



FMA 2012 LEGISLATIVE AGENDA

ISSUES TO SUPPORT:

ER SOVEREIGN IMMUNITY

Support legislation that would provide sovereign immunity to physicians who provide mandated treatment to patients in emergency rooms.

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

Extend the medical malpractice exemption 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.



MEDICAL EXAMINERS

Support legislation that would allow qualified out-of-state physicians to obtain a certificate to practice as a medical examiner in Florida.

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

Support 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.

FLORIDA KIDCARE

Support the efforts of the Florida Pediatric Society to legislatively fix the Florida Kidcare Statute.

PROSTATE CANCER SCREENING

Support legislation that would require health insurers to cover an annual screening for prostate cancer for men over 40.

SB 1986

Support glitch legislation that would fix the unintended consequences of the licensing provisions contained in SB 1986, which passed during the 2009 session.

STUDENT HEALTH INSURANCE

Support legislation that would require health insurance for each student in a state university in Florida.

MENTAL HEALTH PARITY

Support legislation that would require insurance companies to provide the same coverage for mental illness as they do for other health care problems.

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.

FETAL ALCOHOL ABUSE

Support legislation that would provide for voluntary admission of expectant mothers for alcohol abuse treatment services. Support legislation requiring that warning signs about fetal risk from the ingestion of alcohol by pregnant women be posted wherever alcoholic beverages are sold.

NICA

Support legislation that would expand NICA coverage to brachial plexus injuries as long as there is no increase in the nonparticipating physician assessment.



DOMESTIC VIOLENCE CME

Support the efforts of the Board of Medicine to legislatively clarify the domestic violence CME time requirements.

LICENSED ATHLETIC TRAINERS FOR HIGH SCHOOLS

Support legislation that would fund and mandate that each public secondary school in Florida with an athletic program employ or contract with a licensed athletic trainer.

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.

COLON CANCER SCREENING

Support legislation that would require health insurers to cover colon cancer screening tests.

PODIATRY

Support legislation that would conform current state statutes to the anatomical training and expertise of podiatrists, thereby limiting their treatments to the foot and ankle.

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.

HIV TESTING

Support legislation that would make Florida consistent with CDC recommendations and guidelines concerning routine HIV screening, and would increase testing rates and improve the cost effectiveness of screening.

ESOPHAGEAL CANCER AWARENESS

Support HR 1343 and promote April as National Esophageal Cancer Awareness Month.

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 be 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 be not less than Medicare rates.

MARCHMAN ACT

Seek legislation requiring that Involuntary Evaluation and Treatment Orders shall be administered with full force and effect across county lines.



SCOPE OF PRACTICE OF NON-PHYSICIAN PROVIDERS

Seek legislation that will result in a change of standing for all future attempts at expansion of practice through the regulatory process by non-physicians.

DOCTOR-NURSES REPLACING PHYSICIANS

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.

MANDATORY PARTICIPATION IN HEALTH NETWORKS

Seek legislation that prevents 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.

PAIN CLINICS

Seek legislation to require physicians who own or are employed by registered pain clinics to seek peer consultation of an Addiction Medicine Specialist when signs or symptoms of substance abuse or addiction occur, including impairment, apparent dose acceleration, and/or positive drug screen for illicit substances.

SECOND HAND SMOKE / LOCAL JURISDICTIONS

Support legislation to allow local jurisdictions to promote further restrictions on second hand smoke such as in bars, parks and other venues which currently allow smoking and cause excess morbidity and deaths for Floridians and visitors from second hand smoke.

PAYMENT FOR NON-CONTRACTED PHYSICIAN HOSPITAL CARE

Seek legislation that ensures prompt payment from all contracted Medicaid HMOs for all inpatient hospital care provided by physicians, who are not participating physicians with the plan, but must provide care as a condition of their hospital staff credentialing and/or membership, including, but not limited to newborn care.

NOTIFICATION WHEN TERMINATING MEDICAID HMO COUNTY COVERAGE

Support legislation requiring that a Medicaid HMO must give at least 6 months written notice to all of their patients and contracted physicians and hospitals, or face a significant monetary fine, prior to the Medicaid HMO terminating coverage in a county.

MEDICAL HOME

Seek legislation to promote the establishment of the Medical Home Model of healthcare statewide as passed out of the House Health Policy Council in the 2010 Legislative Session and actively advocate that equitable payments to physicians must be not less than the 2009 Medicare reimbursement per CPT Code.

AUTOMATIC SUBSTITUTION OF BIOSIMILARS

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



RETURN TO PLAY AFTER SUSPECTED CONCUSSION

Support the adoption of requirements that student athletes under age 18, who are suspected by a coach, trainer, administrator, or other individual responsible for the health and well-being of athletes of having sustained a concussion, are prohibited from returning to play or practice without prior written approval from an M.D or D.O.; and also support an educational program for young athletes, parents, and coaches regarding concussions so that they can recognize the symptoms of a concussion and know when to seek medical attention.

PRESCRIPTION DRUG MONITORING DATABASE

Support the sustainable funding of Florida's prescription drug monitoring database.

NON-MEDICAL TESTING WHEN TERMINATING PREGNANCY

Support the repeal of Florida law which requires non-medical testing of those seeking to legally terminate a pregnancy.

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 their 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 (\$16.06) 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.

DISCIPLINING OUT-OF-STATE EXPERT WITNESSES IN CHILD ABUSE CASES

Support legislation that requires non-Florida licensed physicians called to testify in criminal or civil cases involving medical issues such as child abuse cases be required to obtain an Expert Witness Certificate from the Florida Department of Health.

NEWBORN SCREENING FOR SEVERE COMBINED IMMUNODEFICIENCY DISEASE (SCID'S)

Support the allocation of state funds to institute screening for Severe Combined Immunodeficiency Disease (SCID's) in the state of Florida.

LIMITING MALPRACTICE HEDGE FUNDS

Help draft and support legislation that would make medical malpractice hedge funds illegal in the state of Florida.

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.



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.

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.

PERSONAL INJURY PROTECTION (PIP)

Oppose the repeal of the no-fault PIP system, and any changes that would hinder the ability of physicians to receive full payment for services rendered.

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.

CARDIOLOGY SERVICES

Oppose legislation that establishes protocols for the assessment, treatment, and destination selection and transportation of suspected cardiac patients to include a destination selection criterion for suspected STEMI patients.

FOREIGN PHYSICIAN LICENSURE

Oppose any legislation that allows a physician to practice in Florida without meeting the same requirements as all other applicants.

PHYSICIAN PROFILE ISSUES

Oppose any legislation that makes the laws relating to profiles more onerous.



HEARING INTERPRETERS

Oppose any legislation that increases the cost of hearing interpreters.

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.

DOH LICENSURE SUSPENSION

Oppose legislation that would broaden the medical license suspension powers of the Florida Department of Health based only on the arrest of a physician.