

20
23

LEGISLATIVE REPORT

FLORIDA OSTEOPATHIC MEDICAL ASSOCIATION

KNOW THE ISSUES

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Paul D. Seltzer, DO
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Chris Lyon, Esquire
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FLORIDA OSTEOPATHIC MEDICAL ASSOCIATION

MESSAGE FROM THE LEGISLATIVE CHAIR

Paul Seltzer, DO



On May 5, 2023, the Florida Legislature concluded its business for the 2023 Legislative Session, adjourning Sini Die with the dropping of the handkerchief. The legislature passed a total of 356 bills out of 1,873 bills filed. On the budget front, the legislature agreed to another record-breaking budget for FY 2023-24 totaling \$117 billion. This year's budget includes significant increases in funding for Graduate Medical Education (GME), the Florida Reimbursement Assistance for Medical Education (FRAME) Program, and pediatric Medicaid services.

In the buildup to the 2023 Legislative Session, FOMA's Legislative Committee and staff built a comprehensive strategy surrounding the 2022 elections. Thanks to your contributions to the FOMA-PAC, FOMA supported candidates in 123 of 160 races to the Florida House and Senate. Of the 123 candidates FOMA supported, voters elected 121 to state office: a success rate of 98.4 percent. FOMA's accomplishments on the election front built the necessary foundation for FOMA's success during the 2023 Legislative Session, passing several organizational priorities.

FOMA's Legislative Committee centered its 2023 Legislative Priorities around ten key areas of focus. We are pleased to announce FOMA's efforts resulted in a very successful session. The legislature passed seven of FOMA's ten legislative priorities. This year's priorities included the following:

- Expanding patient access to telehealth services: Passed, signed into law by the Governor
- Advancing title protections to provide greater transparency to patients: Passed, but **vetoed by the Governor**
- Ensuring patient access to affordable medications through pharmacy benefit manager (PBM) reform: Passed, signed into law by the Governor

- Securing patient cost savings for prescription drugs by advancing co-pay accumulator language, allowing drug rebates to be applied to patient cost-sharing requirements: Passed, signed into law by the Governor
- Obtaining enhanced funding for Graduate Medical Education (GME) to address physician workforce shortages in the State: Passed, signed into law by the Governor
- Increasing funding for the Florida Reimbursement Assistance for Medical Education (FRAME) Program: Passed, signed into law by the Governor
- Safeguarding Medicaid patient access to the correct medications based on the physician-patient relationship and the knowledge providers have concerning their patients' medical needs by reducing barriers to care concerning step therapy: Not Adopted
- Progressing medical malpractice tort reforms: Not Adopted
- Improving payment of health insurance claims by revising provisions regarding the retroactive denial of claims: Not Adopted
- And, preventing the expansion of scope-of-practice, reducing potential harm to patients concerning unqualified health care practitioners: Succeeded in blocking legislation

Although the legislature did not adopt three of this year's priorities, the FOMA moved the items significantly through the committee process and educated legislators on their importance. SB 112 regarding Medicaid step therapy for serious mental illness passed all Senate committees of reference and unanimously passed out of the Senate, only to fall short as the House companion stalled in its final committee: the House Health & Human Services Committee. HB 1335 concerning the retroactive denial of health insurance claims passed all House committees of reference. The full House, however, did not take up the measure because the Senate companion died in committee. Despite these setbacks, the FOMA and its partners were able to move the needle forward in preparation for next year's Legislative Session, scheduled to begin in January 2024.

Thank you for allowing me to serve as Chair of FOMA's Legislative Committee and thank you for your involvement in the legislative process. For updated actions on FOMA-monitored bills, please go to the FOMA website at: FOMA.org/legislative-updates.



PAUL SELTZER, DO
FOMA Legislative Chairman

HEALTH CARE BUDGET FY 2023-24

The House and Senate passed the Conference Report for FY 2023-24, providing record funding totaling \$117 billion. Although the overall budget increased, funding for the Health and Human Service (HHS) budget decreased slightly from the current year, allocating \$47.3 billion for FY 2023-24. Despite the slight decline in HHS funding, the FOMA and its partners were successful in advancing several budget issues of importance to physicians.

