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**Subject:** FAHU 2014 Legislative Session Update #1

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**Date:** Monday, March 17, 2014 11:46 AM

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By FAHU Lobbyist, Rhett O'Doski

The first two weeks of the 2014 Florida Legislative Session are under our belts and several health care related issues are starting to take shape. Six weeks remain in the 60 day session and this week the legislators will start to form up the states 70 plus billion dollar budget. Below is a summary of issues that we are watching and advocating for as an association and other issues of interest.

### **Telemedicine**

This year, FAHU has taken an active role in supporting responsible implementation of a telemedicine law that will allow for the most recent technology to be utilized in remote diagnosis and treatment of patients. Telemedicine could be one of the most immediate tools in easing Florida's growing physician shortage issues. There have been two efforts underway to achieve this both through the legislative process and through the Board of Medicine's administrative rule process.

FAHU's own Representative Travis Cummings has been given the responsibility of spearheading the House's effort to modernize telemedicine with HB 751. One of the more contentious issues involved with crafting this policy is the issue of payment parity. HB 751 does not require insurers to pay the same rate for telemedicine and face-to-face visits and would leave the negotiation of compensation up to the providers and insurers. The Senate companion bill, SB 1646 by Senator Bean is a little more prescriptive on the payment issue as well as out of state physician participation.

On the administrative side, the Board of Medicine on March 13, approved an administrative rule that removed one of the major obstacles to the use of telemedicine. The new rule deleted a previous requirement that physician treatment be rendered face to face. This could have the effect of easing the pressure to pass a new law this year while the stakeholders gauge the effectiveness of the new rule.

### **30 Hour Work Week**

Representative Cummings has also taken on a FAHU issue in attempting to clean up part of the small group statute by changing the statutory definition of work week from 25 hours to 30.

HB 969 modifies the definition of an "eligible employee" under the Employee Health Care Access Act to mean a full-time employee whose normal workweek is 30 or more hours, rather than the current 25 or more hours.

Senator Rob Bradley has filed the Senate companion bill. SB 1364 passed its first committee of reference, Senate Health Policy with a somewhat controversial 5-3 vote. Florida Chain has expressed concerns and testified against the bill.

### **KidCare**

Senator Rene Garcia and Rep. Jose Felix Diaz have filed SB 282 and HB 7 in their respective chambers to expand KidCare services to children who have not been in the United States for more than five years.

The change, adding about 26,000 children, would cost about \$69 million. The state would shoulder about \$27.5 million, according to the Agency for Health Care Administration.

### **Florida Health Choices Goes Live!**

Florida Health Choices launched its on-line health exchange on March 3rd.

The state-based exchange offers discount cards for outpatient services and prepaid plans for dental and vision services.

Florida Health Choices was authorized by the legislature in 2008 with a \$1.5 million appropriation. Last year, lawmakers spent another \$900,000 to set up the on-line exchange. Its debut had been delayed by concerns over glitches like the ones associated with sites for the Affordable Care Act.

Last month administrators said the volume of visitors to a preliminary site was 10 times higher than anticipated, requiring a retooling of the exchange's front page. It is widely speculated that this is entirely due to Ken Stevenson logging onto the site 10 separate times during lunch.

### **New (Not so New) Deputy Commissioner at the Office of Insurance Regulation**

On March 12, The Office of Insurance Regulation welcomed back Rich Robleto as the Deputy Commissioner over Life and Health effective March 24th. Rich previously served in the same capacity with the OIR from 2005-2007. Rich moves over from Healthy Kids where he has served as Executive Director since 2007.

### **Interesting Read:**

## Senate panel approves Charlotte's Web marijuana

Bill Cotterell, 03/11/2014 - 06:27 PM

The Senate Health Care Policy Committee heard from some parents of children stricken with incurable seizures Tuesday and voted unanimously to permit prescription of a non-euphoric form of marijuana oil that might ease their affliction.

"These are wonderful, inspirational parents," **Sen. Rob Bradley**, R-Orange Park, told the committee. "Any law that would define them as criminals defies common sense and is a law that should be changed."

The bill would permit use of a special extract of marijuana, no higher than .5 percent in tetrahydrocannabinol (THC) content -- the psychoactive element in pot that gets smokers high -- with at least 15 percent cannabidiol (CBD) content. CBD has been shown to help with brain impulses that cause seizures.

Bradley said the oil extract would be given under the tongue. The bill would not permit use of smokable marijuana.

"The bill also eliminates the legal jeopardy that has forced Floridians to seek treatment in other states. This bill provides a framework for production and distribution of non-smokable strains of cannabis with high concentrations of CBD, the medicinal component of cannabis, and low levels of THC, the psychoactive component in cannabis," said Bradley. "This bill is the starting point of a conversation about how Florida should adjust our laws to address new advancements in treatment."

In Colorado, where recreational pot smoking was recently legalized, research was already underway in medicinal uses of "Charlotte's Web," an oil extract named for a little girl whose seizures responded to use of the drug.

**Holley Moseley** of Gulf Breeze said her daughter, RayAnn, 11, suffers from cerebral palsy and an "intractable" type of epilepsy.

"We have tried all that modern medicine has to offer currently, and we have had no success," she testified. She said she went to Colorado and met Charlotte Figi and her parents, and saw how CBD helped the 7-year-old.

"I got to look in her eyes ... and I got to feel that hope," Moseley said. "I saw where she's been and I see where she is today and that's why I'm here today, to ask for that opportunity for RayAnn and so many other children in Florida."

The Bradley bill (**SB 1030**) is a companion to a House measure (**HB 843**) by **Rep. Matt Gaetz**, R-Fort Walton Beach, and **Katie Edwards**, D-Plantation, that has cleared its first committee in that chamber. Even many of the Legislature's most conservative members have supported the proposal, which is unrelated to a pending medical marijuana initiative set for a statewide referendum in November.

Amendment 2 on the ballot would permit doctors to prescribe smokable marijuana for debilitating conditions, if they determine that its benefits outweigh any dangers. Bradley

said he opposes the amendment but sees no harm in allowing prescription of the oil-based treatment of a marijuana extract that does not get users high.

**Gov. Rick Scott**, who also opposes the medical marijuana constitutional amendment, was noncommittal when asked about the oil form known as "Charlotte's Web."

"Any time anybody believes anything is going to help them, you feel sorry for their families," Scott said. "I know the FDA is looking at that and figuring that out, so, depending on what happens, I'll review whatever I get."

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