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NEAL DUNN, M.D., CHAIR
COUNCIL ON LEGISLATION



LEGISLATIVE REPORT

Dear Colleagues:

This week concluded the second week of the 60-day legislative session and health care issues continue to unfold.

On Tuesday, the House Health and Human Services Quality Committee took up HB 1143 by Rep. Fred Costello relating to Emergency Suspension Orders by the Department of Health (DOH). As originally filed, this bill would have allowed the DOH to issue an emergency suspension order to suspend or restrict a physician's license if the physician is arrested or simply under investigation for various criminal offenses. The FMA has been a vocal opponent of the legislation.

As the result of the FMA's lobbying and some late discussions on Monday between the FMA, DOH, and the bill sponsor, an amendment was offered to address some, but not all, of the FMA's concerns. As amended, the bill would now allow the issuance of an emergency restriction order to restrict the ability to prescribe Schedule II-IV drugs, rather than a suspension or restriction of the physician's license. Under current law, a licensee can get a probable cause hearing following an ESO within 20 days. That timeframe would apply in this instance as well.

Most importantly, unlike the original bill, this ESO is not a suspension or restriction of the license itself (which is a must-have from the FMA's perspective). Even as amended, however, the bill contains serious flaws that must be addressed before the bill is heard again. Fortunately, DOH Surgeon General and past FMA President Frank Farmer, M.D., understands the FMA's concerns and assures me that he will make every effort to make the bill acceptable to the FMA. HB 1143 is headed next to the Criminal Justice Subcommittee, which is chaired by Rep. Gayle Harrell. The Senate companion, SB 594 by Sen. Ronda Storms, is awaiting its first committee hearing in Senate Health Regulation, chaired by Sen. Rene Garcia.

On Thursday, the Senate Banking and Insurance Committee heard SB 668 by Sen. Alan Hays relating to Workers' Compensation. This bill imposes restrictions on the price of repackaged or relabeled drugs. Supporters contend the bill would reduce workers' compensation costs overall by 2.5 percent. Similar legislation was passed hastily during the waning hours of the 2010 legislative session but was vetoed by Gov. Charlie Crist. The FMA requested the veto because it was passed at the last minute without sufficient notice or hearing. The lack of notice would have imposed significant financial hardship on physician practices with large inventories of repackaged drugs on hand. The FMA maintains that physician dispensing of medications is one of the most effective means of patient compliance, which means injured workers can return to their jobs sooner. This week, Sen. Eleanor Sobel offered an FMA-supported amendment that would prohibit insurers from restricting an insured person from obtaining drugs from a dispensing physician. Today was the bill's first committee hearing, and the FMA will be keeping a close eye on this bill as it continues to move through the committee process. The House companion measure, HB 511 by Rep. Matt Hudson, has already passed its first committee. Also on Thursday, the Senate Health Regulation Committee heard SB 1568 related to the sale or lease of a county, district, or municipal hospital. This bill by Sen. Don Gaetz imposes various procedures, including public notice and hearing, on a governmental entity or public hospital district prior to a decision to sell or lease the hospital. The FMA saw this as an opportunity to include in the bill provisions to help physicians who might be affected by such a sale or lease. Consequently, and with help from Sen. Gaetz, Sen. Garcia offered an amendment that would require the seller or lessor to disclose all contracts with physicians providing health care services at the hospital. Such disclosure will ensure that the potential impact on such contracts is made a part of the public discussion as the governing board considers a sale or lease.

Next week, we expect the House Health and Human Services Quality Subcommittee to hear HB 509 by Rep. Ana Rivas Logan. This bill would allow pharmacists to administer vaccines for shingles and pneumonia. The FMA opposes this scope-of-practice expansion. Please stay tuned for further legislative updates and alerts from the FMA. As we enter the third week of session, bills will really start to move quickly and we must remain vigilant and active.

Sincerely,

Neal Dunn, M.D.
Chairman, FMA Council on Legislation