Florida Reimbursement Assistance for Medical Education (FRAME) Program

The FY 2023-24 General Appropriations Act provides a \$10 million increase in recurring funds for the FRAME Program. Total recurring funding for the program for FY 2023-24 is now \$16 million. The FOMA thanks Chair Harrell and others for their persistence on this priority budget item.

The FOMA is also pleased to announce our legislative team's work to provide additional opportunities to fund loan forgiveness applicants for this year's application cycle has paid off. Due to the overwhelming response, the legislature allocated an additional \$10 million to support applications for FY 2022-23, bringing this year's

total to \$16 million.

The FRAME Program provides medical loan repayment opportunities for qualifying health care practitioners in Florida.

Increased funding for Graduate Medical Education

The Florida legislature approved a robust funding package of \$430.1 million for graduate medical education (GME) in the fiscal year 2023-24. Of the total funding, \$291 million is allocated toward the Statewide Medicaid Residency Program and the GME Startup Bonus Program. Funding for these programs is distributed as follows:

- \$191 million for the Statewide Medicaid Residency Program
- \$42.2 million for two hospitals with the largest number of graduate medical residents in a statewide supply/demand deficit
- \$55.7 million for the GME Startup Bonus Program

This year's allocation for GME also funds the Slots for Doctors program.



FOMA's Legislative Team worked on giving Medical Education a boost in the Florida health care budget

GME - Slots for Doctors Program

The FOMA and its partners successfully supported the establishment of the Slots for Doctors Program, a \$30 million recurring appropriation to address the physician workforce shortage in the state. This graduate medical education program (GME) creates 300 resident positions in specialties facing a supply-and-demand deficit. The program offers \$100,000 annually for residency positions in accredited programs, with hospitals and Federally Qualified Health Centers being eligible for funding. These positions also qualify for the one-time GME Startup Bonus Program.

The program covers a wide range of adult and pediatric specialties, including allergy or immunology, anesthesiology, cardiology, colon and rectal surgery, emergency medicine, endocrinology, family medicine, gastroenterology, general internal medicine, geriatric medicine, hematology, oncology, infectious diseases, neonatology, nephrology, neurological surgery, obstetrics/gynecology, ophthalmology, orthopedic surgery, pediatrics,

physical medicine and rehabilitation, plastic surgery/reconstructive surgery, psychiatry, pulmonary/critical care, radiation oncology, rheumatology, thoracic surgery, urology, and vascular surgery.

Increased Funding for Pediatric Care Services

The FOMA is pleased to announce that this year's budget includes \$76 million to increase reimbursements for pediatric services provided to Medicaid patients in Florida. Beginning on October 1, 2023, this significant payment boost will elevate reimbursement rates to at least the Medicare level. The additional funding covers both primary and specialty care, providing better support for physicians attending to the pediatric needs of Florida's Medicaid population.

Finally, the legislature provides \$2.5 million to support LECOM Health clinic-based services outreach. These funds will provide reduced fee and charitable care services for over 5,000 persons and 10,000 patient encounters for

OVERVIEW

dental, medical, and pharmacy services, including low-income, uninsured, homeless, and rural populations at LECOM's Florida network of clinics and provider partner organizations. Funding will also provide clinical rotations and licensed medical provider supervision for over 400 students enrolled in LECOM's dental, medical, and pharmacy programs.

