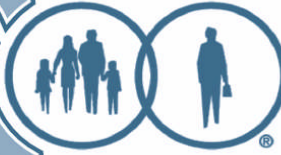


BYTES



A Publication of the
Florida Academy of Family Physicians

6720 Atlantic Boulevard, Jacksonville, FL 32211 • 800.223.3237
Tad P. Fisher, Executive Vice President • www.fafp.org

Edition: Number 10

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Session Overview

Many thanks to Jim Daughton, FAFP Legislative Consultant, for this comprehensive report.

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The 2007 regular session of the Legislature ended with a whimper on Friday afternoon, May 4. Earlier that week House Speaker Marco Rubio and Senate President Ken Pruitt agreed that they did not have enough time to resolve differences in the competing proposals addressing Florida's property tax crisis. The Legislature amicably reached agreement on a \$71.9 billion budget, but chose not to act on the controversial extension of mandated personal injury protection (PIP) coverage for all automobile owners.

The Session always brings interesting political dynamics, especially between the Speaker and the Senate President. Speaker Rubio, 35, is the first Cuban-American Speaker in Florida's history and is considered a rising star in state and national political circles. Last year, Rubio spearheaded an effort to generate ideas for policy change via a Web site and hundreds of town hall meetings (idea-raisers). The ideas were ranked, and the most popular were detailed in a book entitled 100 Innovative Ideas for Florida's Future. These "100 Ideas" then became the substance of legislation sponsored by House members.

Senate President Ken Pruitt surprised many political observers by announcing, and actually enforcing, a bottom-up, member-driven process. Unlike previous sessions, very few mandates were issued by the Senate President and individual committee chairs wielded considerable power.

Both the Speaker and Senate President remained extremely cordial and complimentary throughout the Session, with any real disagreements kept private. Governor Crist, as is his nature, did not delve into the minutia of legislative proposals, but offered general support on important issues, such as his anti-murder proposal, various energy initiatives and election reforms including a ballot paper trail. Crist enjoyed a successful first session as Governor and remains extremely popular with the electorate. The headline from the *Tampa Tribune* appropriately summarized the 2007 Legislative Session . . . "It's Over, But Incomplete."

Immunizations: PASSED

HB 543 (Enrolled) and SB 2022, by Rep. Juan Zapata (R–Miami) and Sen. Mike Bennett (R-Bradenton) passed. The bill allows pharmacists, only after receiving training and certification and following a protocol, to administer flu shots. Initially, the bill allowed pharmacists to administer all immunizations.

After narrowing the bill to just flu shots with a protocol, attempts were made to filter the legislation with pro-patient, pro-safety measures that would have increased supervision, required additional protocols and required manufacturers to sell vaccines to physicians prior to them selling the vaccines to retail pharmacies. These amendments generated much debate in the House and Senate, but ultimately, none of the amendments were adopted in the final bill. (Awaiting action by the Governor)

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Electronic Prescribing: PASSED

HB 1155 (Enrolled) and SB 518, by Rep. Rich Glorioso (R-Plant City) and Sen. Burt Saunders (R-Naples) entitled Controlled Substances, passed. The bill requires the Agency for Health Care Administration (AHCA) to include electronic prescribing information on its Web site. The bill revises the law as it relates to pharmacists' dispensing of controlled substances and the recording of a prescription electronically for certain controlled substances, if it is permitted by federal law. (Awaiting action by the Governor)

The state budget contains language that waives the licensure renewal fee (a savings of about \$400) for up to 10,000 MDs and DOs who use electronic prescribing systems. The use of electronic prescribing is an effort to combat fraud and abuse.

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Physician Workforce Assessment & Development: PASSED

SB 770 (Enrolled) and HB 877, by Sen. Jeff Atwater (R- North Palm Beach) and Rep. Ed Homan (R-Temple Terrace) entitled Physician Workforce Assessment & Development, passed. The bill creates the Office of Physician Workforce Assessment and Development. The office will be responsible for:

- Coordinating and planning how to assess Florida's current and future physician workforce needs through collaboration with multiple stakeholders.
- Maximizing the use of existing programs under the Department of Health (DOH) and other state agencies.
- Maintaining a database to serve as the official statewide source of valid, objective and reliable data concerning the physician workforce.
- Analyzing the results of the required physician survey and determine by geographic area and specialty the number of physicians who perform services. Florida-licensed allopathic or osteopathic physicians, as a requirement for renewal of their licenses, must furnish specified information to DOH in a physician survey.

