DO, Legislative Chairman
Stephen R. Winn, Executive Director
Jason D. Winn, Esq., General Counsel
Jared Willis, Director of Government Affairs

Happy Valentine's Day! As National Democratic Primaries dominated the news, week 5 was a busy one here in Tallahassee. Now we are officially more than halfway done with the 2020 Session! Here is an inside look into what your team has been working on this week as well as a larger outlook of where our priorities stand. Keep in mind as we move forward into the end of session, issues become narrower and more detailed, so the work we are doing becomes laser focused on key issues that are moving.

- Paul D. Seltzer, DO, FOMA Legislative Chairman



Halfway to the Finish Line

As the Legislature continues to work through the budget process, we've hit the halfway mark in Session. Soon, subcommittees will stop meeting and bills that have been awaiting hearings in those subcommittees will effectively be dead. Bills that have had at least one hearing in committee are still able to be amended onto other pieces of legislation. Our team remains vigilant and is keeping a close eye on the issues that are important to our physicians and their patients.

The FOMA's top priority bill, SB 218/HB 221, which updates Florida Statute to allow osteopathic medical students to take advantage of the national merger of the ACGME and AOA's accreditation programs, is awaiting a hearing in the Senate Appropriations Committee, and has passed all of its committee stops on the House side. Our team was also able to amend this language onto the Department of Health package (SB230/HB713), and is diligently pushing this piece of legislation forward, and we expect to get it to the finish line before Session ends.

This week's legislative update is a comprehensive list of the major issues we are watching and the current status of each one. For more information, click the "Legislative Links" button below to explore all of the bills we are tracking and to learn more about the FOMA legislative team.

[Legislative Links](#)



Thank you to Dr. James Towry for serving as Legislative Doctor of the Day!

Big Issues - A Status Update

Independent Practice – In House Health and Human Services Committee

HB 607 by **Representative Cary Pigman, MD**, authorizes autonomous practice for APRNs and PAs, requires the Board of Health or DOH to register physician assistant or advanced practice registered nurse if applicant meets criteria, and authorizes such autonomous health care practitioners to perform specified acts without physician supervision or supervisory protocol. There is no Senate companion to the bill, and the House bill only has one more committee before it goes to the House Floor for a vote.

Administration of Vaccines – Passed House Health and Human Services Committee, now on 2nd Reading

HB 825 by **Representative Fernandez-Barquin**, expands the list of vaccinations that pharmacists can administer. In its current form, the bill also allows pharmacists and resident interns to administer influenza vaccinations to children 7 years of age and older. Physician groups have expressed concern that interns might not be qualified to administer vaccinations to young children, so there may be an amendment to adjust that section of the bill. There is currently no Senate companion to the bill.

Pharmacist Test and Treat – In House Health and Human Services Committee

HB 389 by **Representative Tyler Sirois**, authorizes pharmacists to test for and treat influenza and streptococcus pursuant to a written protocol with a supervising physician. The bill would also create a requirement for these pharmacists to report diseases of public health significance to the Department of Health. The Senate Bill, **SB 715** by **Senator Travis Hutson**, will be heard next week in the Senate Health Policy Committee, its first committee stop.

Pharmacy Benefit Managers – Passed the House Approps Committee unanimously 27-0

Committee legislation by the House Health Market Reform Subcommittee (**HB 7045**) requires drug manufacturers to provide notification of upcoming price increases to every health insurer that covers the drug at least 60 days prior to the effective date of any manufacturer drug price increase. In addition, the drug manufacturer must submit a report to the Department of Business and Professional Regulation (DBPR) and the Office of Insurance Regulation (OIR) on each manufacturer drug price increase made during the previous calendar year. The committee bill also has several requirements around pharmacy audits and contracts between a health insurer and a pharmacy benefit manager (PBM). The committee bill requires a health insurer to submit a report to OIR information by its contracted PBM. Finally, the committee bill requires OIR to publish the reports on its internet website and publish an analysis of the reported information.

HB 7045 by the Health Market Reform Subcommittee now only has the Health and Human Services Committees remaining before it goes to the floor.

SB 1338 by Senator Tom Wright (R-New Smyrna Beach) revises provisions of the Florida Insurance Code relating to the oversight of pharmacy benefit managers by the Office of Insurance Regulation (OIR). Specifically the bill clarifies that OIR has the authority to conduct market conduct examinations of PBMs to determine compliance with the provisions of the code, requires insurers and their PBMs to comply with the pharmacy audit provisions, provides that a pharmacy may appeal audit findings, relating to the payment of a claim or the amount of a claim payment, through the Statewide Provider

and Health Plan Claim dispute Resolution Program, clarifies that an insurer remains responsible for any violations of the prompt pay law by a PBM acting on its behalf, clarifies the OIR's authority to review contracts that an insurer has with a PBM, requires PBMs to pass through generic rebates to an insurer, requires the submission of an annual report to the OIR regarding rebates and other information, revises definition of the term, "maximum allowable cost;" and creates definitions of the terms, "brand drug," and "generic drug."

SB 1338 passed the Banking and Insurance Committee and is now waiting to be heard in Health and Human Services

Prescription Drug Donation Repository Program – Senate Bill read on Second Calendar Substituted for HB 0177, which is on 3rd reading SB 58 by Senator Lauren Book (D-Plantation) and **HB 177** by Reps. Clay Yarborough (R-Jacksonville) and Nick Duran (D-Miami) facilitate the donation and distribution of prescription drugs and supplies to indigent, underinsured, and uninsured patients in the state. The program uses a system of repositories to distribute donated prescription drugs throughout the state to eligible patients.