Other Budget Items of Interest

- \$15 million - Canadian Prescription Drug Importation Program
- \$137.8 million - HIV/AIDS Prevention & Treatment (includes Ryan White funding to be determined by the Department of Health and Department of Corrections)
- \$189.4 million - Drugs, Vaccines & Other Biologicals: This Appropriation depends on sufficient state matching funds being identified, with the Departments of Health and Corrections collaborating to determine qualifying expenditures for the Ryan White grant. The allocation also provides \$5 million to purchase emergency opioid antagonists
- \$173.5 million - Opioid Treatment, Prevention, and Recovery from Opioid Settlement Funds
- \$128 million - Florida Consortium of National Cancer Institute Centers Program (Casey DeSantis Cancer Research Program)

The Casey DeSantis Cancer Research Program, established in section 381.915, Florida Statutes, designates Tier 1, 2, and 3 funding for eligible cancer centers in Florida. Funded centers must submit quarterly data on cancer diagnoses, recurrence, patient

outcomes, mortality, and survival rates, and a comprehensive report on best practices by January 1, 2024. Additionally, the plan allocates \$500,000 to develop a long-range plan for the program, focusing on expanding eligibility, establishing academic collaborations, and revising funding tiers based on treatment efficacy and patient outcomes.



\$76 Million goes to increase reimbursements for pediatric services provided to Medicaid patients in Florida beginning October 1, 2023.



\$128 million is earmarked for the Florida Consortium of National Cancer Institute Centers Program, also known as the Casey DeSantis Research Center Program.



The Lake Erie College of Osteopathic Medicine (LECOM) in Bradenton, Florida gets support for their clinic-based outreach services from the Florida Legislature.



(L-R) LECOM Bradenton Associate Dean of Academic Affairs Mark K. Kauffman, DO, MMed, FACOFP and LECOM Bradenton Assistant Dean of Clinical Education and Assessment James Toldi, DO, AAFP with FOMA President Brett Scotch, DO, FAOCO at Dean's Day 2023

PHOTO HIGHLIGHTS

LEGISLATIVE SESSION 2023

Below: Governor Ron DeSantis with FOMA members during a February Special Session and FOMA's Osteopathic Medicine and Health Awareness Day.



Above: FOMA Executive Director Steve Winn, Florida Speaker of the House Paul Renner, and FOMA Legal Counsel Jason Winn, esquire.



Above: FOMA Executive Director Steve Winn in the Florida Senate Chambers with FOMA members.

FOMA members met with Governor DeSantis for a photo opportunity during FOMA's Osteopathic Medicine and Health Awareness Day at the Capitol; the event took place during a Special Session the Governor called to convene lawmakers in February.

Below: Senate President Kathleen Passidomo with FOMA President Brett Scotch, DO, FAOCO



Above: Past FOMA President Lee Ann Brown, DO, FAAPMR with Florida Senator Gayle Harrell.



Above: Florida Speaker of the House Paul Renner meets Doctor of the Day Marie Florent-Carre, DO, MPH.

FOR A FULL LIST OF 2023
BILLS TRACKED BY FOMA
PLEASE VISIT:
FOMA.ORG/BILL-TRACKING

LEGISLATION NOT ADOPTED

SB 1058 and HB 1067 Autonomous Practice by Advanced Practice Registered Nurses: Died in Committee.

The FOMA and its partners successfully opposed a measure that would have deleted the restriction that an autonomous Advanced Practice Registered Nurse (APRN) practice only in primary care, opening the door to specialty practice. After an extensive campaign to educate legislators concerning the risks to patient safety, the measure failed to gain traction in committee.

SB 1364 and HB 1333 Interstate-Mobility and Universal-Recognition Occupational Licensing Act: Died on the Calendar of Bills on 2nd Reading.

The FOMA and its partners successfully opposed legislation seeking to extend medical licensing to any individual holding a medical license in any other jurisdiction, including potentially problematic actors. Working with the sponsors, FOMA successfully amended the legislation to remove physicians from the provisions of this legislation. Both bills died on the calendar.

HB 481 Physician Assistants' Prescriptive Authority: Died in Committee.

The FOMA and its partners successfully opposed legislation seeking to remove the mandate that physician assistants prescribe or dispense medications under the supervision of a physician. HB 481 failed to receive a hearing, and no Senate companion was filed.



Physicians retain supervision of physicians' assistants in prescribing or dispensing medications.



FOMA executives, physicians, and students met in the Senate Chambers for a photo with Senator Ed Hooper during the Special Session and Florida's Osteopathic Medicine and Health Awareness Day.



