



# DAILY BRIEF

From March 9, 2016

## DEPARTMENT OF AGRICULTURE

### **HB 7007 & SB 1010- Relating to the Department of Agriculture and Consumer Services**

On Wednesday, March 9th, **HB 7007**, relating to the Department of Agriculture and Consumer Services, by the **House Agriculture & Natural Resources Subcommittee** and **Rep. Jake Raburn (R-Valrico)** was amended on the Senate floor and substituted for its Senate companion, **SB 1010**, by **Senator Bill Montford (D-Tallahassee)** and passed by a vote of 38 yeas to 0 nays.

Once this action was taken, HB 7007 was sent back to the House to be considered as amended. The House concurred with the two amendments to HB 7007 and passed the bill by a vote of 110 yeas to 4 nays.

HB 7007 addresses issues relating to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (DACS). Most importantly to AIF and its members, is an amendment by **Senator Alan Hays (R-Umatilla)** that addressed the regulation of the use and sale of polystyrene (Styrofoam) products. With the adoption of this amendment the bill will preempt the regulation of these Styrofoam products to DACS.

HB 7007 will now go to the desk of Governor Scott to be signed into law.

**AIF supports preempting to the state the sale and use of polystyrene (Styrofoam) products.**

## HEALTH CARE

### **HB 85 & SB 212- Relating to Recovery Care Services**

On Tuesday, March 8th, the Senate substituted **HB 85** for **SB 212**, and approved a strike all amendment which completely overhauls HB 85 and now addresses a myriad of health care issues, including elements of other bills as noted below. On Wednesday, March 9th, the Senate passed this measure by a vote of 40 yeas to 0 nays.

The language added to the measure is the subject of the following bills:

- Permits ambulatory surgery centers to extend the length of stay up to 24 hours for a patient receiving care in the facility. (Contained in HB 85, but the amendment removes references of “recovery care centers”)
- Step Therapy – requires Medicaid managed care plans, HMOs and insurers that restrict medications by a step-therapy or fail-first protocol to grant an override of the protocol within 24 hours for certain situations. It ties that hands of insurers to manage prescription drug costs. (**SB 1084**)
- Direct Primary Care – Defines this practice which is a contract for primary care services between a patient and a primary care provider and clarifies that these products are not insurance and are therefore not regulated by the Florida Insurance Code. (**SB 132** and **HB 37**)
- Dental Access Accounts - which would allow joint state and local dental care access accounts to be established to encourage Florida-licensed dentists to practice in medically under-served areas or serve a medically under-served population. (**SB 234** and **HB 139**)
- Health Clinic Personnel Immunity - provides that employees and agents of the free clinics are protected from lawsuits under the state’s sovereign immunity protections. (**SB 1034** and **HB 1431**)

HB 85 must now return to the House chamber to be considered as amended.

**AIF opposes legislation that will negatively impact the standards of care that are currently in place based on real-time protocols that are centered on evidence-based research.**

### **HB 7087- Relating to Telehealth**

As reported last week, **HB 7087**, relating to telehealth was sent back to the Florida House to be considered as amended by the Senate. Today, Wednesday, March 9th, the House took up HB 7087 and concurred with the two amendments adopted by the Senate along with the adoption of their own amendment. After the adoption of amendment 53370 by the bill sponsor, **Rep. Chris Sprowls (R-Clearwater)**, HB 7087 was passed out of the House by a vote of 110 yeas to 2 nays.

Amendment 533707 removes the task force set in place by the amendment previously adopted by the Senate, and replaces the task force with an Agency for Health Care Administration (AHCA) study on the use and coverage of telehealth.

The goal of this bill is to establish certain practice standards for telehealth providers; providing limitations and notification requirements for out-of-state telehealth providers; revising the definition of the term "discount medical plan" to exclude certain products; and creating the Telehealth Advisory Council within the Agency for Health Care Administration for specified purposes.

HB 7087 must now return to the Senate for its consideration as amended.

**AIF supports legislation that permits an unfettered role for telehealth services that will allow our citizens access to better quality care at lower costs.**