



FMA 2013 LEGISLATIVE AGENDA

ISSUES TO SUPPORT:

TORT REFORM

Support legislation that will permit defendant providers in a medical liability suit to discuss the case with the plaintiff's other treating providers and that will increase the burden of proof for negligence in cases involving supplemental diagnostic testing in order to reduce costly and unnecessary testing for defensive purposes.

MEDICAID TO MEDICARE

Increase the reimbursement rate for Medicaid to that of Medicare. At the very least seek to ensure that physicians have the opportunity to control the disbursement of Medicaid funds in any type of capitated system.

GRADUATE MEDICAL EDUCATION

Increase state funding for graduate medical education programs in order to preserve access to care in Florida.

PRN

Support a PRN revisers bill that would: allow PRN to provide services to all health care professionals, ensure sovereign immunity coverage for all types of actions, clarify that licensure from DCF as a "treatment center" is not required, address the discoverability of PRN work product, and add first responders to PRN's scope of service.

CAT FUND

Seek permanent exemption for medical malpractice insurance from any assessments levied on premiums for property and casualty insurance by the Florida Hurricane Catastrophe Fund.

HOSPITAL DEPARTMENT CLOSURE

Give the Agency for Health Care Administration the power to investigate decisions by a hospital to close a particular department and to take action to ensure patients are not left without needed medical care.

TRANSPARENCY IN HEALTH INSURANCE CPT REIMBURSEMENT SCHEDULES

Support legislation that would require all health insurance companies licensed in Florida to give all physicians access, on the company's website, to the participating physician's current complete fee schedule.

PROHIBIT ARTIFICIAL PRICE CONTROLS OF NON-COVERED SERVICES

Support legislation that would prohibit Florida insurance companies from forcing contract provisions on health care providers for services not covered by the plan.

PREAUTHORIZATION FOR MEDICAL TESTING

Support legislation making it unlawful for an insurance company or other third party payer to interfere with a licensed MD/DO's valid order for a medical test or procedure.



DETERMINATION OF MEDICAL BENEFITS

Seek legislation that would require managed care organizations to provide “real time” eligibility for their subscribers and reimburse physicians for any patient services rendered whereby subscriber eligibility has been confirmed prior to the delivery of care.

USE OF THE TERM “PHYSICIAN”

Support legislation that would prohibit the use of the term “physician” by any person other than an M.D. or D.O.

IMPLEMENTATION OF FEDERAL AFFORDABLE CARE ACT

Support state implementation of a rate increase to Medicaid primary care providers pursuant to the Affordable Care Act in a manner that implements the increase uniformly and which ensures that primary care physicians receive the full increase, and continue to support an increase for all physicians.

Support legislation which ensures that the governing body of any Health Insurance Exchange contains adequate physician representation and which prohibits restrictions on the ability of a physician to bill patients directly for the costs of care not fully covered by their insurance policy, and which does not weaken any existing physician protections in chapters 641 or 627, F.S.

BOOSTER SEATS / CHILDREN

Support legislation that requires all children 4 to 7 years of age and 4’9” in height or less to be placed in a properly restrained booster seat when riding in an automobile.

TANNING BEDS

Support legislation that would prohibit minors from using tanning beds.

NERVE CONDUCTION / EMG

Seek legislation that would limit the performance of nerve conduction studies and needle EMGs in outpatient facilities to situations where the licensed allopathic or osteopathic physician who is interpreting the study is onsite at the time the study is performed.

TEXTING WHILE DRIVING

Support legislation banning drivers from manually texting or emailing while operating a motorized vehicle.

APPROPRIATE PAYMENTS FOR VACCINES/VACCINE ADMINISTRATION

Seek legislation to ensure commercial insurance payment for all vaccines is not less than 25% above the vaccine cost on the CDC Vaccine Price List and that payment for each billed age-specific and non-age specific vaccine administration CPT code is not less than Medicare rates.

TRUTH IN MEDICAL EDUCATION

Seek legislation to make it unlawful for a nurse to represent him or herself as a physician (MD/DO), and include such activity under the definition of the unlicensed practice of medicine with felony-level penalties for such representation.



PAIN CLINICS

Seek legislation that allows state law regarding the standards of practice and registration of pain clinics to supersede any local ordinances and explicitly prohibits counties and municipalities from passing such laws.