Past FOMA President Lee Ann Brown, DO, FAAPMR stands with Representative Karen Gonzalez Pittman and FOMA members following a press conference at the Capitol.

LEGISLATION ADOPTED OR VETOED

SCOPE OF PRACTICE

SB 0230 Health Care Practitioner Titles and Designations: Passed the Legislature, Vetoed by the Governor.

This legislation specified which titles and abbreviations health care practitioners may use for advertisements, communications, and personal identification. SB 230 stipulated that anyone who was not an allopathic or osteopathic physician and who used certain titles or designations in an advertisement or a misleading manner was practicing medicine without a license and was subject to certain penalties.

HB 1387 Department of Health: Signed into Law by the Governor.

This legislation makes changes to programs under the DOH and health care professions regulated by the Division of Medical Quality Assurance. The FOMA successfully amended the bill to allow physicians specializing in family medicine to certify brain death with



Governor Ron DeSantis

the concurrence of one other physician—as is required under current law—who is a board-eligible or board-certified neurologist, neurosurgeon, internist, family medicine physician, pediatrician, surgeon, or anesthesiologist. HB 1387 also authorizes autonomous advanced practice registered nurse practitioners to certify brain death if they are the patient’s treating health care practitioner and two physicians agree with the practitioner’s determination.

HB 1387 also provides for the following:

- Prohibits specific research in this state relating to enhanced potential pandemic pathogens
- Prohibits medical marijuana treatment centers from producing marijuana products that are attractive to children or manufactured in specified manners
- Requires local registrars to electronically file all live birth, death, and fetal death records in their respective jurisdictions in the department’s electronic registration system

- Extends the timeframe for the confidentiality of certain birth records
- Amends statute to align with the requirements of the US Food & Drug Administration rule establishing a new category for over-the-counter (OTC) hearing aids and specifying what constitutes an OTC hearing aid

SB 0300 Pregnancy and Parenting Support: Signed into Law by the Governor.

The bill prohibits abortion after six weeks of gestation unless an exception is met. Current-law exceptions to abortion time frames are maintained, and a new exception is established for cases in which the pregnancy is the result of rape, incest, or human trafficking. This new exception is available under the bill until the 15th week of gestation.

SB 0254 Treatments for Sex Reassignment: Signed into Law by the Governor.

SB 254 sets regulations for gender clinical interventions, including surgical and hormonal therapies and treatments, to affirm an individual's perceived gender. It prohibits health care practitioners from providing these interventions to minors. Adult patients may receive gender-affirming care from a Florida physician licensed under Chapter 458 or 459. Physicians must secure written informed consent on a form endorsed by the Board of Medicine or Board of Osteopathic Medicine. Violations of these requirements can lead to the revocation of the practitioner's license by the DOH or the applicable board and can also result in criminal penalties. The bill establishes a civil course of action for injuries and wrongful death caused by gender clinical interventions.

SB 0768 Referral of Patients by Health Care Providers: Signed into Law by the Governor.

SB 768 amends the statute regulating financial arrangements between referring health care providers and health care service providers.

The measure alters a safe harbor provision for permitted referrals from a health care provider to another provider for designated health services that solely serve the patients of the referring health care provider. SB 768 also removes the direct supervision requirement and the requirement that the physician be present in the office suite, allowing general supervision of such services from locations outside of the office where the services are provided.

SB 0558 Certified Nursing Assistants: Signed into Law by the Governor.

SB 558 creates the "qualified medication aide" (QMA) designation for certified nursing assistants (CNAs) who meet specific licensure and training requirements and work in nursing homes. The bill allows nursing homes to authorize their registered nurses (RNs) to delegate medication administration to a directly supervised QMA.

TELEHEALTH



HB 0267 Telehealth Practice Standards: Signed into Law by the Governor.

HB 267 revises the definition of "telehealth" to include health care services provided through audio-only means.

LEGISLATION

TELEHEALTH (Cont.)

HB 0387 Medical Use of Marijuana: Signed into Law by the Governor.