- Reporting its findings to the Governor and the Legislature by November of each year.

Additionally, the bill creates a five-member advisory council on physician workforce issues within the DOH. The council is responsible for reviewing and commenting on data analysis by the DOH for physician workforce issues and provides advice and expertise to the DOH to be incorporated in the survey. (Awaiting action by the Governor)

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Physical Education: PASSED

HB 967 (Enrolled) and SB 2746, by Rep. Will Weatherford (R-Zephyrhills) and Sen. Lee Constantine (R-Altamonte Springs) to promote healthy lifestyles and physical education in Florida's public schools passed. The bill requires district school boards to provide 150 minutes of physical education each week to students in kindergarten through grade 5. The bill broadly defines "physical education" as the development or maintenance of skills related to strength, agility, flexibility, movement and stamina, including dance. The definition also includes the development of knowledge and skills regarding nutrition and physical fitness as part of a healthy lifestyle and the development of positive attitudes regarding sound nutrition and physical activity as a component of personal well-being. The General Appropriations Act includes approximately \$2.5

Clinical Nurse Specialties: PASSED

SB 248 (Enrolled) and HB 879, by Sen. Burt Saunders (R-Naples) and Rep. Martin Kiar (D-Parkland) passed. The bill defines "clinical nurse specialist practice" and "clinical nurse specialist" as any person certified in clinical nurse specialist practice and licensed to practice nursing in Florida. The bill revises the restrictions on the use of protected nursing titles and abbreviations to include "Clinical Nurse Specialist," "Certified Registered Nurse Anesthetist" or "Certified Nurse Midwife". The medical community did not oppose this legislation. (Awaiting action by the Governor)

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Physician Assistants Writing Prescriptions: PASSED

HB 1007 (Enrolled) and SB 692, by Rep. Dennis Baxley (R-Ocala) and Sen. Burt Saunders (R-Naples), entitled Physician Assistants/ Prescriptions, passed. The bill permits a physician assistant to dispense medicinal drugs if supervised by an allopathic or osteopathic physician registered as a dispensing practitioner. A physician assistant who is authorized to dispense medicinal drugs is not required to register as a dispensing practitioner. (Awaiting action by the Governor)

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million for this initiative.

(Awaiting action by the Governor)

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Assessment of Physicians

The last bill taken up by the Legislature, the medical community successfully stopped a new, costly assessment on Florida physician's medical liability insurance by extending an exemption in the current law that was set to expire this month. Had the medical community not successfully acted, all physicians in Florida who carry medical liability insurance would have been subject to insurance assessments to bolster the state's hurricane catastrophe fund.

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ARNPs Prescribing Controlled Substances: FAILED

Sen. Burt Saunders (R-Naples) and Rep. Luis Garcia (D-Miami) filed legislation relating to ARNP's prescribing of controlled substances. SB 556 and HB 1263 would have redefined the term "practitioner" to include a registered nurse practitioner, thus permitting registered nurse practitioners to prescribe certain controlled substances. Neither bill received a committee hearing and the bills died.

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Specialty Physician Advertising: FAILED

HB 805 and SB 1478, by Rep. Paige Kreegel (R-Punta Gorda) and Sen. Burt Saunders (R-Naples), revised requirements for classification of a physician or osteopathic physician as board-certified specialist. Both bills were referred to committee but never received a committee hearing. FAFP worked with various physician groups to clarify the language in the bill, thus avoiding unintended consequences of limiting the ability of family physicians to practice in various settings.

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Medicaid

The 2007-2008 Medicaid budget was \$16.3 billion. Medicaid is now 23 percent of the entire state budget. Following are some key provisions:

- \$21.2 Million General Revenue– Increases funds for the Medicaid workload due to changes in caseloads and utilization of services and price level increases in reimbursement rates for institutional facilities, rural health clinics, federally qualified health centers, county health

departments, prescription drugs, and other services.

