



FLORIDA OSTEOPATHIC MEDICAL ASSOCIATION

CRT Legislative Update - Week 6

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This legislative session has been a whirlwind of activity in the healthcare arena. As we close out week 6, with only 3 weeks left until the end of session, the whirlwind is turning into a full-blown hurricane. We need you, more than ever, to contact your local legislators and let them know how important it is that they stay strong in supporting Florida's patients.

- Paul D. Seltzer, DO, FOMA Legislative Chairman



FOMA Executive Director, Steve Winn, testifying in support of Surgeon General Scott Rivkees' confirmation.

Big Issues - A Status Update

Surgeon General Confirmation

The Senate Ethics and Elections Committee voted to confirm Surgeon General Scott Rivkees, MD, on Monday. The FOMA was there in support and testified on Dr. Rivkees' behalf. Dr. Rivkees' confirmation will now go to the full Senate for a final vote.

Pharmacy Benefit Managers

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 that exceeds 15% from the previous year. 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 passed the Health and Human Services Committee Tuesday and is now sent 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 its first committee and will be heard in the Senate Health and Human Services Appropriations Subcommittee next week, its second committee stop out of 3.

Pharmacist Test and Treat

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, just passed the Health Policy Committee, its first committee stop and has 2 more

stops to go. **The Senate Bill was amended to remove strep and restricts influenza testing and treatment to adults age 18-75.** The bill will be heard in the Senate Health and Human Services Appropriations Subcommittee next week.

Automated Pharmacy Systems

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 all 3 of its committees after it passed the House Health & Human Services Committee this week.

Parental Consent

SB 1634 by Senator Kelli Stargel and HB 1059 by Representative Erin Grall both passed out of their respective committees this week. These bills, among other things, require parental consent for any healthcare services, including vaccination and immunizations. There have been reports of grandparents or other relatives taking children to be vaccinated against the wishes of their parents. This bill would close that loophole and would prevent any medical service from being provided without a parent's consent. The Senate bill has one more stop, the Senate Rules Committee, before being heard on the Senate Floor. The House bill will now go to the House floor for a vote.

For more information, and a complete list of all the bills we are tracking, click the link below for a full report.

[Bill Tracking](#)