HB 387 authorizes a qualified physician who performs an in-person patient examination for the initial medical marijuana certification to use telehealth to conduct subsequent examinations. The bill also authorizes the DOH to suspend the registration of a qualified physician for up to 2 years if the qualified physician violates the requirements of s. 381.986, F.S.

MEDICAID, HEALTH INSURANCE, AND PHARMACEUTICALS



SB 1550 Prescription Drugs: Signed into Law by the Governor.

Senate Bill 1550 sets regulatory standards for Pharmacy Benefit Managers (PBMs) in Florida, giving the Office of Insurance Regulation (OIR) the authority to oversee and investigate PBMs like other insurers. PBMs must now disclose their affiliations with other organizations, such as pharmacies and companies, under their corporate umbrella. The bill provides patient protections, including a prohibition on "step therapy," where insurers force patients to

restart an ineffective medication when switching insurance companies. In addition, legislation requires PBMs to pass 100% of all rebates from prescription drug manufacturers to the pharmacy benefits plan or program. Excess rebates are used to offset copayments and deductibles for covered persons. This rule does not apply to Medicaid-managed care plans.

HB 0897 Group Health Plans: Signed into Law by the Governor.

Association health plans (AHPs) enable trade or professional group members to insure their employees collectively. The Department of Labor expanded AHP parameters in 2018, but a 2019 court ruling deemed this expansion in conflict with two other acts, invalidating parts of the new AHP rule. HB 897 modifies Florida law to remove references to this invalidated rule while incorporating its requirements to form multiple employer welfare arrangements (MEWAs), thus maintaining an expanded pathway for more groups to form MEWAs.

SB 1352 Sickle Cell Disease Medications, Treatment, and Screening : Signed into Law by the Governor.

SB 1352 mandates the Agency for Health Care Administration (AHCA) to conduct a biennial review of Medicaid enrollees with sickle cell disease (SCD) and report findings and recommendations from the preceding two-year period. The review will assess the adequacy of available covered medications, treatments, and services for Medicaid enrollees with SCD and consider whether AHCA should seek coverage for additional services.

SB 0164 Controlled Substance Testing: Signed into Law by the Governor.

SB 164 modifies the drug paraphernalia statute, to no longer classify narcotic drug testing products as "drug paraphernalia." Individuals possessing or using a fentanyl test strip kit will not face arrest or prosecution for any offense under section 893.145 of the Florida Statutes.



Senator Gayle Harrell with FOMA President Brett Scotch, DO, FAOCO.

HB 0967 Medicaid Coverage of Continuous Glucose Monitors: Signed into Law by the Governor.

HB 967 mandates the Agency for Health Care Administration (AHCA), subject to funding and directives in the General Appropriations Act, to include Continuous Glucose Monitors (CGMs) under the Medicaid pharmacy benefit for recipients diagnosed with any type of diabetes treatable with insulin by their primary care physician or another authorized licensed health care practitioner.

HB 0121 Florida Kidcare Program Eligibility: Signed into Law by the Governor.

HB 121 bill increases the eligibility for Children's Health Insurance Program (CHIP)-subsidized Kidcare programs to 300% of the Federal Poverty Level (FPL). It mandates the Florida Healthy Kids Corporation to establish new monthly premiums for enrollees with household incomes exceeding 150% of the FPL. Premiums are set within three to six income-based tiers.

SB 0612 - Blood Clot and Pulmonary Embolism Policy Workgroup: Signed into Law by the Governor.

This legislation directs the Secretary of Health Care Administration and the State Surgeon General to establish the Blood Clot and Pulmonary Embolism Workgroup. The legislation tasks the workgroup with identifying

specific background information, developing a risk surveillance system for various health care providers and facilities, and creating policy recommendations to improve patient awareness.

HB 0487 Department of Financial Services: Signed into Law by the Governor.

