In 2017, the CDC declared the opioid crisis as an epidemic. Subsequently, Governor Scott followed with an executive order identifying the opioid crisis as a public health emergency. Florida’s opioid abuse crisis has worsened over the past few years and several bills have been filed.

This session many bills have been filed addressing senior issues. The bills provide a wide range of protections and programs for the elderly.

John Bryant, Assistant Secretary for Substance Abuse and Mental Health, made a presentation to the Senate Children, Families and Elder Affairs Committee on the implementation of SB 12 (2016) and SB 807 (2017).

“Stand up in the presence of the aged, show respect for the elderly…” Lev. 19:32

“The 2018 Florida Legislative Session Begins in Tallahassee

“It’s a period in Florida politics that’s likely to be pretty convoluted, pretty raucous…” ~ Lance deHaven-Smith

This week the legislature convened for the 60-day Legislative Session. Budget funding woes, the opioid crisis, Hurricane effects, and the state’s environmental challenges are of primary concern to all Florida’s leaders. Tuesday, Florida’s leaders presented their legislative priorities.

Quote of the Week: “Peace is not the absence of conflict, it is the ability to handle conflict by peaceful means.” ~ Ronald Reagan

Continued on page 2
Several bills have been filed that arise from the Hurricane aftermath and address the issue of long-term care facility emergency generators. Bills requiring public & private health care facilities to have operational emergency power sources include: HB 437 (Lee), and SB 1444 (Powell), and SB 1874 (Passidomo). HB 435 (Lee) and HB 1466 (Powell) create an Emergency Power Systems Matching Grant Program to provide matching funds to public and private health care facilities. Additionally, legislation addressing power restoration prioritization in emergencies includes SB 558 (Campbell)/HB 1321 (Hardemon), HB 655 (Edwards)/SB 896 (Farmer), and HB 933 (Harrison)/SB 1260 (Stargel).

Other bills addressing seniors include HB 1123 (Berman) and SB 1448 (Passidomo) that exempt from sales & use tax items that enable seniors to age in their homes or residences. SB 1428 (Taddeo) creates additional Assisted Living Facility resident rights. SB 422 (Gibson)/HB 259 (B. Watson) create Elder Abuse Fatality Teams in each judicial circuit to review fatal incidents of elder abuse and make policy and other recommendations. SB 500 (Garicia) creates a senior advocate program. Also, SB 1002 (Passidomo)/HB 1187 (Spano) provides the Office of Public Guardian with with access to certain medical, financial, or mental health records or financial audits that are part of an investigation of a guardian.

Governor Scott emphasized the importance of his tax cut recommendations, providing law enforcement officer pay raises, addressing the opioid epidemic, and banning state investments going to benefit the Maduro Regime in Venezuela. Senate President Negron’s priorities are addressing state employee sexual harassment, focusing on Hurricane Irma impacts, taking a multidisciplinary approach to the opioid crisis and continuing to strengthen higher education. House Speaker Corcoran is targeting “sanctuary cities,” rolling local property tax rates back, and expanding school choice.

Differing semantics and framing of the property tax required local effort (RLE) issue, which divides the Governor, Senate and House appeared on the first day. The RLE is the state-approved tax millage rate on property that each school district uses to generate funding for the Florida Education Finance Program (FEFP). The Governor and Senate argue that the tax rate stays the same and is not an increase, so extra funds are available to spend on public schools due to rising property values paid by homeowners and businesses. The Speaker indicates this is an indirect way of raising taxes because property owners have tofoot a higher bill. The $450-500 million issue may force lawmakers to shift other state money into schools to boost funding in a tight budget year.

Legislative leaders have primed their priorities for consideration this week in each chamber. The House will take up 16 bills that the House passed last year and only received one committee reference this year. The Senate considered and passed CS/SB 4 relating to higher education. The Governor vetoed the bill last year. The bill contains the statutory direction for several higher education enhancements that were funded last year as part of the Senate President’s effort to lift Florida’s universities. Currently, there is recurring funding for the State University Professional and Graduate Degree Excellence Program, which is designed to enhance medicine, law and business degree programs. The bill specifies that the funding is up to the legislature every year. The funds are to improve national prominence and may be used for faculty, students, research, and infrastructure (but not facilities). A report on success factors such as advancement in program rankings, economic benefit to the state, and higher first-time pass rates on the USMLE is required annually.
From 2015 to 2016, statistics indicate that opioid-relate deaths have risen 35%. Fentanyl deaths increased by 97%. Neonatal abstinence syndrome from womb drug-exposed babies increased dramatically. From 2007 to 2015, these cases increased from 536 reported cases to 2,487 cases, contributing to skyrocketing hospital costs.

