



## FOMA Legislative Update - Week 7

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Scope expansion was the theme of this week's committee meetings. Independent practice for PAs and APRNs is now positioned to pass the House, with the Senate companion not far behind. An initiative to give pharmacists the ability to test and treat influenza has seen massive expansion in the House, and is on a crash course with a much more limited Senate bill. This is the time for physicians to take a stand and get involved. [Contact your local legislator](#) and tell them that you oppose **SB 1676/HB 607/HB 7053**, which allow **independent practice for APRNs and PAs**, and **SB 714/HB 389**, which **allow pharmacists to test and treat influenza, streptococcus, and several other conditions**. As always feel free to contact our team to see how you can be more involved in the legislative process.

**- Paul D. Seltzer, DO, FOMA Legislative Chairman**



Thank you to Jason Pirozzolo DO, for serving as Legislative Doctor of the Day this week! If you are interested in participating in the Doctor of the Day program, please let us know!

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## Some Good News

**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, **will be heard in the Senate Rules Committee**, its final committee stop in the Senate before being heard on the Senate Floor. The bill has passed all of its committee stops on the House side and is awaiting a vote on the House Floor. Our legislative team has worked tirelessly to get this bill across the finish line and enacted into law for our osteopathic medical students.

Legislative  
Links



*FOMA Executive Director, Steve Winn, was honored to spend time with Vevie Lykes Dimmit, and Tara Sullivan with the Love IV Lawrence Foundation and the American Foundation for Suicide Prevention to discuss mental health issues.*

## Big Issues - A Status Update

For a video overview of last week's legislative activity, [click here for our Week 6 Video Update.](#)

## Coronavirus

The Coronavirus epidemic has continued to become more pressing here in Florida. President Donald Trump recently announced that he has placed Vice President Mike Pence over his Coronavirus task force, signaling a prioritization of the epidemic at the national level. CDC officials have indicated that it is only a matter of time before the

virus begins to spread in the U.S., as we heard announcements of the first community transferred case of the virus in the U.S.. Surgeon General Scott Rivkees, MD, has been diligently updating Florida's medical community on the epidemic in weekly calls. PhRMA companies are racing to provide effective remedies and vaccinations against the virus as a possible pandemic looms on the horizon. Your legislative team is working with the Department of Health and the Surgeon General to stay on top of this issue, and we will continue to provide updates.

### **Independent Practice**

HB 607 by Representative Cary Pigman, MD, passed its final House Committee, House Health and Human Services, this week and will now head to the House Floor. The bill 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. The Senate companion, SB 1676 by Sen Albritton expands scope of practice for APRNs only, and also defines relevant terms for registered nurses, certified nursing assistants, and home health aides. The bill limits APRN independent practice to rural and underserved communities and to APRNs with 10,000 hours of supervised practice. **SB 1676 will be heard in the Senate Appropriations Committee next Tuesday, before going to the Senate Floor.** The House companion to SB 1676, HB 7053, by Representative Josie Tomkow, was amended to include independent practice for both APRNs and PAs, providing two vehicles for this initiative in the House.

While the Senate Bill only includes APRNs, in committee, Senator Albritton discussed the possibility of including PAs as well. Our team is closely watching for amendments to the bill, and will keep you posted as it develops.

### **Pharmacist Test and Treat**

HB 389 by Representative Tyler Sirois, was amended in the House Health and Human Services Committee to authorize pharmacists to test for and treat lice, skin conditions (like athlete's foot and ringworm), and minor infections in addition to influenza and streptococcus. The bill was also expanded to include the treatment of certain chronic conditions such as asthma, diabetes, and congestive heart failure, 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. With the amendment, the rift between the House and Senate bills is even greater. The Senate Bill, SB 714 by Senator Travis Hutson, passed both the Senate Health Care Appropriations and Full Appropriations Committee this week. **The Senate Bill currently does not include anything aside from influenza testing and treatment, and restrictions such testing and treatment to adults age 18-75.** Both bills will now go to the floors of their respective chambers, and will eventually be negotiated between the chambers. Senator Hutson has indicated a desire to

keep the Senate version, however, there is still a chance that some of the more expansive House language will be added to the bill. Our legislative team is keeping a close eye on this piece of legislation.

### **Pharmacy Benefit Managers**

**SB 1338 by Senator Tom Wright passed its second committee, Senate Health and Human Services Appropriations, and will now go to its final committee, Senate Appropriations, before reaching the Senate Floor.** The bill 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."

**The House companion, HB 7045 was not heard this week, but is expected to be heard on the House Floor soon.** This piece of 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.

Our team is continuing to watch this issue, and is constantly advocating for reforms that provide impacts for patients, and lower out-of-pocket costs.

### **Consultant Pharmacists**

Senate Bill 1094, by Senator Manny Diaz Jr., allows pharmacists to receive a special certificate which allows them to perform additional services, under the supervision of a physician, such as adjusting

prescriptions and ordering lab tests. A pharmacist seeking to be a consultant pharmacist must complete an additional 40 hours of training to qualify for certification. The bill passed its the Senate Health Care Appropriations Committee and will be heard in Senate Appropriations next week. The House bill has yet to receive a hearing.

### **PIP**

Two bills passed out of the House Commerce Committee which address medical payments under Florida's PIP system.

HB 895 Relating to Insurance, by Representative Santiago was amended to include language which removes rate exemptions for emergency services provided in a hospital inpatient or outpatient setting, effectively setting such rates at 200 percent of Medicare Part A. The bill passed the House Commerce Committee with a 15-9 vote.

The House Commerce Committee also heard HB 771 relating to motor vehicle insurance, by Representative Erin Grall. Rep. Sabatini withdrew an amendment to the bill which would have included “bad faith” language, a key component for passage on the Senate side.

HB 771 repeals PIP and removes the limitation on tort liability provided under PIP. When drivers are at fault in an accident, they are fully liable for any damages they cause. Due to this change, the bill expands the scope of legal liabilities covered under an uninsured/underinsured motorist policy.

The bill would replace PIP with mandatory BI coverage at the time of registration of a motor vehicle. It increases the minimum BI coverage limits to \$25,000 in damages due to the bodily injury or death of any one person and \$50,000 for bodily injury or death to two or more persons. The minimum PD coverage limit is not changed. The minimum-security limits for self-insurance of BI and PD requirements are increased. The bill also increases minimum coverage limits applicable to garage liability policies and commercial motor vehicle coverage.

**SB 378**, by Senator Tom Lee, the Senate companion to HB 771 was scheduled to be heard by the Senate Banking and Insurance Committee last week but was not considered. The bill was voted favorably out of its first committee of reference, which means that it could be amended to another bill. SB 1606 by Senator Perry is the companion to HB 895. Presently, the bill contains no language relating to PIP. The bill is scheduled to be heard in Senate Appropriations on Tuesday.

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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.

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