HB 487 amends workers' compensation rules, including ratifying Rule 69L-7.020 and integrating the 2020 Manual which approves increased reimbursements for health care providers. This is likely to increase workers' compensation rates by 0.2%, pending Office of Insurance Regulation approval in 2024. Furthermore, the bill ratifies Rule 69L-7.730 and Rule 69L-7.740, preventing the denial of drug reimbursement based on who dispenses the medication.



LEGISLATION

HEALTHCARE EDUCATION & LICENSING

HB 1471 - Health Care Provider Accountability: Signed into Law by the Governor.

HB 1471 establishes standards of practice for physicians performing gluteal fat grafting procedures in office settings, codifying emergency rules adopted by the Board of Osteopathic Medicine and the Board of Medicine. The bill prohibits specific procedures in an office surgery setting, sets standards for performing such grafting procedures, and includes inspection requirements to become registered to perform such office surgeries.

SB 0274 Nursing Education Pathway for Military Combat Medics: Signed into Law by the Governor.

SB 274, also known as the "Pathway for Military Combat Medics Act," standardizes the application of military combat medic training towards postsecondary credit or career education clock hours at public postsecondary educational institutions. The bill modifies a key goal of the Florida Center for Nursing; their strategic statewide plan for nursing workforce must now include the development of partnerships with hospitals that offer clinical experience opportunities for nursing students.

HB 0139 Benefits, Training, and Employment for Veterans and Their Spouses: Signed into Law by the Governor

HB 139 establishes the Office of Veteran

Licensure Services (Office) to provide veterans and their spouses with assistance and guidance on health care licensure processes. The Office will also refer any veteran or spouse seeking training, education, or employment in health care professions to Veterans Florida.

HB 1133 Physician Assistant Licensure: Signed into Law by the Governor.

HB 1133 changes the Physician Assistant (PA) licensure eligibility requirements for applicants who matriculated into, rather than graduated from, an approved program before December 31, 2020. The bill also authorizes the Board of Medicine and the Board of Osteopathic Medicine to grant a license to a PA applicant who does not meet the educational requirements in statute but passed the Physician Assistant National Certifying Examination.

HB 0033 Psychology Interjurisdictional Compact: Signed into Law by the Governor.

HB 33 authorizes Florida to join the Psychology Interjurisdictional Compact. The measure allows eligible, licensed psychologists in the state to provide services to out-of-state patients through telehealth or temporary authorization.

HB 0299 Education and Training for Alzheimer's Disease and Forms of Dementia: Signed into Law by the Governor.

House Bill (HB) 299 expands and accelerates the Alzheimer's disease and related disorders (ADRD) training requirements for various health care employees. The bill mandates that all employees across a broader range of care facilities, including nursing homes, home health agencies, and assisted living facilities (ALFs), must complete an hour of initial ADRD training.





(L-R) Executive Director of the Florida Department of Veterans' Affairs (FDVA) and Retired Marine Corps Major General James S. "Hammer" Hartsell with FOMA President Brett Scotch, DO, FAOCO.

MEDICAL FREEDOM

SB 1580 Protections of Medical Conscience: Signed into Law by the Governor.

SB 1580 provides conscience-based rights for health care providers and payors, allowing them to opt out of health care services they object to on moral grounds while setting clear limits and conditions. This includes safeguards against discrimination based on race, color, religion, sex, or national origin, protection against discriminatory retaliation for refusing participation based on a conscience-based objection (CBO), and upholding emergency care obligations. Whistle-blower protections are established, along with a process to report violations to the Attorney General, who may pursue civil action. Under certain circumstances, providers and payors will have civil immunity for refusing to participate based on a CBO. The bill discourages disciplinary action for public discussions about health care services or public policy. It permits a Department of Health (DOH) board to revoke the approval of specialty boards that unduly punish such activity.

SB 0252 Protection from Discrimination Based on Health Care Choices: Signed into Law by the Governor.