More than 20 bills have been filed addressing the Opioid problem in Florida. The major bills, SB 8 (Benaquisto) was workshop ped this week, while CS/HB 21 (Boyd) was passed by the House Health Quality Subcommittee unanimously. SB 8 amends sections of law that address the Department of Health’s (DOH) responsibilities for oversight and monitoring prescription drugs. It includes a supply limit of no more than three (to seven, if certain conditions are met) days for opioids to treat acute pain. Changes to the Prescription Drug Monitoring Program (PDMP) requires prescribing practitioners to consult the PDMP database before prescribing opioids. State criminal statutes are aligned with federal law.

CS/HB 21 is similar and limits opioid prescribing to three (to seven) days, expands the PDMP, and aligns state and federal laws. Limits on opioid prescribing, ranging from three to 14 days, have been enacted by 24 states. Forty-nine states have a PDMP database, with 32 states requiring prescribers and/or dispensers to use the PDMP database.

Public testimony was presented in the House and Senate by a wide range of stakeholders. While supporting the effort to address the opioid crisis, several physicians and lobbyists indicated that seven-day prescriptions were inadequate for patients who have undergone certain surgeries. The impact may result in unintended consequences such as patients in pain, longer hospitalizations, ER admissions, difficulties for recovering patients with post-surgical pain to return in 7 days, delays from insurance prior authorizations, database access challenges, and the retention of all individuals' prescriptions in perpetuity.

Enjoy Texting While Driving?

HB 33 (Slosberg, Toledo) & SB 90 (Perry) allow law enforcement officers to pull over a vehicle if they see driver texting (or emailing) while driving. It does not apply to stationary vehicles. The House bill is a House priority and is rapidly moving through committees. SB 90 passed its first committee.
Week 1

January 8 – 12, 2018

Physician Assistants & Nurse Practitioners

HB 973 (Daniels) relating to “Performance of Physician Assistants and Advanced Registered Nurse Practitioners” passed the House Health Care Quality Subcommittee unanimously this week. The bill allows allopathic and osteopathic physicians to delegate authority to ARNPs and PAs to sign, certify, stamp, verify, or endorse any document required by law to be signed by a physician. This includes signing a disability certification, initiation of an involuntary examination of a person under the Baker Act, or a death certificate. However, the bill prohibits a PA or an ARNP who is not a psychiatric nurse from approving the release of an individual from a Baker Act receiving facility. The companion bill, SB 708 (Brandes), has not been referred to Senate committees yet.

HB 573 (Daniels) relating to “Involuntary Examinations Under the Baker Act” passed the House Health Care Quality Subcommittee unanimously this week. Under current law, only a physician, clinical psychologist, psychiatric nurse, mental health counselor, marriage and family therapist or clinical social worker may initiate an involuntary examination by executing such a certificate. The bill authorizes PAs and ARNPs to initiate involuntary examinations under the Baker Act. A PA or ARNP must execute a certificate stating that a person he or she examined within the preceding 48 hours appears to meet the criteria for an involuntary examination. The companion bill, SB 112 (Campbell), has not been referred to Senate committees yet.

On page 1 the opening day photo is from The Capitolist, January 9, 2018; John Bryant, DCF Asst. Sec. for Substance Abuse & Mental Health, photos from Mental Health Summit and The Florida Channel; Rep. Jim Boyd photo from the House website; Florida Senior Day photos. Sources included articles from Christine Jordan Sexton, Brandon Larrabee, Jim Saunders, Gary Fineout, Dara Kam, as well as the Florida Channel and House & Senate bill analyses.

Additional Resources:

Advocate for Florida State:
http://www.advocateforfloridastate.fsu.edu/site/PageServer?pagename=deploymenthome
FSU Governmental Relations:
http://govrel.fsu.edu/
The Florida Channel:
http://thefloridachannel.org/
Florida Senate: http://www.flsenate.gov/
Florida House of Representatives:
http://www.myfloridahouse.gov/
Florida Governor’s Office: http://www.flgov.com/

For more information:
Laura E. Brock, Ph.D.
FSU College of Medicine
1115 West Call Street
Tallahassee, FL 32306-4300
Email: laura.brock@med.fsu.edu
Office: 850.645.9429
Mobile: 850.566.1002

Pippin and Nell, adoptees of Kathy Mears, FSU’s Chief Lobbyist.