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## Florida Academy of Family Physicians Capitol Update Week Eight

Week 8 of 9 is complete with only 5 days left in the Regular Session. Both the House and Senate are debating hundreds of bills on the floor and trying to compromise with their colleagues to move legislation through the last phase of the process. Hundreds of amendments to bills are filed daily as legislators try to "fix" bills, conform bills, or raise new issues that were not discussed in committee (always a bad idea).

Budget negotiations are winding down as Appropriations Chairs Sansom and Carlton, along with President Pruitt and Speaker Rubio, decide on the remaining unresolved budget issues. All indications are that the negotiations will conclude in plenty of time to send the budget to print and to get it passed next week. Although the budget has dominated much of the session, the Legislature will spend its remaining days debating affordable housing, transportation, health care, education and dozens of other key issues.

On the FAFP front, following is a summary of our key issues.

### 2008-2009 Budget & Medicaid

The House and Senate health care appropriations conference met this week and reached an agreement on many issues in the 2008-2009 budget. Today the two chambers are still about \$30 million apart with most of the issues resolved.

The respective chamber's Appropriations Chairs Senator Carlton and Representative Sansom announced at the final meeting that Senate President Ken Pruitt and House Speaker Marco Rubio agreed to provide \$300 million from the Lawton Chiles Endowment fund to eliminate the cut to the Medically Needy and MEDS/Aged and Disabled programs. Unfortunately, the conference did agree to reduce the MediPass fee for physicians from the current \$3.00 per member to \$2.00. Please note that the funds were non-recurring (one time money), which means that the Legislature must provide the funding again during the 2009 Session or the programs will be eliminated.

There are several items remaining for the presiding officers to resolve including certain physician Medicaid reimbursement increases and reductions in Medicaid payments to hospitals, managed care providers

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and nursing homes and the tobacco prevention and cessation program.

The Appropriations Chairs have through the weekend to resolve these differences. If the differences are not resolved, Senate President Pruitt and House Speaker Rubio must resolve them by Sunday evening, which is the imposed deadline for completing the budget for the 2008 session.

## **Physical Education in Public Schools (SB 610/HB 1163)**

### **No movement this week**

Legislation filed by Senator Lee Constantine (R-Altamonte Springs) and Representative Chris Dorworth (R-Heathrow) requires each district school board to include in its written physical education policy the benefits of physical education and the availability of counseling to explain the benefits. Under the bills, district school boards are required to provide the equivalent of one class period per day of physical education for one semester of each year for students enrolled in grades 6 through 8. This requirement may be waived for students who are enrolled in a remedial course or if parents request a waiver in certain circumstances.

SB 610 received a final vote by the full Senate and was sent to the House. HB 1163 is awaiting approval by the full House.

## **School Breakfast Programs (SB 1184/HB 509)**

### **SB 1458 will receive a hearing by the full Senate on Monday**

Elementary schools are required by law to participate in school breakfast programs. Although not required by law, a majority of middle and high schools participate in school breakfast programs. Legislation filed by Senator Stephen Wise (R-Jacksonville) and Representative Will Kendrick (R-Carrabelle) would expand school district breakfast programs to middle and high schools by the beginning of the 2010-2011 school year. Under the legislation, schools, in which 80% or more of the students are eligible for free or reduced-price meals, must offer universal free school breakfasts.

The bills require that the Department of Education develop an incentive program to encourage student participation and requires that information regarding the breakfast program be communicated to students and parents.

SB 1458 is scheduled to receive a hearing by the full Senate on Monday. HB 623 was approved by the full House last week. The bill was sent to the Senate and is awaiting consideration.

## **Tobacco Education Dollars Diverted**

This week the joint Healthcare Budget Conference Committee discussed, but did not resolve, their differences in appropriating tobacco education dollars. The House and Senate remain at odds on this budget issue, and the ultimate decision will be made by the Appropriations Chairs, as well as the Speaker and Senate President.