AUTOMATIC SUBSTITUTION OF BIOSIMILARS

Support legislation that would enact statewide guidelines on the substitution of “biosimilars.”

DEFINING EXPERT TESTIMONY

Support legislation that would require Florida courts to interpret and apply principles of expert testimony in conformity with the *Daubert* standard, as set forth by the United States Supreme Court.

ENSURING PAYMENT FOR NEWBORN CARE

Support legislation so that a newborn's medical care is covered under the mother's health insurance for the first 30 days of life and that the newborn's insurance be active at the time of birth with no additional costs for the policyholder during the first 30 days and regardless of whether or not the child is registered.

BENEFITS MANAGEMENT

Seek legislation that would require the following: any physician who makes health insurance coverage recommendations regarding approval or disapproval of any patient care decisions be licensed in the state of Florida and be a member of the same specialty as the ordering physician; all benefits managers to be considered as “practicing medicine” when taking action to approve or disapprove a benefit for a patient; benefits managers to disclose, upon request, the guidelines used to make a negative recommendation; and that ordering physicians be compensated for their time at market value when interacting with benefits managers hired or engaged by any third party.

PAYMENT FOR PREVENTATIVE SERVICES

Seek or support legislation so that comprehensive preventive medicine CPT codes (99381-99387, 99391-99397) are paid at least at “Medicare” rates, as calculated by using RVU’s obtained from the Centers of Medicare and Medicaid Services (CMS); and also seek or support legislation so that vision screening, hearing screening, VEP (visual evoked potential), and recommended age-appropriate laboratory procedures and tests are required to be paid independently when performed along with a comprehensive preventive medicine CPT code (99381-99387, 99391-99397).

APPROPRIATE PAYMENTS BY AHCA FOR VACCINES / ADMINISTRATION

Work with the Agency for Healthcare Administration (AHCA) or seek legislation to increase vaccine payments to at least 25% above the vaccine cost, as listed on the CDC Vaccine Price List, for patients with MediKids or Healthy Kids insurance; encourage AHCA to update its vaccine fee schedule for MediKids and Healthy Kids patients on the first day of every quarter on their website; and work with AHCA or seek legislation to increase vaccine administration payments for all patients covered by Florida KidCare (Medicaid, MediKids, Healthy Kids, Children's Medical Services) to the Maximum Regional Charges for Florida (\$24.01) as established by the US Department of Health and Human Services.

TIMELY AND APPROPRIATE PAYMENTS FOR NEW CPT CODES

Seek or support legislation to ensure that, beginning January 1st of each year, health insurance companies recognize and pay physicians for all current-year CPT codes billed.



APPROPRIATE PAYMENT FOR VACCINE PRICE INCREASES

Seek or support legislation so that health insurance companies increase vaccine payments by an amount at least equal to the manufacturer vaccine price increase(s) beginning on the day the price increase(s) goes into effect.

CMS VERBAL ORDER AUTHENTICATION REQUIREMENT

Collaborate with the Florida Hospital Association and the Florida Society of Hospital Physician Executives to effect legislative change to FS 395.3025(12) as follows, “Verbal or telephone orders for hospital services must be authenticated within 30 days from the date of patient discharge. The hospital must maintain the written authentication or documentation of the efforts made to obtain such authentication as part of the medical record.”

IDENTIFY INTERVENTIONAL PAIN MEDICINE AS THE PRACTICE OF MEDICINE

Support legislation that identifies interventional pain medicine as the practice of medicine by medical and osteopathic physicians and specifies that only physicians licensed under Chapter 458 or Chapter 459 may perform interventional pain medicine techniques.

HMO’S BAIT AND SWITCH

Support legislation that would require HMOs to allow any policyholder to continue to utilize the services of any physician who was on the list of preferred providers as of the date of the policyholder’s enrollment for no less than one year from the date of enrollment.

LEGALIZING SYRINGE EXCHANGE PROGRAMS IN FLORIDA

Seek legislation to amend Chapter 893, Florida Statutes, to legalize Syringe Exchange Programs in the state of Florida.

PENALTIES FOR CARETAKERS WHO WITHHOLD INFORMATION

Support legislation that would make it a crime for caretakers to purposely withhold information and/or provide false or misleading information to treating physicians/health care professionals regarding the true nature of a child’s injury or condition.