HB 177 is on final reading and then will be sent back to the Senate for passage

DOH Legislative Package – House Bill Favorable with CS by Health & Human Services Committee; 16 Yeas, 0 Nays

SB 230 by Senator Gayle Harrell (R-Stuart) and **HB 713** by Rep. Ana Maria Rodriguez (R-Doral) update numerous provisions relating to health care practitioners and facilities regulated by the Department of Health (DOH), Division of Medical Quality Assurance (MQA). Some of the specific provisions contained in the bills:

- Grants rulemaking authority to the DOH for responsibilities relating to maximizing the use of existing programs and coordinating stakeholders and resources to develop a state strategic plan, including the process of selecting physicians under the Conrad 30 Waiver Program;
- Requires DOH to develop strategies to maximize federal-state partnerships that incentivize physicians to practice in medically underserved or rural areas;
- Repeals the requirement that the Board of Medicine (BOM) conduct a review of organizations that board-certify physicians in dermatology;
- **Updates the osteopathic internship and residency accrediting agencies to include the Accreditation Council for Graduate Medical Education (ACGME);**
- Revises and updates the massage therapy licensure requirements, athletic trainer educational and internship requirements, as well as licensure requirements for Marriage and Family Therapists and Mental Health Counselors;
- Updates the name of the accreditation body for psychology programs and revises the requirements for psychology licensure;
- Replaces the term "acquired immune deficiency syndrome" with "human immunodeficiency virus" to broaden the purpose of the DOH's regional patient care networks to include persons with HIV, who might not have developed AIDS, as well as patients with AIDS;
- Revises the DOH's health care practitioner licensing provisions to permit the DOH to issue a temporary license, that expires in 60 days, instead of 30 days, to a nonresident or non-citizen physician who has accepted a residency, internship, or fellowship in Florida and has not yet received a social security number; and
- Authorizes the DOH to issue medical faculty certificates to full-time faculty at Nova Southeastern University or Lake Erie College of

SB 230 is still waiting to be heard in its final committee which is Rules. HB 713 will now be sent to the floor for second calendar reading.

Preemption of Local Regulations – OTC Preemption Bill Passes Full Senate/House Bill Ready for Floor Consideration

Several preemption bills have been filed for the 2020 Legislative Session, dealing with a wide array of issues, including local occupational licensing, vacation rental properties, and others. **HB 113** by Rep. Spencer Roach (R-North Fort Myers) and **SB 172** by Senator Rob Bradley (R-Fleming Island) preempt the regulation of over-the-counter (OTC) proprietary drugs or cosmetics, such as sunscreen, to the state.

SB 172 passed the full Senate and now resides in the House. HB 113 passed all of its committees and is now on the calendar of bills ready for consideration by the full House.

Nonopioid Alternatives – House and Senate Bills both Placed on second reading calendar

HB 743 by Rep. Scott Plakon (R-Longwood) and **SB 1080** by Senators Keith Perry (R-Gainesville) and Dennis Baxley (R-Ocala) amend last year's enacted legislation. Beginning July 1, 2020, the legislation provides an exception to the requirement to provide nonopioid alternatives when treating a patient in an emergency room, a critical care unit, or when the patient is receiving hospice services. The legislation eliminates the requirement to provide such alternatives when dispensing or administering Schedule II opioid drugs and allows information on the nonopioid alternatives to be provided to the patient's representative, in addition to the patient directly.

Automated Pharmacy Systems – Both Bills await hearing in Final Committee stops

HB 59 by Rep. Matt Willhite (D-Wellington) and **SB 708** by Senator Travis Hutson (R-Elkton) permit a licensed community pharmacy to provide outpatient pharmacy services for the dispensing of medicinal drugs through the use of an automated pharmacy system (APS) located inside a community pharmacy or located inside the same establishment as the community pharmacy, if specific requirements are met. The bills also mandate that an APS may not contain or dispense any controlled substances.

On February 3rd, SB 708 passed the Innovation, Industry, and Technology Committee by a vote of 10 to 0. The bill is now in the Rules Committee, its final stop. The House bill has passed two committees and has one final hearing in the House Health & Human Services Committee.

Dispensing Medicinal Drugs – Both Bills Placed on Second Calendar Reading

SB 100 by Senator Gayle Harrell (R-Stuart) and **HB 57** by Rep. Matt Willhite (D-Wellington) authorize individuals licensed to prescribe medicinal drugs in an institutional pharmacy to dispense a 48-hour supply, rather than a 24-hour supply. The legislation also authorizes these individuals to dispense a 72-hour supply of drugs if a state of emergency has been declared in the area.

On February 5th, SB 100 passed the Appropriations Committee passed the

bill by a vote of 20 to 0. On February 6th, HB 57 passed by a vote of 18 to 0 in the Health and Human Services Committee.

For more information, and a complete list of all the bills we are tracking, click the button below to visit our bill tracking website. With the 2020 Legislative Session heating up, and issues such as scope of practice coming to the forefront, it is more important than ever to look ahead to the 2020 election cycle. The FOMA needs your help to continue supporting candidates that put patients first. Every dollar to our Political Action Committee goes towards supporting our mission of protecting Florida's patients. To donate, click the button below.

[Bill Tracking](#)

[FOMA PAC](#)

