2023 FCEP Legislative Highlights & Summary

AT A GLANCE

The 2023 Legislative Session in Tallahassee wrapped in the first week of May. This session was highlighted by numerous victories for FCEP in advocating for our frontline emergency physicians across the state. We were able to successfully defeat scope of practice expansion, advocate for our patients through KidKare expansion, push for safety protections of our hospital staff members, take the first steps in reigning in the corruption of the PBM oligopoly, and once again block Personal Injury Protection repeal. Below you will see the highlights of our efforts advocating for Florida emergency physicians this year.

LEGISLATION THAT WAS OPPOSED & DEFEATED:

Autonomous Practice by an Advanced Practice Registered Nurse
HB 1067 by Rep. Giallombardo and SB 1058 by Sen. Rodriguez.

BI/PIP Repeal
HB 0429 by Rep Alvarez and SB 0586 by Senator Grall.

LEGISLATION THAT WAS SUPPORTED & PASSED:

Health Care Practitioner Titles and Designations
SB 230 by Sen. Harrell and HB 583 by Rep. Massullo.

Pharmacy Benefit Manager Reform Bill
SB 1550 by Sen. Brodeur and HB 1509 by Rep. Chaney.

Telehealth - Audio-only
HB 267 by Rep. Fabricio and SB 298 by Sen. Boyd.

Assault or Battery on Hospital Personnel
HB 121 by Rep Trabulsy & Bartleman and SB 246 by Senator Calatayud.

Pathway for Military Combat Medics Act
HB 517 by Rep Rudman and SB 274 by Senator Avila.

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KEY FINDINGS

The following is a complete summary of key legislative issues that the FCEP worked on during session to help our members practice emergency medicine.

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OPPOSED & DEFEATED:

Autonomous Practice by an Advanced Practice Registered Nurse

HB 1067 by Rep. Giallombardo and SB 1058 by Sen. Rodriguez.

FCEP believes in physician-led care in all aspects of healthcare. A Medical Doctor must complete 4 years of medical school followed by 3 or more years of graduate medical education, which includes at least 15,000 clinical training hours. To compare, Advanced Practice Registered Nurses (APRNs) are not required to complete any training beyond graduate school and obtain only 500 - 1,500 clinical training hours. APRNs are not Trained to Practice Specialty Medicine. This legislation would have allowed all advanced practice nurse practitioners, regardless of practice area, to practice independently with no physician oversight.

BI/PIP Repeal

HB 1067 by Rep. Giallombardo and SB 1058 by Sen. Rodriguez.

Personal injury protection regulation should always ensure that reimbursement of emergency care is timely and protected. PIP's biggest asset is that it assures prompt payment to emergency physicians who provided mandatory care for injured motorists and especially uninsured motorists. If PIP must be repealed, we would support it under the following conditions:

- The $5,000 physician set aside language, key to assuring liens do not give hospitals priority access to Medical Payment funds. This language is included in this year's bills.
- Drivers should "opt out" in writing from the purchase of Medical Payments coverage. The language in this year's bills is weaker, requiring a mandatory "offering" for the purchase of medical payments insurance coverage.

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SUPPORTED & PASSED:

Health Care Practitioner Titles and Designations

SB 230 by Sen. Harrell and HB 583 by Rep. Massullo.

FCEP supports the proper and transparent use of the title "Physician". Effective July 1, healthcare practitioners will be prohibited from making misleading, deceptive, or fraudulent representations regarding the licensee's profession or specialty designation. All healthcare practitioners will be required to wear a nametag with the practitioner's name and profession when seeing patients unless the practitioner is providing services in his or her own office. In such a case, in lieu of a nametag, the practitioner must prominently display a copy of his or her license in a conspicuous area of the practice. The practitioner must also verbally identify himself or herself to a new patient by name and identify the profession that the practitioner is practicing.

Pharmacy Benefit Manager Reform Bill

SB 1550 by Sen. Brodeur and HB 1509 by Rep. Chaney

We support fair pricing of prescription medications, transparency, and accountability of Pharmacy Benefit Managers (PBMs). Middlemen in the U.S. prescription ecosystem known as PBMs, put profits over patients by engaging in harmful practices that restrict both patient access to their local pharmacist and access to low cost generic drugs. Proposed by Governor Ron DeSantis and signed into law on May 3, this legislation requires prescription drug manufacturers to disclose and publish prescription drug price increases on the Florida Health Finder website. The legislation also requires PBMs to obtain a certificate of authority for an administrator under the Florida Insurance Code and making them subject to existing and enhanced requirements. This Act better regulates contractual relationships between PBMs and pharmacy benefits plans and programs, and between PBMs and pharmacy providers.

Telehealth - Audio-only

HB 267 by Rep. Fabricio and SB 298 by Sen. Boyd.

We support the continuation of the pandemic ability of doctors to choose the best method of telehealth for their patients. Under this legislation, the use of audio-only telephone calls is no longer excluded from the statutory definition of telehealth. Legislation did not include a requirement for health insurers to pay for audio-only visits.

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Assault or Battery on Hospital Personnel

HB 825 by Rep. Berfield and SB 568 by Sen. Rodriguez.

We support the reclassification of misdemeanor or felony degrees of assault and battery offenses against hospital personnel. Effective Oct. 1, if a person is charged with assault or battery against a healthcare practitioner in a hospital, the offense for which the person is charged is reclassified as follows: In the case of assault, from a second-degree misdemeanor to a first degree misdemeanor; in the case of battery, from a first degree misdemeanor to a third degree felony; in the case of aggravated assault, from a third degree felony to a second degree felony; and in the case of aggravated battery, from a second degree felony to a first degree felony.

Florida Kidcare Program Eligibility

HB 121 by Rep Trabulsy & Bartleman and SB 246 by Senator Calatayud.

We support raising the income eligibility threshold of the federal poverty level. This legislation raises the income eligibility threshold for children in the Medikids program, Healthy Kids program, and the Children's Medical Services Network within the Florida Kidcare (Kidcare) program. It requires at least three but not more than five tiers be established that are based on a percentage of the federal poverty level to be used for assessing premiums for enrollees who are required to pay enrollment fees, premiums, copayments, deductibles, coinsurance, or similar charges for certain services within Kidcare.

Pathway for Military Combat Medics Act

HB 517 by Rep Rudman and SB 274 by Senator Avila

Legislation aimed to address the expected shortage of 60,000 nurses in Florida by 2035 by expanding state law to mandate that state universities, colleges and career schools award nursing credits to combat medics based on their military training.

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A SHIFT IN FOCUS

FCEP's focus will now shift from policy-making to fundraising for legislators in the House and Senate who advocate for emergency medicine, physicians, and patients. Please contribute to the FCEP PAC today to ensure that legislators continue fighting with us on critical healthcare issues that impact emergency medicine.

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