

FPMA Report Tallahassee Update

The Florida Legislature has completed Week 6 of the 9 week (60-day) session. Both the House and Senate adopted their respective budgets, with budget conference likely to begin after Easter. We are in the home stretch! One of the FPMA priority bills made it through the House this week – the friendly version of Telehealth, HB 23 by Yarborough. Set forth below is a recap of issues tracked by FPMA.

Prescription Drug Importation

House Bill 19 by Representative Tom Leek was approved by the full House of Representatives by a vote of 93-22. For a copy of the vote, please follow this link: <https://www.myfloridahouse.gov/Sections/Bills/floorvote.aspx?VoteId=18638&BillId=65571&SessionId=87&>

The Senate companion bill, Senate Bill 1528 by Senator Aaron Bean was approved by the Senate HHS Appropriations Committee and has one committee reference remaining – Senate Appropriations Committee. We anticipate that the bill will be on that committee agenda next week as that is the last scheduled committee hearing.

Electronic Prescribing

Senate Bill 1192 by Senator Aaron Bean was approved by the Senate Health Policy Committee and is on the Senate HHS Appropriations Committee agenda for April 16. The bill requires health care practitioners electronically generate and transmit prescriptions for medicinal drugs upon license renewal or by July 20, 2021. The House companion bill, House Bill 831 by Representative Amber Mariano, was approved by the full House of Representatives.

Non Medical Switching

Senate Bill 1180 by Senator Mayfield was approved by the Senate Health Policy Committee. The following is a summary of the bill:

- The bill requires at least 60 days' notice before the effective date of any changes to a prescription drug formulary during a policy year for health insurance policies and health maintenance organization contracts.
- A treating physician may seek continuation of a prescription drug taken off a formulary by certifying its medical necessity and submitting a form to the insurer at least 30 days prior to the formulary change.
- A standardized, one-page form for such certifications will be developed through rulemaking by the Financial Services Commission.
- Treating physicians may submit their forms either electronically or via first class mail to the insurers.
- The bill also generally prohibits an insurer or health maintenance organization (HMO) from reclassifying a drug to a more restrictive tier, increasing the cost sharing of an insured, or reclassifying a drug to higher cost-sharing tier during the policy year.

The companion bill, House Bill 1363 by Representative Jaye Williamson is in the House Commerce Committee.

House Health and Human Services Committee

Prescription Drug Donation – House Bill 59 by Representative Clay Yarborough expands the current cancer drug donation program to all prescription drugs and includes an exemption for REM drugs. The companion bill, Senate Bill 104 by Senator Lauren Book, is in the Senate Appropriations Committee.

Medicaid Eligibility Requirements – House Bill 955 by Representative Danny Perez directs AHCA to request federal approval to require enrollees to engage in work activities to maintain eligibility for Managed Medical Assistance (MMA) benefits. There is no Senate companion bill.

House Floor

Telehealth – House Bill 23 by Representative Clay Yarborough authorizes Florida licensed health care professionals to use telehealth to deliver health care services within their respective scopes of practice and also authorizes out-of-state health care professionals to use telehealth to deliver health care services to Florida patients if they register with the Department of Health (DOH) or the applicable board, meet certain eligibility requirements, and pay a fee. The bill creates a tax credit for health insurers and HMOs that cover services provided by telehealth. Two amendments – one to sunset the exemption and one to delete the exemption – were defeated. The Senate companion bill, Senate Bill 1526 by Senator Gayle Harrell is on the Senate HHS Appropriations Committee agenda for April 16.

From the Staff Analysis on HB 23, Florida-licensed telehealth providers must be one of the following health care practitioners:

- Behavioral Analyst
- Acupuncturist
- Allopathic physician
- Osteopathic physician
- Chiropractor
- Podiatrist
- Optometrist
- Nurse
- Pharmacist
- Dentist
- Dental hygienist
- Midwife
- Speech therapist
- Occupational therapist
- Radiology technician
- Electrologist
- Orthotist
- Podiatrist
- Prosthetist
- Medical physicist
- Emergency Medical Technician
- Paramedic
- Massage therapist
- Optician
- Hearing aid specialist
- Clinical laboratory personnel
- Respiratory therapist
- Physical therapist
- Psychologist
- Psychotherapist
- Dietician/Nutritionist
- Athletic trainer
- Clinical social worker
- Marriage and family therapist
- Mental health counselor

Please see the following vote sheet on HB 23.

