

2019 Florida Legislative Session Week 1



FRASER COBBE
EXECUTIVE DIRECTOR



Agenda



- **Week 1 Updates**
 - Bills we Support
 - Bills we Oppose
 - Bills we are Monitoring
- **Looking Ahead to Week 2**
- **Tools you can use**

2019 Legislative Session Activity Week 1



BILLS FILED THAT WE SUPPORT

Tort Reform



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

Interesting Discussion Points



- **Why do physicians ask patients if they were injured at work or in an auto accident?**
- **Why don't patients use their health insurance in many liability cases?**
- **Why are physicians reluctant to participate in WC and Auto?**
- **Need for education that statutory mandates and insurance policies dictate this action.**

Needle Exchange Program



- **SB 366 – Braynon – Passed Senate Healthcare Appropriations**
- **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**

2019 Legislative Session Week 1 Update



BILLS FILED THAT WE OPPOSE

Electronic Prescribing



- SB 1192 Bean
- HB 831 Mariano – Passed Health Quality
- Mandated ePrescribing for all drugs by January 2020.
- No Hardship Exemptions
 - Recommended Hardships:
 - ✦ Technology limitations (EMR)
 - ✦ Service Interruptions
 - ✦ Natural Disasters
 - ✦ Rural Providers

Interesting Discussion Points



- **75% of physicians nationally are ePrescribing according to the Office of the National Coordinator**
- **69% of Florida Physicians**
- **Survey we distributed:**
 - 21% don't ePrescribe any drugs
 - 46% prescribe non-controlled drugs
 - 28% prescribe both controlled and non-controlled drugs

Pharmacist Scope of Practice



- **HB 111- Plasencia – Passed Health Quality Committee**
- **Originally Filed – allowed Pharmacists to diagnose and treat Strep and Flu**
- **Strike All Amendment adopted in House Health Quality also adds**
 - Collaborative Practice with Physicians
 - Treat Chronic conditions already diagnosed
 - Diagnose and treat non-chronic conditions

Psychologists Prescribing



- **HB 373 – Pigman – Passed House Health Quality Committee**
- **Allows Psychologists to prescribe controlled substances**
- **Bill sponsor and committee members cited lack of mental health access as justification**

Physician Referrals



- **HB 863- Brannan – Passed House Health Quality Committee**
- **Removes Hospital Investment from Self Referral Law - Prohibits a physician from referring to a hospital if they have an investment interest in the hospital**
- **Requires physicians to inform a patient if they are going to refer them to an out-of-network physician**
 - We testified that physicians do not have that information so it is not possible to comply.

Non-Opioid Directives



- **SB 630 – Perry**
- **HB 451 – Plakon – Passed Health Quality Committee with amendment**
- **Creates a Non-Opioid Directive form a patient can file physician opting out of any opioid medications.**
- **HB amended to remove director form and mandates education to pts before prescribing via a brochure to be developed by the state.**

2019 Legislative Session Week 1 Update



BILLS FILED THAT WE ARE MONITORING

TeleHealth



- **SB 1526 Harrell**
- **HB 23 – Yarborough – Passed Health Quality Committee**
 - Provides Tax Incentives to Insurers that offer the service
 - Does not provide Payment Parity
 - Enables insurers to use out-of-state physicians in their networks

Interesting Discussion Points



- **Tax incentive is \$31 million**
- **2016 Agency for Health Care Administration survey**
 - 45 percent of hospitals responding to the survey said they provided telehealth.
 - only 6 percent of practitioners, such as physicians, did.

Workers Compensation – Filed this Week



- **SB 1636 – Perry**
 - Attorney Fees
 - Disability Benefit Duration

- **HB 1399 – Byrd**
 - Attorney Fees
 - Disability Benefit Duration
 - Cuts in Facility Fees (Hospitals and ASCs) -160% of Medicare
 - Authorized Physician use of Diagnostic Services and DME under \$500
 - Insurance Carrier Performance Measures Scorecard

Medical Services & Insurance



- SB 1790 – Perry
- HB 1317 – Burton
- Mandates state to publish fee schedule for all Facility services (Hospital & ASC) at 200% of Medicare.
- Includes physician services in those facilities.
- Mandates treatment plan protocols for PIP patients requiring more frequent follow up

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LOOKING AHEAD TO WEEK 2

Office Surgery



- **To Be Heard Monday, March 11**
- **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**

Shared Savings Program



- **HB 1113 Renner**
- **SB 524 Diaz and Farmer – On Banking & Insurance Committee Agenda Monday the 11th**
- **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.**

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TOOLS YOU CAN USE

Websites



- www.flsenate.gov
- www.myfloridahouse.gov
- 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



FRASER COBBE
FCOBBE@COBBEMANAGEMENT.COM

