



FSU College of Medicine Legislative Report

Weeks 7 & 8

April 15- 26, 2019

Needle Exchange Bill Close to Final Passage



A statewide expansion of the Infectious Disease Elimination Act (IDEA) is close to passing. It passed the Senate and has passed the House with two amendments designed to address concerns of Speaker Oliva. The bill, **CS/CS/SB 366** (Braynon), is in the Senate in House Messages & should be heard next week.

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Telehealth Moves Closer to Passing Senate Develops a Compromise Bill



Senator Gayle Harrell crafts a compromise between the House and the Senate on a telehealth statutory structure and requirements for Florida and out-of-state physicians and other health care practitioners.

2

Certificate of Need (CON) Repeal Hospice & Nursing Homes Exempted



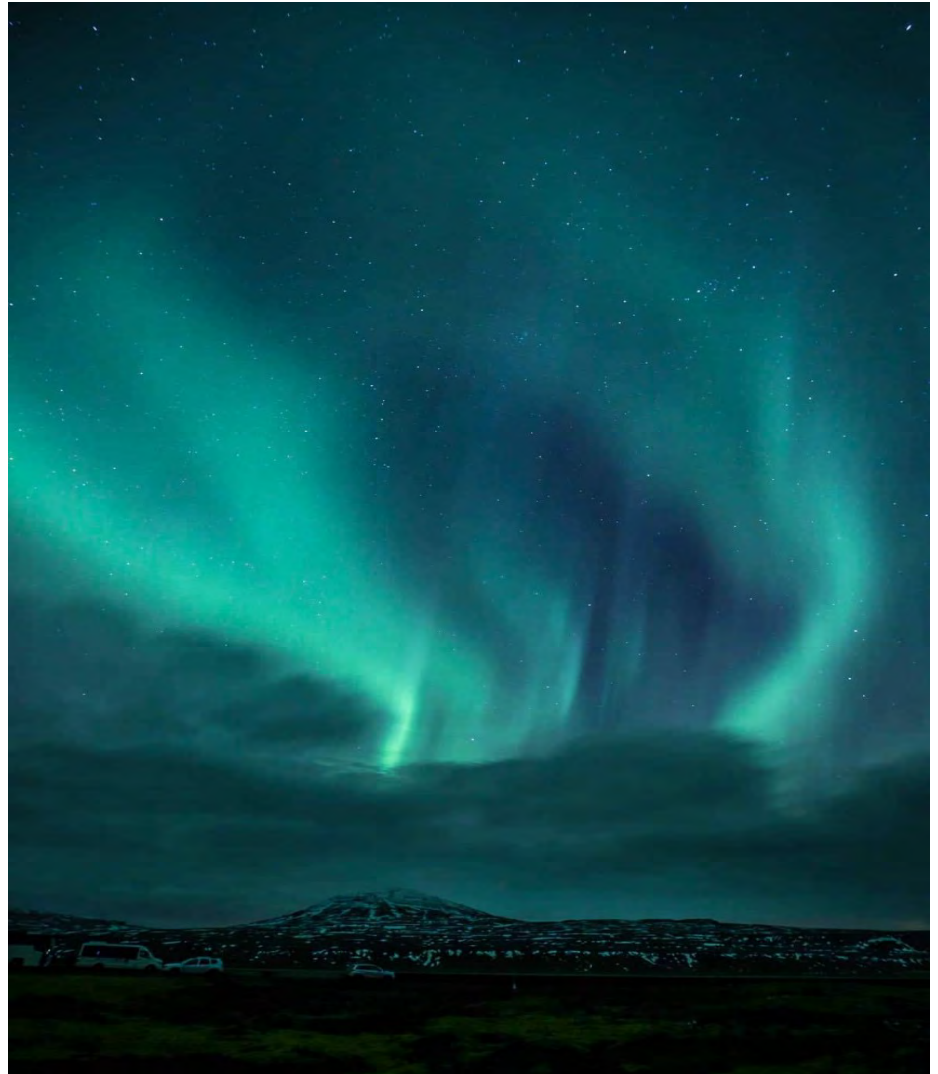
With no debate, the CON repeal House-Senate compromise amendment was adopted and will be voted on Monday in the Senate. CONs for general hospitals will be repealed July 1, 2019.

2

Quote of the Week:

"There may be times when we are powerless to prevent injustice, but there must never be a time when we fail to protest."

