

# 2019 Florida Legislative Session Preview



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**EXECUTIVE DIRECTOR**



# Agenda



- **State of the State**
- **2019 Legislative Session Logistics**
- **Bills Already Filed we Support**
- **Bills Already Filed we Oppose**
- **Bills Already Filed that we are Monitoring**
- **Tools you can use**

# 2019 Legislative Session



**STATE OF THE STATE**



# Priorities of the Leadership



- **Governor**
  - CON Repeal
  - Telemedicine
  - Medical Marijuana
  - Shared Savings Programs
- **Speaker of the House**
  - Scope of Practice Expansions
  - Transparency and Market Competition
- **Senate President**
  - Concerns with protectinng patients and ensure quality medicine
  - Block grants for expansions of Medicaid

# 2019 Legislative Session



## **LOGISTICS**

# Key Dates



**March 1<sup>st</sup> – Final Date for Approving Bill Drafts**

**March 5<sup>th</sup> – Regular Session Convenes**

**April 23<sup>rd</sup> – Last Day for Regular Committee Meetings**

**May 3<sup>rd</sup> – Last Day of Session**

# 2019 Legislative Session



## **BILLS FILED THAT WE SUPPORT**



# 24-Hour State in ASC



- **Current law requires discharge from an ASC at midnight**
- **CMS standard is 24 hours from the start of the procedure**
- **40 states have this 24 hour language**

# ASC Legislation Filed



- **SB 434 – Harrell**
  - Limited to 24 Hour Length of Stay Language
- **HB 25 – Stevenson (Recovery Care Services)**
  - 48 Hour Length of Stay in an ASC
  - Regulatory framework for 72-hour stay in a Recovery Care Center

# Tort Reform



- **HB 17 – Leek**
  - \$1 Million Cap on Noneconomic Damages for all Civil Litigation
  - Damages Recoverable for Medical or Health Care Services
    - ✦ Medicare Standard
- **SB 1320 – Stargel**
  - No Cap on Noneconomic Damages
  - Damages Recoverable for Medical or Health Care Services
    - ✦ Charged Based Standard (FairHealth Database)

# Needle Exchange Program



- **SB 366 – Braynon**
- **HB 171 - Jones**
  
- **Makes Univ of Miami Pilot Program permanent**
- **Allows other Counties to Opt-In to similar programs**
- **Allows Cities and Counties to fund the program**

# Step Therapy



- **HB 559 - Massullo, Duran, Geller, Toledo**
- **No Senate Companion**
  
- **Establishes an exemption process the patient and physician can request**
- **Establishes reasons why you can bypass the step therapy**
  - Drug is contraindicated
  - Known to be ineffective due to pt history & drug characteristics
  - Patient has already failed the drug
  - Patient is stable on another drug

# 2019 Legislative Session



## **BILLS FILED THAT WE OPPOSE**

# Office Surgery



- **SB 732 – Flores**
- **HB 933 – Rodriguez**
- **Requires registration for Office Surgery Centers for all Levels – Level I, II, and III**
- **Eliminates Corporate Ownership of Office Surgery Centers**
- **Requires inspections and additional equipment and standards**
- **Requires an anesthesiologist to be on site for Level III procedures**

# Electronic Prescribing



- SB 1192 Bean
- HB 831 Mariano
- Mandated ePrescribing for all drugs by July 2021.
- No Hardship Exemptions
  - Recommended Hardships:
    - ✦ Technology limitations (EMR)
    - ✦ Service Interruptions
    - ✦ Natural Disasters
    - ✦ Rural Providers



# Scope of Practice



- **Independent Practice for APRNs and PAs**
- **Mandatory Referral to non-physician providers before prescribing controlled substances for the treatment of chronic pain – includes DOs, Chiro, PT, and Accupuncture**
- **Pharmacists Treating Strep and Flu**

# PIP Repeal



- **SB 896- Brandes**
- **HB 733 – Grall**
  - Eliminates PIP and Mandates Bodily Injury Coverage
  - \$25K is the Mandatory BI Limits
  - All other coverage is optional
  - BI only covers damage you do to others
  - Shifts costs to health insurance/government payers
- **SB 1052 – Lee**
  - Includes Medical Payments Coverage
  - Offer of Emergency MedPay is Mandatory

# 2019 Legislative Session



## **BILLS FILED THAT WE ARE MONITORING**

# TeleHealth



- **SB 1526 Harrell**
- **HB 23 – Yarborough**
  - Provides Tax Incentives to Insurers that offer the service

# Shared Savings Program



- **HB 1113 Renner**
- **SB 524 Diaz and Farmer**
  
- **Authorizes health insurers to provide shared savings incentive programs in which insureds receive cash payment as incentive to save on certain nonemergency health care services; provides shared savings incentive amount does not institute income to insureds; provides that shared savings incentives are not administrative expenses for insurers; provides tax reductions for insurers.**

# Shared Savings Continued



- Insurers must publish for their insured a baseline price for “shoppable services”
- Baseline price is their average contracted rate for that service in the community.
- Shoppable services are non-emergency, diagnostic tests, surgical procedures, labs, drugs, etc.
- A minimum 25% of shared savings must be given to the patient.
- Insurance carriers get a tax break equal to what they share with insureds

# Stem Cells



- **HB 65 – Clemons and Pigman**
- **SB 954 – Berman and Perry**
  
- **Providing regulation on the use of Stem Cells in Clinical Trials**
- **Some concern over definition of stem cells and whether it would ban use of non-FDA approved products**

# 2019 Legislative Session



## **TOOLS YOU CAN USE**



# Websites



- [www.flsenate.gov](http://www.flsenate.gov)
- [www.myfloridahouse.gov](http://www.myfloridahouse.gov)
- [www.leg.state.fl.us](http://www.leg.state.fl.us)

# News Sources



- **Organized Medicine**
  - Weekly Webinars
  - Email Updates and Alerts
  - Florida Medical Association & Specialty Societies
- **Health News Florida**
  - <https://health.wusf.usf.edu/>

# Thank you



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