HB 5091 expands the purpose of the Statewide Tobacco Education

Program to include interventions to "detect, prevent and treat tobacco-related chronic diseases." The expansion would allow for the allocation of \$11 million for chronic disease prevention, detection and **treatment** programs at both the Moffitt and Shands Cancer Centers. The resounding policy question is whether this spending is consistent with the constitutional confines of Amendment 4. Amendment 4 purports funding a program designed to **prevent** tobacco-related chronic diseases. Also under the proposal, AHCA must implement a statewide program that utilizes physicians and dentists to deliver brief advice to their patients regarding the harmful health conditions associated with the use of tobacco.

The Senate proposal (SB 1856) does not contain these provisions and instead, lifts a two-year "sunset" of smoking cessation initiatives being performed by Area Health and Education Centers (AHECs).

## **Cigarette Taxes (SB 2790/HB 299)**

### **No movement this week**

The proposals to raise the cigarette tax by \$1.00 per pack and to distribute tax revenues to numerous health-related programs have yet to gain momentum. As advocates for the cigarette tax increase actively promote its passage, Governor Crist continues to express his discontent with the proposal.

HB 2790 has four more committee hearings, Higher Education, Finance and Tax, General Government Appropriations and Education Facilities Appropriations. HB 299 was referred to the House Jobs & Entrepreneurship Council and the Policy & Budget Council. The House bill has not received a committee hearing to date.

## **Emergency Medicine Certification (SB 1184/HB 509)**

### **Still no movement**

Senator Burt Saunders (R-Naples) and Representative Paige Kreegel (R-Punta Gorda) filed legislation that would prohibit physicians and osteopathic physicians who complete their certification after January 1, 2009 from becoming board-certified emergency physicians unless certain requirements are satisfied. The bill is opposed by the American Association of Physician Specialists (AAPS).

SB 1184 was temporarily postponed by Senator Saunders several weeks ago due to questions and concerns. Health Regulation is the only committee that must hear SB 1184. HB 509 was referred to the Committee on Health Innovation and the Healthcare Council. HB 509 has not received a committee hearing.

## **ARNP Prescribing Expansion (SB 972/HB 515)**

### **Still no movement**

**At the urging of the advanced registered nurse practitioners (ARNPs), Senator Burt Saunders (R-Naples) and Representative Juan Zapata (R-Miami), Vice Chair of the House Healthcare Council, filed bills authorizing ARNPs whose practice is located in medically underserved areas or who provide care to medically underserved populations (as designated by the United States Department of Health and Human Services) to prescribe Schedule II, III, IV, and V**

substances. The legislation would only authorize ARNPs to prescribe these substances to the extent authorized by a protocol with a physician licensed under chapter 458 or chapter 459. Most of organized medicine opposes this legislation.

SB 972 was referred to the Senate Committees on Health Regulation and Judiciary and HB 515 was referred to the Committee on Health Innovation and the Healthcare Council. Neither bill has received a committee hearing to date.

## **Managed Care Contracting (SB 1012/HB 405)**

### **A moving target**

Senator Don Gaetz (R- Fort Walton Beach) and Representative Bill Galvano (R- Bradenton) filed legislation that require managed care companies to accept a valid assignment of benefits, place a fair time limit on the "look-back" provision in the prompt payment law and prohibit silent PPOs. These bills are supported by organized medicine and were initially opposed by the insurance industry. Ultimately, a compromise was reached that includes the following:

Specifically the bills require managed care companies to accept a valid assignment of benefits and pay inphysicians directly when the services are provided in-network or part of a PPO; reduce the "look back" period where managed care companies can demand repayment from 30 months to 12 months; and restrict the use of "silent" PPOs.

SB 1012 was approved by the full Senate this week and sent to the House. SB 1012 will receive a hearing by the full House next week.

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We hope this brief legislative update is helpful. We will keep you posted on these and other developments as the Session progresses