SB 252 amends legislation to forbid mask mandates, COVID-19 vaccinations, and testing mandates within educational, business, and governmental entities. The law bars these groups from requiring proof of vaccination, recovery from COVID-19, or a test for entry or service. It disallows employment discrimination based on vaccination, recovery status, or refusal to test. Further, it forbids mandates for facial coverings, with exceptions for certain health care providers, and lays out fines for violations. The DOH and AHCA standards, to be established this year, will guide mask mandates in health care settings. It sets out other statutes related to COVID-19 health care such as forbidding hospitals from blocking alternative COVID-19 treatments, requiring informed consent for medication, and protecting pharmacists dispensing treatment prescriptions.



SB 1718 – Immigration: Signed into Law by the Governor.

SB 1718 revises statutes relating to unauthorized aliens, imposing new obligations on employers. Beginning July 1, 2023, private employers with 25 or more employees must use the E-Verify system to confirm a new hire's employment eligibility within three days of their start date. If E-Verify is unavailable, employers must use Form I-9 and document the system's unavailability. The bill prohibits employers from retaining unauthorized aliens once they know their status and employers must maintain verification records for three years. In addition, employers must certify compliance with these requirements annually when contributing to the state's unemployment compensation or reemployment assistance system. Beginning July 1, 2024, the Department of Economic Opportunity will notify and give employers 30 days to rectify non-compliance. Persistent failure to use E-Verify may result in a \$1,000 daily fine until compliance is achieved. Non-compliance can also lead to license suspension until the issue is resolved.

In addition, the bill mandates hospitals accepting Medicaid to include a question about lawful U.S. presence on admission or registration forms, clarifying that responses will not impact patient care or be reported to immigration authorities. Hospitals must provide quarterly reports to the Agency for Health Care Administration (AHCA) detailing admissions or visits based on responses to this question. AHCA will then submit an annual report to the Governor and Legislature outlining the costs of uncompensated care provided to patients not lawfully present, the impact on hospitals' service provision and funding needs, and other related information.

FOMA recommends that physician employers consult with legal counsel to ensure compliance with the provisions of Senate Bill 1718 and other federal and state laws governing employee eligibility.

HB 0825 Assault or Battery on Hospital Personnel; Signed into Law by the Governor.

This legislation provides that an assault or battery on hospital personnel is reclassified to the next highest level when the offense is committed against hospital personnel while they are engaged in the lawful performance of a duty



HB 1119 Withholding or Withdrawal of Life-prolonging Procedures: Signed into Law by the Governor.

HB 1119 updates Florida's guardianship and life-prolonging procedures. The bill stipulates that professional guardians need court approval to withhold or withdraw life-prolonging procedures for their wards, barring specific exceptions. It sets the parameters for necessary information in the petition and a timeline for the hearing and ruling, while necessitating guardians to file any identified advance directives with the court. The court then determines the directive's role as an alternative to guardianship and decision-making delegation between the guardian and health care surrogate. Guardianship plans must detail information on advance directives and existing do-not-resuscitate orders. Without additional court approval, health care surrogates and agents with a durable power

of attorney can make decisions, including on life-prolonging procedures. Professional guardians, granted express court authority, can make decisions aligned with an advance directive or power of attorney without further court consent.

HB 0837 Civil Remedies: Signed into Law by the Governor.

The bill changes provisions relating to civil remedies in Florida, including modifying the comparative negligence system from a "pure" to a "modified" system, limiting a plaintiff's ability to recover damages if they are more at fault than the defendant. It also provides uniform standards to calculate the value of medical damages in personal injury or wrongful death cases and modifies the "bad faith" framework. Additionally, the bill limits contingency fee multipliers for attorney fee awards to rare circumstances and repeals Florida's one-way attorney fee provisions for insurance cases.



SUBSTANCE ABUSE & MENTAL HEALTH

SB 0210 Substance Abuse Services: Signed into Law by the Governor.

SB 210 revises regulations for licensed substance abuse service providers treating individuals in recovery residences, barring the use of alcohol, marijuana (including medical), illegal drugs, and prescription drugs (used by someone other than the prescription holder) on the premises of a provider licensed by the Department of Children and Families (DCF). The bill also forbids licensed service providers from referring to recovery residences allowing the use of such substances and mandates proof of prohibition in licensure applications to the DCF. Service provider referrals to recovery residences now include placements into licensed housing as part of a day or night treatment program, regardless of affiliation with the service provider. Furthermore, individuals refusing to leave a recovery residence after being discharged and warned may face a second-degree misdemeanor charge. The bill makes it a second-degree misdemeanor for any person discharged from a recovery residence to willfully refuse to depart after being warned by an owner or authorized employee.

