

CAPITOL Update

Florida Academy
of Family Physicians

FLORIDA ACADEMY OF
FAMILY PHYSICIANS
STRONG MEDICINE FOR FLORIDA

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Florida Academy of Family Physicians Capitol Update Week Six April 10, 2009

The Florida Legislature completed a short week as legislators left late Tuesday evening for a brief Passover/Easter holiday. They crammed a full week of meetings into two days as both the House and Senate appropriations committees adopted their respective budgets.

With only three weeks left in the Regular Legislative Session, legislators will return from break ready to work fast and furiously.

Following is the status of FAFP's priority issues:

Cigarette Tax Increase (SB 1840/HB 887/HB 11)

SB 1840 Approved by Senate Policy and Steering Committee on Ways and Means; awaiting a vote by the full Senate

Despite difficult odds and strong opposition from the tobacco industry, this week the Senate Policy and Steering Committee on Ways and Means approved SB 1840 by Senator Ted Deutch (D-Delray Beach). The bill increases the cigarette tax by \$1.00 per pack and imposes a \$1.00 per ounce surcharge on other tobacco products. The committee also included the revenue raised by the surcharge in the Senate proposed budget, and the budget was amended to ensure the dollars are devoted to health care.

One of the more controversial issues is the taxation of cigars. Cigar companies and wholesalers have a long, historical presence in Florida and argued that the proposed surcharge will cripple the cigar industry in Florida. Other opponents spoke of the negative financial impact on Florida's retailers and wholesalers. Representatives from big tobacco asserted that a state surcharge would be detrimental to the industry, especially because of the newly passed federal tobacco tax increase.

Proponents from the Florida Academy of Family Physicians, the American Lung Association, the American Cancer Society and the American Heart Association, as well as other health care and community

advocates joined together in support of the tobacco surcharge.

Although the proposed tobacco surcharge is awaiting a vote by the full Senate, the increase has yet to gain traction in the House. This issue will be part of the budget discussions between the House and the Senate next week. Legislation filed by Representative Juan Zapata (HB 887) raises the cigarette tax by 65.1-cents per pack and legislation by Representative Jim Waldman (HB 11) raises the cigarette tax by a \$1.00 per pack. Both bills disperse the generated revenue to a myriad health care programs. Neither bill has received a committee hearing to date.

Childhood Vaccines/Autism Spectrum - (SB 242/HB 33/SB 308/HB 89)

SB 308 Amended and Approved by the Senate Health Regulation Committee; SB 242 will receive a hearing by the Senate Children, Families and Elder Affairs Committee

Childhood vaccination schedules and screening for Autism Spectrum Disorder continue to monopolize discussions in the House and Senate.

SB 242 by Senator Jeremy Ring (D-Margate) and HB 33 by Representative Kevin Ambler (R-Tampa) require that a parent, legal guardian or legal representative give his or her consent to the child's vaccination by signing a statement that they received the information about the risks, benefits and alternatives. The signed statement will stay in the minor's permanent medical record. SB 242 goes one step further by prohibiting the sale, purchase, manufacture, delivery, importation, administration and distribution of vaccines containing organic or inorganic mercury compounds in excess of a certain amount. SB 242 will receive a hearing in the Senate Children, Families and Elder Affairs Committee next Wednesday, April 15. HB 33 is awaiting a hearing in the House PreK-12 Policy Committee.

This week SB 308 by Senator Jeremy Ring (D-Margate) was amended and approved by the Senate Health Regulation Committee. SB 308 now resembles the intent of HB 89 by Representative Steve Precourt (R-Winter Garden). The bills require a physician to refer a minor to an "appropriate specialist" for screening for autism spectrum disorder if the parent, legal guardian or physician believes that the minor exhibits symptoms of autism. SB 308 will receive a hearing in the Senate Banking and Insurance Committee next Wednesday. HB 89 is awaiting a hearing in the House Insurance, Business and Financial Affairs Policy Committee.

Health Care Funding & Medicaid

The House and Senate completed their respective budget committee work on the 2009-2010 state budget. The House and Senate are now in the position to approve their budget proposals sometime next week. The differences are dramatic in that the Senate budget is more than \$65.628 billion, while the House is considerably lower at \$63.809 billion, a difference of \$1.8 billion.

The Senate's health care budget is not significantly different than what was proposed earlier last week. The House maintained their position of no cuts in hospital or managed care reimbursement rates, but the Senate did cut those entities' payments for next year. The House did include a larger cut in funding for biomedical research than the Senate. Both budgets fully fund the Medically Needy program and do not cut eligibility standards for Medicaid. The Senate's Medicaid budget for next year is \$17.64 billion, while the House's Medicaid budget is slightly larger with \$17.9 billion set aside for the Medicaid Program.

All told, the House's health care budget is just over \$223 million more than the Senate's health care budget. This difference is small compared to the overall health care budget of more than \$25 billion. It is important to note that the Senate did not use as much of the federal stimulus Medicaid funding as the House. Instead, the Senate used the additional funds provided through an improved federal match for Medicaid to spend in other areas of the state budget.

Controlled Substances (SB 462/HB 1015)

SB 462 will receive a hearing by the Senate Health and Human Services Appropriations Committee

SB 462 by Senator Mike Fasano (R-New Port Richey) authorizes the Department of Health (DOH) to establish a prescription drug validation program. This program is a comprehensive electronic system of which will monitor the prescribing and dispensing of controlled substances in Schedules II, III, and IV. Each time a controlled substance is dispensed, it must be reported to the Agency for Health Care Administration (AHCA). The bill will receive a hearing by Health and Human Services Appropriations Committee next Wednesday, April 15.

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 Banking and Insurance Committee; SB 1122 will receive a hearing 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, using any health insurance claim form, 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.

SB 1122 was unanimously approved by the Senate Banking and

Insurance Committee this week. However, the bill was amended to mandate that providers may only charge 80% of the Medicare rate for out of network services. SB 1122 is scheduled to receive a hearing in the Senate Health Regulation Committee on Wednesday, and the provider community is working feverishly to get this bad amendment removed. 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.

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

SB 2614 Approved by the Senate Health Regulation Committee; HB 1471 will receive a hearing by the House Human Services Appropriations Committee

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.

SB 2614 was unanimously approved by the Senate Health Regulation Committee this week. HB 1417 will receive a hearing by the House Human Services Appropriations Committee on Monday, April 13. The bill has two more committee hearings before a vote by the full House.

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

SB 720 will receive a hearing by the Senate Health Regulation Committee

Legislation filed by Senator Durell Peaden (R-Crestview) and Representative Jimmy Patronis, both health care chairs, 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 medical doctors 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 will receive its first hearing next Wednesday, April 15, in the Senate Health Regulation Committee. HB 249 is now awaiting a vote by the full House.

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

Last week Representative Ed Homan (R-Temple Terrace), Chairman 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.

The proposal will likely be referred to the House Health Care Appropriations Committee for a fiscal review. Currently there is no Senate companion bill.

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 242) - 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 contract 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 progresses.