NEONATAL PULSE OXIMETRY HEART DISEASE

Support legislation to require that all Florida newborns be screened for critical congenital heart disease using pulse oximetry and that newborn pulse oximetry be added to list of mandated newborn screening tests. Such legislation will also direct Children’s Medical Services to develop and implement a screening program for critical congenital heart disease (CCHD) and track the results in all newborns.

MUSCLE-BUILDING DRUGS

Support legislation that transfers Somatropin (HGH), Sermolelin, Chorionic Ganodotropin (hCG), and other muscle-building drugs, as necessary, to the list of Schedule III drugs.

COMMERCIAL WEIGHT LOSS PROGRAMS AND UNLICENSED DIETETIC ACTIVITY

Support legislation to amend the Florida Commercial Weight-Loss Practices Act (s. 501.073, F.S.) to require public disclosure of the name and license number of any licensee who reviews and approves a weight-loss program.



RECOGNITION AND TREATMENT OF ANAPHYLAXIS

Seek legislation to require that school personnel, including but not limited to teachers and nurses, be instructed to recognize and treat an individual experiencing an anaphylactic emergency, particularly through the administration of an epinephrine auto-injection, and also require all schools to have a non-student specific epinephrine auto-injector available on site for treatment purposes.

PHYSICIAN ASSISTANTS ORDERING MEDICATIONS

Support legislation that clarifies the authority of physician assistants to order medications for their supervising physician's patient in a hospital setting.

ISSUES TO OPPOSE:

MEDICAID REFORM

Oppose the statewide expansion of the Medicaid Pilot Project that would effectively move almost every Medicaid patient into a Medicaid HMO. Oppose any effort to mandate Medicaid participation as a condition of physician licensure.

MANDATORY PARTICIPATION IN HEALTH NETWORKS

Oppose legislation that requires the linkage of physician licensure to the acceptance of any government or private insurance, public health care system, forced public service initiatives or mandatory ER coverage.

PRESCRIPTION DRUG MONITORING DATABASE

Oppose mandates on physicians to check Florida's prescription drug monitoring database before issuing a prescription.

BALANCED BILLING

Oppose the imposition of any new restrictions on the ability of a physician to bill patients directly for the costs of care not fully covered by their insurance policy.

SCOPE OF PRACTICE EXPANSIONS

Continue to oppose all scope of practice expansions including naturopaths, ARNPs, pharmacists, optometrists, psychologists, podiatrists, direct access to physical therapists, audiologists and speech language pathologists.

AUTONOMY IN MEDICAL DECISION MAKING

Oppose any legislation that would infringe on physician practice autonomy and the doctor/patient relationship.

PROTECT ABILITY TO SELF INSURE

Oppose legislation that will take away a physician's ability to self insure or that will make it more difficult for a physician to meet the financial responsibility requirements for licensure.

WRONGFUL DEATH

Oppose any expansion of Florida's Wrongful Death Act.



VACCINATIONS

Oppose any vaccine legislation that would deviate from evidence-based recommendations and guidelines of the Centers for Disease Control and Prevention, the Advisory Committee on Immunization Practices, the American Academy of Family Physicians, and the American Academy of Pediatrics.

UNFUNDED MANDATES

Oppose any legislation that imposes additional costs on physicians or their practices without remuneration or other mechanisms to offset the additional costs.

FABRE CHANGES

Oppose any legislation changing current law relating to the Fabre doctrine.

PHYSICIAN SUPERVISION ISSUES

Protect advances we have made relating to physician supervision of nurses and PAs.

ARBITRATION

Oppose any changes to the statutes/rules governing arbitration that would jeopardize the effectiveness of the FMA created physician-patient arbitration form.

MANDATORY PARTICIPATION IN HEALTH NETWORKS

Oppose legislation that would tie physician licensure to mandated participation in any health care network, insurance plan or public health care system, forced public service initiatives, mandated emergency room coverage, or affiliation with any public or private third party payor organization.

LIMITS ON PHYSICIAN / PATIENT CONVERSATIONS

Oppose any legislation that would seek to interfere with the scope of conversations a physician can have with their patients or patient's guardian.

PHYSICIAN DISPENSING

Oppose legislation that would restrict, directly or indirectly, the ability of physicians to dispense repackaged medications and that would restrict the level of reimbursement necessary for physicians to continue point-of-care dispensing to workers compensation patients.