HB 0829 Operation and Administration of the Baker Act: Signed into Law by the Governor.

The bill requires DCF to annually update its information handbook on the Baker Act and publish it online by October 1 each year. It also requires DCF to maintain and publish on its website a repository of answers to frequently asked questions, and revise and expand the FAQs annually.

HB 0783 Opioid Abatement : Signed into Law by the Governor.

HB 783 revises the definitions of “authorized health care practitioner” and “caregiver,” in emergency opioid antagonist administration. The changes broaden the meanings of these terms to eliminate unintended restrictions on how and by whom emergency opioid antagonists may be dispensed, possessed, and administered.

The bill creates the Statewide Council on Opioid Abatement within the Department of Children and Families to enhance the development and coordination of state and local efforts to abate the opioid epidemic and to support the victims of the opioid crisis.





2023 Corporate Education Advocacy Roundtable Luncheon during Osteopathic Medicine Day at the Capitol



FOMA staff with FOMA President Brett Scotch, DO, FAOCO



LECOM Bradenton Assist. Dean of Clinical Education and Assessment James Toldi, DO with PGY1 Brie Howerton and Morgan Adair OMS.



FOMA members participate in a press conference



FOMA members in the Florida Senate during Osteopathic Medicine Day.

For a Full List of 2023 Bills Tracked by FOMA Please Visit: FOMA.org/Bill-Tracking

GET INVOLVED



**Paul Seltzer, DO
Legislative Chair**



**Brett Scotch, DO, FAOCO
FOMA President**

ABOUT the FOMA-PAC & mission statement

We are asking for your support today.

The Florida Osteopathic Medical Association (FOMA) Political Action Committee (PAC) is a nonpartisan, non-profit committee that functions along with the Key Contact Physician Program, as a political organization.



Miami-Dade Days at the State Capitol: serving paella to thousands of people downtown.



FOMA members at a press conference during Florida's Special Session.



BRETT SCOTCH, DO, FAOCO, is installed as FOMA's 2023-24 President during the FOMA LIVE February Convention.



L-R: FOMA Executive Director Steve Winn; Florida Representative Mike Giallombardo, FOMA Legislative Director Paul Seltzer, DO; and FOMA Past President Lee Ann Brown, DO, FAAPMR.

In order to advocate on your behalf, it is important to have a strong, vigorous political action committee. The FOMA-PAC donations are used for campaign contributions on a statewide level. These contributions help re-elect incumbent members, as well as elect new candidates to the Florida Senate and House during statewide elections.

TO ENSURE, MAINTAIN, AND STRENGTHEN MY
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9 DIAMOND \$25,000 in contributions	6 DIAMOND \$12,000 in contributions	3 DIAMOND \$5,000 in contributions
8 DIAMOND \$20,000 in contributions	5 DIAMOND \$10,000 in contributions	2 DIAMOND \$2,500 in contributions
7 DIAMOND \$15,000 in contributions	4 DIAMOND \$7,500 in contributions	1 DIAMOND \$1,000 in contributions

Key Contact Physician
\$500 Annual Contribution

Please check/list the amount you are contributing this year toward the FOMA-PAC. You may also donate online at: <https://www.foma.org/foma-pac.html>

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**You may Fax this form form to: 850-942-7538; scan and email to: admin@foma.org; or mail to: FOMA-PAC
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For a Full List of 2023 Bills Tracked by FOMA Please Visit: FOMA.org/Bill-Tracking



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Florida Governor Ron DeSantis with FOMA Past President Lee Ann Brown, DO, FAAPMR, and attendees of the FOMA Osteopathic Medicine and Health Awareness Day at the State Capitol

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