

Florida Legislative Session 2017

Bills That Passed

Drug Overdoses

HB 239 creates a central data base for opioid overdoses via the Emstar System. The legislation permits EMS to data share with law enforcement regional information to help target high drug areas of a community. The bill also requires any hospital with an emergency room to produce best practice policies to help in lowering the number of drug overdoses in the state.

Controlled Substances

HB 477 adds fentanyl and its derivatives to Florida's drug trafficking statute and gives law enforcement and state prosecutors the tools they need to investigate and prosecute drug traffickers selling the deadly substances.

The legislation also adds U-47700 to the list of Schedule 1 controlled substances. In September last year, Attorney General Bondi signed an emergency rule outlawing the synthetic drug after it was identified in multiple deaths throughout the state. This emergency action temporarily outlawed the dangerous drug and the legislation passed this Session will ban the deadly substance permanently.

Control Substances Prescribing

HB 557 shortens the timeframe in which a dispenser of a controlled substance (typically the pharmacy) must report dispensing from seven days to the end of the next business day. It also requires the dispenser to submit required reporting information via an electronic system approved by the Department of Health. In addition, the bill expands access to the PDMP database now to healthcare employees of the U.S. Veterans' Administration to assist with their patient's treatment.

The bill was amended to exclude a requirement for any doctor with a DEA number to complete an additional two hour CME course.

Prescription Drug Price Transparency

HB 589 increases the number of prescription drugs that must be posted to MyFloridaRx, from 100 to 300. Additionally, the bill codifies the current practice by which prescription drug pricing information is reported to AHCA, from quarterly to monthly. As a result, patients who query MyFloridaRx will have access to more timely pricing information for more prescription drugs.

Stroke Centers

HB 785 directs AHCA to include hospitals meeting criteria for acute stroke ready centers on list of stroke centers. The legislation also authorizes DOH to contract with private entity to establish & maintain a statewide stroke registry.

Medication Synchronization

SB 800 prohibits health insurers from denying patients the ability to receive a partial refill of a prescription if they choose to enroll in a medication synchronization program through their pharmacy. This will allow more patients to synchronize their prescription plan and lead to better health outcomes.

Currently, many patients, especially those with chronic conditions who may have been prescribed medications from different specialized physicians, face numerous refill dates and multiple trips to the pharmacy each in order to maintain their prescribed treatment plan. This lack of alignment, or synchronization, in prescription fill dates has been identified as a major contributor to medication nonadherence, which results in poor health outcomes for patients and an estimated annual impact of \$300 billion a year in avoidable costs to the U.S. health care system.

Human Trafficking

SB 852 creates in statute the term “commercial sexual exploitation.” The bill also requires the multidisciplinary staffing to develop a service plan for any child victims and the plan must include the victim’s needs and local services. Victims must be followed up with by DCF or local sheriff within six months. Lastly, the bill requires nurses to complete a two-hour course on human trafficking as part of the CME currently required.

Substance Abuse Service Providers

SB 807 takes a comprehensive approach to the problem of fraudulent patient brokering and deceptive marketing practices in the business of substance use addiction services, particularly related to the economic relationship between service providers and “recovery residences.” The bill requires entities providing substance abuse marketing services to be licensed by the Department of Agriculture and Consumer Services under the Florida Telemarketing Act. The bill strengthens the Department of Children and Families’ (DCF) substance abuse treatment provider licensure program and improves the regulation of service providers, including requiring DCF to draft rules on minimum licensure standards and require that certain providers be accredited. The bill creates new and amends existing criminal offenses (prohibited acts) related to patient brokering and marketing practices that create or increase fines and potential prison sentences.

The bill provides assistance to law enforcement and prosecutors by:

- Extending the jurisdiction of the Office of the Statewide Prosecutor to investigate and prosecute patient brokering offenses;
- Adding patient brokering to the list of predicate offenses that may be prosecuted as RICO offenses which could result in higher penalties; and
- Adopting federal law with regard to the timing of law enforcement giving notice to a patient regarding obtaining the patient's records pursuant to a court order.

Rights & Responsibility of Patients

HB 1253 adds to the Patient's Bill of Rights and Responsibilities, to allow a patient to bring any person of his or her choosing to patient-accessible areas of a health care facility or a health care provider's office to accompany the patient while the patient is receiving inpatient or outpatient treatment or is consulting with his or her health care provider. The bill allows the facility or provider to prohibit patients from exercising this right if doing so would risk the safety or health of the patient, other patients, or staff of the facility or office or cannot be reasonably accommodated.

Prescription Drug Monitoring Data Base

HB 5203 permits the use of state funds appropriated in the General Appropriations Act to administer the prescription drug monitoring program (PDMP). Removes requirement relating to implementation of the PDMP being contingent on receipt of non-state funding.

Regulation of Health Care Practitioners

HB 543, Department of Health Agency bill makes numerous technical changes to statute. New to statute is the requires an ARNP to maintain a copy of his or her protocol at the location the ARNP practices and if the ARNP works with multiple supervising physicians in a group practice, the ARNP has to enter into a protocol with at least one physician vs all the physicians

The bill expands the pain management clinic registration requirement to include those that are exempt from registration under current law. However, these entities will be exempt from registration and inspection fees and other regulatory requirements. Registration of all pain management clinics will assist DOH with its regulation of pain clinics that are not registered and operating in violation of state law.

HB 229 also was a Department of Health bill mainly making changes to the Impaired Practitioner Program. In addition to the PPP, the bill authorizes DOH to issue or renew licenses of individuals who were convicted of or entered a plea of guilty or nolo contendere to a disqualifying offense before July 1, 2009, when the licensure disqualification law was enacted.

The bill authorizes DOH to issue or renew the license of an individual who is convicted of or enters a plea of guilty or nolo contendere to a disqualifying felony if the applicant successfully completes a pretrial diversion program and the plea has been withdrawn or the charges have been dismissed.