~Elie Wiesel



House & Senate Appropriations Conference Committee Begins

This week the House & Senate Conferees have been meeting to finalize the Appropriations bill for FY 2019-2020. The Higher Ed Conference Committee has agreed on a \$35.3 million cut to state universities on a proportional basis. For the FSU College of Medicine budget, last year the Appropriations Act included \$34,887,972 GR, \$605,115 EETF, & \$13,019,086. This year the amount (same as in the Governor's Recommendations) is \$35,110,428 GR, \$606,115 EETF, & \$13,019,086 TF. The conference committee process will stretch through the weekend and should be completed on Monday.



Certificate of Need Repeal ~

Senator Gayle Harrell presented the compromise Certificate-of-Need (CON) strike-all amendment between the House and the Senate as an amendment to **CS/HB 21** (Fitzenhagen). The amended bill repeals CONs for general hospitals and tertiary care procedures such as neonatal intensive care, comprehensive rehabilitation, organ transplants, and pediatric cardiac catheterization services, effective July 1, 2019. For specialty hospitals the CON is repealed effective July 1, 2021. The ban on “boutique hospitals” that treat mainly cancers, orthopedic and cardiac patients is not repealed. The Agency for Health Care Administration is charged with developing licensure rules that will promote quality and protect patients.

The CON program is maintained for other healthcare facilities such as nursing homes and hospice facilities. There is also a study of the CON elimination by the Office of Program Policy Analysis and Government Accountability (OPPAGA) with a review of federal requirements and other states’ licensure statutes and rules governing the provision of tertiary health services with recommendations due November 1, 2019.

There was absolutely no debate on the amendment to the bill. It will be voted on by the Senate Monday and sent back to the House for final passage.



Telehealth Legislative Compromise After Many Years Finally Telehealth Bill is Poised to Pass

CS/CS/HB 23 (Yarborough) was considered by the full Senate and amended with substantial parts of the Senate version of the bill, **CS/SB 1526** (Harrell). The amendment provides:

- Definitions for telehealth and telehealth provider.
- Standards of practice for telehealth providers.
- Prohibits a telehealth provider, with limited exceptions, from using telehealth to prescribe a controlled substance
- Requires the Department of Health (DOH) to use the National Practitioner Data Bank to verify out-of-state telehealth provider information and to publish on its website the name and specific background information of each registered out-of-state telehealth provider.
- Requires out-of-state telehealth providers to meet specific requirements related to license restrictions or disciplinary actions, medical malpractice insurance, and designating a duly appointed registered agent for service of process in Florida.
- Provides exceptions to the registration requirement for emergencies or for consultations between health care practitioners.
- Requires the DOH, effective July 1, 2020, to annually review the amount of fees collected for telehealth services in the prior fiscal year and determine whether the fees are sufficient to fully implement the use of telehealth services. If the DOH determines the fees are insufficient, they are required to recommend fee adjustments in its annual Legislative Budget Request
- Provides that a contract between a health insurer or HMO issuing major medical comprehensive coverage through an individual or group policy and a telehealth provider, must be a voluntary contract between the insurer and the provider, must establish mutually acceptable payment rates or payment methodologies for services provided through telehealth and must give the provider the option to accept a reimbursement for a covered service provided through telehealth in an amount less than the reimbursement the insurer/HMO would pay if the service were delivered through an in-person encounter.

Due to the fiscal impact, the bill does not include a tax break for insurance companies that was in earlier versions of the bill. Chair Harrell answered questions about out-of-state practitioner requirements, disciplinary actions, registration procedures and implementation of telehealth. This bill will be voted on by the Senate next week and returned to the House as amended.



Patient Access to Primary Care

CS/HB 843 (AM Rodriguez) -- Patient Access to Primary Care and Specialist Providers – was considered and amended by the Senate. The original bill required hospitals to notify a patient's primary care or specialist provider, if any, within 24 hours of the patient's admission to the hospital. The bill also required hospitals to tell admitted patients that they may request to have their primary care or specialist provider consulted during the development of their plan of care. Hospital physicians must make reasonable efforts to consult with the patient's primary care or specialist provider upon the patient's request.

It was expanded from a 2-page bill to a 31-page bill with an amendment placed on the bill in the Senate, which included the provisions of **CS/SB 7078**, a Senate health care train, including: 1) access to dental services; 2) transparency of hospital quality information; 3) access to primary and specialist care in a hospital setting; 4) ambulatory surgical center services; 5) pediatric cardiac standards of care; 6) patient notification of hospital observation status; 7) health care contracts restraint of trade or commerce; 8) expansion of direct health care agreements; 9) consumer cost-containment in health insurance; and 10) portability of health care occupational licensure. The bill will be returned to the House on Monday, looking like a Christmas tree with many new ornaments.

No More Texting & Driving?

The bills are moving closer together and closer to passing this session. **CS/HB 107** (Toledo) & **CS/CS/CS/CS/SB 76** (Simpson) – make texting while driving a primary offense.