Sequence: 68
Session Day: 38
Calendar Page:

The Florida House of Representatives
2019 Regular Session

Date: 04/11/2019
Time: 02:10 PM

CS/CS/HB 23
Passage
Third Reading

Yeas - 102

Nays - 14

Not Voting - 4

Presiding - Magar

Y Alexander-8	N Good-72	Y Polsky-81
Y Aloupis-115	Y Gottlieb-98	Y Ponder-4
Y Altman-52	N Grall-54	Y Pritchett-102
Y Andrade-2	Y Grant, J.-64	Y Raschein-120
Y Antone-46	Y Grant, M.-75	Y Renner-24
Y Ausley-9	Y Gregory-73	Y Roach-79
Y Avila-111	Y Grieco-113	Y Robinson-71
Y Bell-56	Y Hage-33	Y Rodrigues, R.-76
Y Beltran-57	Y Hart-61	Y Rodriguez, A.-118
Y Brannan-10	Y Hattersley-59	Y Rodriguez, A.M.-105
N Brown-45	Y Hill-1	Y Rommel-106
Y Buchanan-74	Y Hogan Johnson-84	Y Roth-85
Y Burton-40	Y Ingoglia-35	Y Sabatini-32
Y Bush-109	N Jacobs-96	Y Santiago-27
Y Byrd-11	Y Jacquet-88	Y Silvers-87
Y Caruso-89	N Jenne-99	Y Sirois-51
Y Casello-90	Y Jones-101	Y Slosberg-91
Y Clemons-21	Y Joseph-108	N Smith, C.-49
N Cortes-43	Y Killebrew-41	Y Smith, D.-28
Y Cummings-18	Y La Rosa-42	Y Sprowls-65
Y Daniels-14	Y LaMarca-93	Y Stark-104
Y Davis-13	Y Latvala-67	Y Stevenson-17
Y Diamond-68	Y Leek-25	Y Stone-22
Y DiCeglie-66	Y Magar-82	Y Sullivan-31
Y Donalds-80	Y Mariano-36	N Thompson-44
Y Drake-5	Y Massullo-34	Y Toledo-60
Y Driskell-63	Y McClain-23	Y Tomkow-39
Y DuBose-94	Y McClure-58	Y Trumbull-6
Y Duggan-15	Y McGhee-117	VACANT-7
Y Duran-112	Y Mercado-48	VACANT-97
Y Eagle-77	Y Newton-70	VACANT-38
N Eskamani-47	Y Oliva-110	N Valdes-62
Fernandez-114	Y Omphroy-95	N Watson, B.-107
Y Fernandez-Barquin-119	Y Overdorf-83	Y Watson, C.-20
Y Fetterhoff-26	Y Payne-19	Y Webb-69
Y Fine-53	Y Perez-116	Y Willhite-86
Y Fischer-16	Y Pigman-55	N Williams-92
Y Fitzenhagen-78	Y Plakon-29	Y Williamson-3
N Geller-100	Y Plasencia-50	Y Yarborough-12
N Goff-Marcil-30	Y Polo-103	Y Zika-37

Health Insurance Savings – House Bill 1113 by Representative Paul Renner creates Patient Savings Act, which allows health insurers to create a voluntary shared savings incentive program to encourage insured individuals to shop for high quality, lower cost health care services and share any savings realized as a result of the insured's choice. The Senate companion bill, Senate Bill 524 by Senator Manny Diaz, is in the Senate Appropriations Committee.

Damages

House Bill 17 by Representative Tom Leek was approved by the House Judiciary Committee. The bill modifies the damages recoverable in certain tort actions by requiring a jury to consider an estimated value of medical services based on an independent database reporting medical costs charged and paid. This ensures the jury does not rely solely on the amount billed by the provider of medical or health care services to determine damages. The Senate companion bill, Senate Bill 1320 by Senator Kelli Stargel, has not received a committee hearing.