



# Florida Chapter

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## American Academy of Pediatrics

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### 2018 Session Summary

#### **SHOTS:**

This Department of Health bill did not pass. It would have changed the way schools verify a child's mandatory vaccinations before enrollment.

#### **Budget:**

Budget issues of note:

- *Poison Control Centers:* as desired, this will now be completely funded with recurring dollars instead of non-recurring as in years past.
- *Healthy Start:* Health Start received no cut.
- *Medicaid Retroactive Eligibility:* despite a Senate effort to decrease Medicaid retroactive eligibility for all patients, the Legislature ultimately agreed to only seek a waiver to reduce retroactive eligibility from current 90 days down to 30 days for non-pregnant adults.
- *Child Abuse Fellowship Jacksonville:* This project did not succeed.
- *CMS Network contract services* reduction of \$5 million.

#### **CPT Capitalization:**

**HB 1079** (Burton) passed and provides, among other things:

*The Division of Law Revision and Information is directed to prepare, with the assistance of the staffs of the appropriate substantive committees of the Senate and the House of Representatives, a reviser's bill for the 2019 Regular Session of the Legislature to capitalize each word of the term "child protection team" wherever it occurs in Florida Statutes.*

#### **Opioid Prescribing:**

**HB 21** (Boyd) was the second to last bill which passed. The pertinent parts of HB 21 now provide the following:

#### *CME:*

Every physician registered with the DEA and authorized to prescribe controlled substances must complete a 2 hour CME on controlled substances offered by a statewide professional association of physicians in this state which is accredited to provide educational activities designated for the American Medical Association Physician's Recognition Award Category I Credit or the American Osteopathic Category 1-A continuing medical education credit as part of biennial license renewal. It appears that the only authorized providers of this CME will be the FMA and FOMA (and possibly Florida Academy of Family Physicians (accredited by FMA), Florida Psychiatric Society (accredited by FMA), and the Florida Association for

the Study of Headache & Neurological Disorders (accredited by FMA). The course must be completed by 1/13/19 and then again upon each renewal.

*Opioid Supply Limitation:*

Prescriptions of schedule II opioids for *acute pain* cannot exceed 3 day supply, but a 7 day supply is authorized if medically necessary. Acute pain does not include pain related to cancer, terminal conditions which would result in death within 1 year, palliative care, or traumatic injuries with international classification injury severity score of 9 or higher.

*PDMP Reporting:*

The current exemption to reporting into the PDMP for children under 16 is intact.

*PDMP Consulting:*

The bill requires a prescriber or a dispenser (or their designee) to consult the PDMP to review a patient's controlled substance dispensing history before prescribing or dispensing a controlled substance for a patient age 16 or older. This requirement does not apply when prescribing or dispensing a nonopioid controlled substance listed in Schedule V of s. 893.03 or 21 U.S.C. 812. There is no duty to check the system if it is not operational, as determined by the department, or when it cannot be accessed because of a temporary technological or electrical failure. If the system cannot be checked than the prescription can only be for 3 days. The bills provides for discipline if the prescriber or dispenser fails to consult the system as required by the bill.

**Guns:**

SB 7026 has been signed by Governor Scott and the following summary is from the Senate press release:

*Mental Health:*

- Authorizes a law enforcement officer who is taking a person into custody for an involuntary examination under the Baker Act to seize and hold a firearm or ammunition from the person for 24 hours after the person is released and does not have a risk protection order against them or is the subject of a firearm disability.
- Prohibits a person who has been adjudicated mentally defective or who has been committed to a mental institution from owning or possessing a firearm until a court orders otherwise.
- Creates a process for a law enforcement officer or law enforcement agency to petition a court for a risk protection order to temporarily prevent persons who are at high risk of harming themselves or others from accessing firearms when a person poses a significant danger to himself or herself or others, including significant danger as a result of a mental health crisis or violent behavior. The bill also:
  - Allows a court to issue a risk protection order for up to 12 months.
  - Requires the surrender of all firearms and ammunition if a risk protection order is issued.
  - Provides a process for a risk protection order to be vacated or extended.

### *Firearm Safety:*

- Requires a three-day waiting period for all firearms, not just handguns or until the background check is completed, whichever is later. Provides exceptions for:
- Concealed weapons permit holders, and
- For the purchase of firearms other than handguns, an exception for:
  - Individuals who have completed a 16 hour hunter safety course;
  - Individuals holding a valid Florida hunting license; or
  - Law enforcement officers, correctional officers and service members (military and national guard)
- Prohibits a person under 21 years of age from purchasing a firearm, and prohibits licensed firearm dealers, importers, and manufacturers, from selling a firearm, except in the case of a member of the military, or a law enforcement or correctional officer when purchasing a rifle or shotgun. (Persons under 21 years of age are already prohibited from purchasing a handgun under federal law.)
- Prohibits a bump-fire stock from being imported, transferred, distributed, sold, keeping for sale, offering for sale, possessing, or giving away within the state.