- \$133.1 Million – Provides funds for the payment of additional Medicare Part A&B coinsurances and deductibles for Medicaid dually eligible recipients.
- \$51.1 Million–Fully funds the Low Income Pool Council recommendations to reimburse hospitals for the cost of providing services to Medicaid, underinsured and uninsured patients.
- \$8.2 Million–Funds specific hospitals qualifying for special payments under statutory provisions and prior-year low income pool recommendations.
- \$5.1 Million –Increases the reimbursement payment limit factor by 0.5 percent beginning on January 1, 2008 for Medicaid prepaid health plans.

Other legislation passed requiring capitated, prepaid behavioral health managed care companies to provide an annual report to AHCA that includes the annual percentage of the capitation expended for behavioral health care services. It eliminated the requirement that 80 percent of the capitation paid to a prepaid behavioral health managed care plan be expended for behavioral health services and that the difference be returned to the agency if expenditures fall below 80 percent. The Governor VETOED this bill. Because of a relatively tight budget year, the Medicaid budget did not include an increase in physician reimbursement levels.

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ARNP Issued Death Certificates: FAILED

HB 1299 and SB 1958, by Rep. Ron Saunders (D-Tavernier) and Sen. Steven Wise (R-Jacksonville), authorized advanced registered nurse practitioners to issue death or fetal death certificates. Neither bill received a committee hearing. FAFP opposed these bills and educated legislators about the complexities. The bills did not pass this year.

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HPV Immunizations: FAILED

SB 660 and HB 561 by Sen. Mike Fasano (R-New Port Richey) and Rep. Ed Homan (R-Temple Terrace) required the State to require administration of the vaccine for the human Papillomavirus (HPV). After several committee hearings, the House and Senate could not reach agreement on this controversial issue.

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Civil Justice/Appportionment of Damages: FAILED

Trial Bar backed legislation was present this Session with plaintiff's lawyers trying to roll back some of the business friendly provisions of current tort law. Legislation sponsored by Rep. Mitch Needelman (R-Melbourne) and Sen. Jeremy Ring (D-Margate) required a court to apportion fault in a negligence case only among the plaintiff and the defendants who may be held legally liable. HB 733 and SB 1558 removed the authority for a defendant to plead and prove the fault of a nonparty to the lawsuit, therefore reducing the defendant's liability.

As a result, juries, in some cases, would not be able to apportion total fault and liability would not rest among all who caused the plaintiff's injuries. Defendants might have been required to pay for the faults of nonparties. On the other hand, plaintiffs would then be entitled to increased recoveries as defendants' liability will not be reduced even if fault is placed on nonparties.

Both bills passed through only one committee of reference each. Neither bill made it to the floor of the Senate or House. This measure is likely to appear in next year's Session.

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Amendment 4 Implementation: PASSED AND FUNDED

Late in the Session, following contentious conference negotiations, the House and Senate compromised on the implementation of the Statewide Tobacco Education Program. The final budget allocated full funding for implementation of the program to more than \$57 million. The enrolled bill (SB 1126, approved by the Governor) contains the following provisions:

- Accountability and oversight measures that require the Department of Health and an advisory council to oversee a competitive grant process for most of the components of the comprehensive program and to measure results, as well as a direct role for the Area Health Education Centers to oversee cessation programs.
- Key components of a comprehensive program include: counter marketing and advertising, cessation counseling and treatment, surveillance and evaluation, youth school and after-school programs, community programs and chronic disease prevention, enforcement and awareness, and administration.
- Core tobacco education and use prevention programs in county health departments.

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Florida Health Information

Network: FUNDED

The state budget increased funding to \$2 million for the Florida Health Information Network to continue to allow easier access and sharing of health information among the medical community. This continuation of funding is critical to ensure adequate communication among health care professionals and guarantees patient safety.

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State Children's Health Insurance Program (SCHIP)

This year, legislation was filed that would simplify the KidCare enrollment process, increase the poverty percentage requirement and consolidate the administration of the KidCare under AHCA. The House and Senate had differences of opinion as to how the changes should be implemented, and ultimately the bill did not pass. Legislators were unable to decide which agency, AHCA or DOH, should be responsible for overseeing the program and whether children of immigrants and state workers should be included in the enrollment rolls.

As a result of the bill's stalemate, the Legislature may choose to address the issue during the June Special Session.

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