



FLORIDA ACADEMY OF FAMILY PHYSICIANS
STRONG MEDICINE FOR FLORIDA

Florida Academy of Family Physicians

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**Florida Academy of Family Physicians
Capitol Update
Week Seven
April 17, 2009**

Legislators completed week 7 of 9 as they juggled committee meeting agendas packed with legislation and "late-filed" amendments, as well as hours on the House and Senate floor debating proposed budgets. Legislative committees will wind down their business early next week and Legislators will spend the remaining days in full Session.

Following is the status of FAFP's priority issues:

Tobacco Surcharge - (SB 1840)

SB 1840 Approved by the Full Senate

This week the full Senate unanimously approved SB 1840 by Senator Ted Deutch (D-Delray Beach). The bill increases the cigarette tax with a \$1.00 per pack surcharge and imposes a \$1.00 per ounce surcharge on other tobacco products. The generated revenue will help fund the Medicaid program as well as other health care needs.

Senator Victor Crist (R-Tampa) and Senator Arthenia Joyner (D-Tampa) filed an amendment that would remove cigars from the surcharge. Senators Crist and Joyner stressed that the surcharge will cripple the cigar industry in Florida. Ultimately the amendment was withdrawn with the promise that the issue will be discussed during the budget negotiations between the House and Senate. Senator JD Alexander (R-Winter Haven), Chair of the Senate Policy and Steering Committee on Ways and Means, offered a compromise amendment in an effort to ease some of the concerns several Senators expressed on behalf of the tobacco and cigar industries. The amendment exempts all tobacco products from the surcharge if they are produced in Florida and shipped or transported out of the state for sale or use in another state.

The Senate is strongly committed to passing a tobacco surcharge this year. Senate leaders expressed willingness to "trade" House-led issues such as the "back to school" sales tax holiday and the repeal of certain sales tax exemptions to gain House support on the tobacco surcharge.

The surcharge is a key component of the budget discussions between the House and the Senate. The budget conference process will begin on Monday morning and continue throughout the week.

This week FAFP worked with other public health advocates on grassroots and media

strategies designed to gain legislative support.

Governor Charlie Crist is still expressing pessimism about the tobacco surcharge suggesting that the state budget can be adopted without this increase in dollars. He has not ruled out the possibility of a veto.

Controlled Substances (SB 462/HB 1015)

SB 462 Unanimously approved by the Senate Health and Human Services Appropriations Committee

This week SB 462 by Senator Mike Fasano (R-New Port Richey) was unanimously approved and amended by the Senate Health and Human Services Appropriations Committee this week. The bill authorizes the Department of Health (DOH) to establish a prescription drug validation program. This program is a comprehensive electronic system, which will monitor the prescribing and dispensing of controlled substances in Schedules II, III, and IV. The program will be designed and established under the direction of a workgroup and a direct support organization. The bill grants immunity from any civil, criminal, or administrative liability to a prescriber or dispenser acting in good faith for liability that might otherwise be incurred or imposed for receiving or using information from the prescription drug validation program. The bill also requires physicians to register pain-management facilities with the DOH. SB 462 is awaiting a hearing by the full Senate.

HB 897 by Representative Marcelo Llorente (R-Miami) requires AHCA to design and implement a prescription drug-monitoring database to monitor dispensing of Schedule II, III and IV controlled substances. HB 897 was unanimously approved by the House Health and Family Services Policy Council this week. The bill is awaiting a hearing by the Full Appropriations Council on General Government and Health Care before a vote by the full House.

Direct Payment of Benefits (SB 1122/HB 855)

SB 1122 Approved by the Senate Health Regulation Committee

Senator Don Gaetz (R-Ft. Walton Beach) and Representative Marcello Llorente (R-Miami) filed legislation requiring insurers to pay a designated provider of services directly whenever an insured specifically authorizes that the payment be paid directly to a recognized hospital, licensed ambulance provider, a physician, a dentist or other person who provided the services in accordance with the provisions of the insurance policy. Two weeks ago the insurance industry strongly supported an amendment to this bill that limited fees to out-of-network providers to 80% of the Medicare rate. FAFP joined others in the provider community to strongly oppose this amendment, yet the amendment was adopted.