### *School Safety:*

- Establishes the Marjory Stoneman Douglas High School Public Safety Commission to investigate system failures in the Parkland school shooting and prior mass violence incidents, and develop recommendations for system improvements.
- Codifies the Office of Safe Schools within the Florida Department of Education (DOE) and which will service as a central repository for the best practices, training standards, and compliance regarding school safety and security.
- Permits a sheriff to establish a Coach Aaron Feis Guardian Program.
  - The legislation allows school districts to decide whether to participate in the guardian program if it is available in their county.
  - A guardian must complete 132 hours of comprehensive firearm safety and proficiency training, pass psychological evaluation, submit to and pass drug tests; and complete certified diversity training. The guardian program is named after Coach Aaron Feis, who lost his life protecting students during the shooting at Marjory Stoneman Douglas High School. The guardian program is completely voluntary for a sheriff to establish, for a school district to participate, and for an individual to volunteer.
  - Individuals who exclusively perform classroom duties as classroom teachers are excluded from participating in a Coach Aaron Feis Guardian Program. However, this limitation does not apply to classroom teachers of a Junior Reserve Officers' Training Corps program; a current service member; and a current or former law enforcement officer.
- Requires each district school board and school district superintendent to cooperate with law enforcement agencies to assign one or more safe-school officers at each school facility. The safe-school officer requirement can be satisfied by appointing any combination of a school resource officer, a school safety officer, or a school guardian.

- Requires each district school board to designate a district school safety specialist to serve as the district's primary point of public contact for public school safety functions.
- Requires each school district to designate school safety specialists and a threat assessment team at each school, and requires the team to operate under the district school safety specialist's direction.
- Requires the DOE to contract for the development of a Florida Safe Schools Assessment Tool which will assist school districts in conducting security assessments to identify threats and vulnerabilities.
- Creates the mental health assistance allocation to assist school districts in establishing or expanding school-based mental health care.

*The legislation also:*

- Prohibits a person from making, posting, or transmitting a threat to conduct a mass shooting or an act of terrorism.
- Requires DCF to contract for community action treatment teams to provide behavioral health and support services.
- Requires FDLE to procure a mobile app that would allow students and the community to relay information anonymously concerning unsafe, dangerous threats. The students of Marjory Stoneman Douglas recommended that the program be named "FortifyFL"

*Funding:*

- Over \$69 million to the DOE to fund the mental health assistance allocation.
- \$1 million for the design and construction of a memorial honoring those who lost their lives on February 14, 2018, at Marjory Stoneman Douglas High School.
- Over \$25 million for replacing building 12 at Marjory Stoneman Douglas High School.
- Over \$67 million for sheriff's offices who decide to establish a school guardian program.
- Over \$97 million to aid for the safe schools allocation.
- Over \$98 million to implement a grant program for improving and hardening the physical security of school buildings.
- \$18.3 million to DCF for additional mobile crisis teams to ensure reasonable access among all counties.

**Perinatal Mental Health:**

**HB 937** (Nunez) passed and will require DOH to provide perinatal mental health information through its Family Health Line and direct birth centers to include a mental health screening and provide information about postpartum depression and the Family Health Line as part of its postpartum evaluation and follow-up care.

**Walton County Sheriff Child Protective Investigator:**

**SB 846** (Gainer) and **HB 105** (Roth) would have required Walton County Sheriff's office to provide Child Protective Investigations. This bill failed, but it is my understanding that DCF

and Walton County have worked out another way to accomplish this transfer of responsibility.

**Direct Primary Care Agreements:**

**HB 37** (Burgess) passed and this bill amends the Florida Insurance Code to provide that a direct primary care agreement is not insurance and is not subject to regulation under the code. Direct primary care (DPC) is a primary care medical practice model that eliminates third party payers from the primary care provider-patient relationship.

**Marriage of Minors:**

**SB 140** (Benacquisto) passed and prohibits marriage of persons under 18 years of age. However, a 17 year old may marry an 18 or 19 year old with approval from the guardian and upon completion of a premarital preparation course.

**Cardiopulmonary Resuscitation in Schools:**

**SB 7055** passed and provides the following requirement for the currently encouraged CPR training programs:

*Instruction in the use of cardiopulmonary resuscitation must be based on a nationally recognized program that uses the most current evidence-based emergency cardiovascular care guidelines. The instruction must allow students to practice the psychomotor skills associated with performing cardiopulmonary resuscitation and use an automated external defibrillator when a school district has the equipment necessary to perform the instruction.*

**Pediatric Cardiac Advisory Council:**

**SB 622** (Grimsley) pass and amends the pediatric cardiovascular technical advisory panel to add nonvoting members and to require additional reports. The bill also requires hospitals providing pediatric cardiology services meet certain guidelines, and requires AHCA to contract with certain entities to provide information about hospital's pediatric cardiac programs on AHCA's webpage.

**Public Records Exemption:**

**HB 417** (Jenne) passed and provides a public records exemption for certain information concerning child advocacy center personnel or child protection team members & their spouses & children.

**Adverse Incident in Planned Out-of-hospital Birth:**

**SB 510** (Young) passed and requires physicians, certified advanced registered nurse midwives (ARNP- CNMs), and licensed midwives (LMs) to report to the Department of Health (DOH) adverse incidents occurring as a result of an attempted or completed, planned birthing center or out-of- hospital birth. It further requires the DOH to review each adverse incident report and determine whether the incident involves conduct by the health care practitioner which is subject to disciplinary action, and to take disciplinary action if appropriate.

**Autocycles:**

**HB 215** (Perry) passed and defines an autocycle as a motorcycle with 2 wheels in the front and one in the rear, and requires autocycle passengers and drivers under 18 to wear a seatbelt.

**Some of the many bills which did not pass:**

- Maintenance of Certification;
  - Texting while Driving;
  - Telehealth Coverage;
  - Step Therapy/ Fail First reforms;
  - Retroactive Denial;
  - Dental School Loan;
  - Influenza & Strep Testing;
  - Consultant Pharmacist;
  - PA & ARNP Scope Expansion;
  - Neonatal Abstinence Syndrome Pilot;
  - Health Insurance for Enteral Formulas;
  - Smoking Restriction in Parks;
  - Advanced Birth Centers;
  - HPV Immunization Mandate;
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