Needle Exchange Programs

As passed by the Senate, **CS/CS/SB 366** (Braynon) - Infectious Disease Elimination Programs (IDEA) - allowed county commissions to establish and fund sterile needle and syringe exchange programs through the adoption of a county ordinance and satisfaction of the specified program requirements. Two amendments from the House travelling back to the Senate with the bill prohibit the use of county or municipal funds due to opposition of Speaker Oliva.

The enormously successful Miami-Dade IDEA was enacted by the Legislature in 2016 and implemented by the University of Miami as a sterile needle and syringe exchange pilot program. Safe disposal of syringes has decreased the number of accidental transmission of infections and the re-use of spoiled syringes. Also, the pilot program offers two different kits. One is a *Safe Injection Pack* which is intended to reduce the need for sharing of needles and other related items, which the program hopes will lead to a decrease in the spread of HIV and Hepatitis C. The kit includes cottons, cookers, ties, sterile water, alcohol swabs, and portable sharps containers. The other kit is the *Naloxone Pack*, which includes Narcan, a prescription medication used to treat drug overdoses.

The success of IDEA pilot program is indicated by the data. The program has 1) enrolled over 800 participants, 2) exchanged 173,532 clean needles for 186,167 used needles, 3) distributed over 1,300 boxes of Narcan, 4) made 682 overdose referrals, 5) administered 600 HIV tests and 500 Hepatitis C tests, 6) added five mobile sites with 141 enrollees, and 7) was selected as one of two international sites for a multi-year grant.

The pilot program receives funds from the Gilead COMPASS Initiative (Commitment to Partnership in Addressing HIV/AIDS in Southern States), the MAC AIDS Fund, the Elton John AIDS Foundation, the Fishman Family Foundation, the Comer Family Foundation, and the Health Foundation of South Florida.

The bill passed the Senate 40-0 and passed the House 111-3 with two amendments last week; it will likely be considered next week. The amendments were as follows:

House Amendment 1 – removes the authority of the county-based programs to use any county funds for the local needle exchange programs. The local needle exchange programs will rely on raising funds through federal grants and private sources.

House Amendment 2 - removes a provision which would have allowed counties to waive the required one to one needle exchange requirement that is currently included in all contractual relationships with local providers due to exigent conditions or circumstances.



Sculpture Across from the Capitol

The Plaque indicates: "We are proud to donate this sculpture to the people and city of Tallahassee as we celebrate 100 years of continuous publishing. This sculpture, created by local artist W. Stanley "Sandy" Proctor, suggests the importance of literacy in building a strong community and supporting democracy. TALLAHASSEE DEMOCRAT, Dedicated April 5, 2005." The model for the dog in the sculpture was Sammy, "son" of Kayce Morton, FSU Director of Institutional Effectiveness.

On page 1 the beautiful photo of the Northern Lights was taken by Tatiana Križanová, Dean Fogarty's assistant, Renata McCann's niece. On page 2 the photo of Senator Gayle Harrell is from Salem Interactive Media. The photo on page 3 is from FSU College of Medicine 2018 Annual Report. The Sculpture photo was taken by the author. Sources included articles from Christine Jordan Sexton, Jim Turner, Dara Kam, Danny McAuliffe, 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=deploymentthome>

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:

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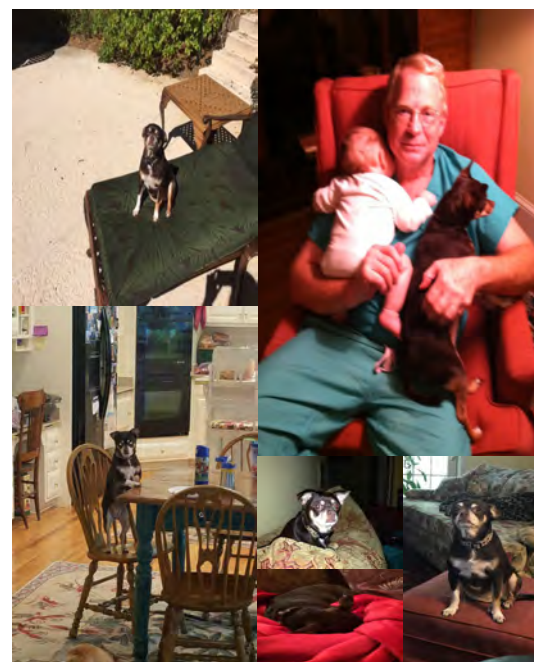
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Dog of the Week

Ginger, daughter of Drs. Julian & Myra Hurt, Senior Associate Dean for Interdisciplinary Medical Sciences