This past week, Senator Gaetz championed the removal of this dangerous provision when the bill received a hearing by the Senate Health Regulation Committee. The

"balanced bill" amendment was successfully removed from the bill.

SB 1122 is scheduled to receive a hearing in the Senate General Government Appropriations Committee on Monday. HB 855 will likely be withdrawn from the House Government Operations Appropriations Committee and receive a hearing by the Full Appropriations Council on General Government and Health Care in the next few days.

Vaccinations - (SB 242/HB 33)

SB 242 Approved by the Senate Children, Families and Elder Affairs Committee

This week the Senate Committee on Children, Families and Elder Affairs proposed a substitute bill for SB 242, regarding human vaccinations. Members of the autism community support this legislation.

The substitute bill provides that a parent, legal guardian, or other authorized person, in consultation with a pediatrician, has the right to choose an alternative immunization schedule recommended by the Centers for Disease Control and Prevention (CDC), as long as the child is immunized prior to the earlier of, kindergarten or initial entry into a public or private school. The bill requires health care practitioners to provide the parent or legal guardian of a minor child with a copy of the current vaccine information statement published by the CDC before administering any vaccine to the minor child. The bill prohibits the administration of vaccines to minors without a signed statement by the child's parent, legal guardian or other authorized person documenting that the vaccine information statement was provided. The signed statement must remain in the child's permanent medical record. Finally, the bill prohibits the sale, purchase, manufacture, delivery, importation, administration and distribution of any human vaccine used for either children under 6 years of age or pregnant women which contains any organic or inorganic mercury compound in excess of a certain amount.

A similar bill, HB 33 by Representative Kevin Ambler (R-Tampa), is awaiting a hearing in the House PreK-12 Policy Committee.

Autism Spectrum Disorder- (SB 308/HB 89)

SB 308 Approved by the Senate Health Regulation Committee

SB 308 by Senator Jeremy Ring (D-Margate) and HB 89 by Representative Steve Precourt (R-Winter Garden) require a physician to refer a minor to an "appropriate specialist" for screening for autism spectrum disorder if the physician believes that the minor exhibits symptoms of autism.

This week SB 308 was amended and approved by the Senate Health Regulation Committee. Under the amendment the referral to a specialist is only required if it is "clinically indicated," and the referral must be offered by a primary care physician. Additionally Senator Ring amended the bill to require that the physician notify the child's parents or legal guardian that insurers are required to provide direct access to specialists for screening if the parent agrees that the screening is necessary. At the request of Senator Andy Gardiner (R-Orlando) the bill was expanded to include screening for all developmental disabilities.

As amended, SB 308 is now supported by most of organized medicine. However, the insurance industry continues to be adamantly opposed to the bill and claims it will

increase insurance premiums.

SB 308 will receive a hearing by the Senate Policy and Steering Committee on Ways and Means on Tuesday. HB 89 by Representative Steve Precourt (R-Orlando) is awaiting a hearing by the House Insurance, Business and Financial Affairs Policy Committee.

Health Care Funding & Medicaid

This week the Florida Senate unanimously approved its \$65.6 billion state budget. The Senate budget is approximately \$500 million more than the House budget. The House funds its budget with \$1.2 billion more general revenue, while the Senate uses more "non-recurring" funds.

The overall difference between the health and human services section in the House and Senate budgets is just over \$240 million dollars, with the Senate including more reductions to hospital, nursing home and managed care organization reimbursement rates than the House. Other key budget differences include discrepancies in public education (Senate providing \$460 million more than the House) and state government operations (Senate proposing to spend \$381 million more than the House).

To close the expected budget gap of \$6.1 billion for next year's budget, the Senate and the House use more than \$3 billion in federal economic stimulus dollars. The Senate voted 39-0 to adopt a \$1 per-pack tax hike on cigarettes and a \$1 per-ounce increase on smokeless tobacco and cigars, which is projected to raise three-quarters of a billion dollars to help fund Medicaid and related health care programs. Alternatively, the House proposed raising about \$1 billion in miscellaneous fees, while the Senate only raises \$636.6 million in fees.

The budget conference process is projected to start on Monday, April 20 and last through Thursday, April 23. If issues remain unresolved, the House and Senate appropriations chairs will decide them by Friday evening. Final decisions by the Senate President and Speaker of the House are expected by next Saturday with the final budget headed to legislators' desks by next Sunday evening.

Tobacco Education and Use Prevention Program (SB 2614/HB 1417)

HB 1471 unanimously approved by the Full Appropriations Council on General Government and Health Care

Department of Health (DOH) backed bills filed by Senator Don Gaetz (R-Ft. Walton Beach) and Representative Sandy Adams (R-Oviedo), provide technical changes to Florida's Tobacco Education and Use Prevention Program. The bills include efforts to further educate youth and their parents about the dangers of tobacco usage. The bills also contain a provision that an FAFP member serve on the Florida Diabetes Advisory Council.

SB 2614 is awaiting a hearing by the Senate Health and Human Services Appropriations Committee on Monday. HB 1417 was unanimously approved by the Full Appropriations Council on General Government and Health Care. HB 1471 is awaiting approval by the full House.

Physician Assistants (PA) (SB 720/HB 249)

SB 720 Approved by the Senate Health Regulation Committee

Legislation filed by Senator Durell Peaden (R-Crestview) and Representative Jimmy Patronis (R-Panama City) removes the requirement that a supervising physician review and sign each prescription or dispensing medication notation made by a prescribing physician assistant (PA). The bills make changes to the respective practice acts for physicians and doctors of osteopathic medicine to remove this requirement. The bills do not prohibit, in any way, a physician choosing to monitor the charts of a PA in the physician's practice.

SB 720 was approved by the Senate Health Regulation Committee. SB 720 is scheduled to receive a hearing by the Senate Health and Human Services Appropriations Committee on Monday. HB 249 is now awaiting a vote by the full House.

Medicaid Reform/Medical Home Pilot Project(HB 7131) NO MOVEMENT THIS WEEK

Representative Ed Homan (R-Temple Terrace), Chair of the House Health and Family Services Policy Council, introduced a comprehensive bill that would add a new component to Florida's Medicaid Reform Pilot Project. HB 7131 creates a new pilot based on the Medical Home Concept with federally qualified health centers (FQHCs) coordinating care with medical schools for specialty care and hospitals for inpatient services. Currently there is no Senate companion bill, yet we expect this issue to emerge in the remaining days of the Session.

Safety Belt Law Primary Enforcement (SB 344/HB 1)- NO MOVEMENT THIS WEEK

Legislation filed by Senator Nan Rich (D-Sunrise) and Representative Rich Glorioso (R-Plant City) amends the Florida Safety Belt Law to provide for primary enforcement of seatbelt violations. The bills allow enforcement officers to stop motorists and issue a citation for not using their seatbelt.

SB 344 is awaiting approval by the Senate Judiciary Committee and HB 1 is awaiting approval by the House Economic Development and Community Affairs Policy Council.

ARNPs Prescribing Controlled Substances (SB 426/HB 1259) - NO MOVEMENT TO DATE

Legislation filed by Senator Mike Bennett (R-Sarasota) and Representative Juan Zapata (R-Miami) extends authority to Florida-licensed Advanced Registered Nurse Practitioners (ARNPs) who are certified in a nursing specialty from a nationally recognized certifying entity to prescribe controlled substances under protocols within the scope of practice of their specialty. Neither bill has received a committee hearing to date.

Continuity of Care (SB 558/HB 263) - NO MOVEMENT TO

DATE

Legislation filed by Senator Mike Fasano (R-New Port Richey) and Representative Alan Hays (R-Umatilla) promotes patient safety and care. The bills prohibit health insurance policies or medical service plan contracts from limiting, reducing or denying coverage for prescription drugs if the insured person is currently using the drug, if the insured person is covered under their policy/contract or if the prescription drug was covered under the policy or contract. Neither bill has received a committee hearing to date.

Health Care Management(SB 416/HB 243) - NO MOVEMENT TO DATE

Legislation filed by Senator Mike Fasano (R-New Port Richey) and Representative Jimmy Patronis (R-Panama City) prohibit managed care companies from denying a claim they previously authorized or modifying a policy that would impact the contact terms. These bills are strongly supported by the Florida Hospital Association. Neither bill has received a committee hearing to date.

We hope this brief legislative update is helpful. We will keep you informed on these and other developments as the Session moves toward an anticipated on time adjournment on Friday, May 1.