

# **New Florida Laws Impacting Health Care Providers**

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The most recent Florida legislative session resulted in an array of new laws impacting health care providers. The following is a summary of some of those laws which affect a large number of providers.

## **Telehealth**

Florida has broadened its regulation of telehealth providers through this bill. It includes establishing standards of practice for telehealth providers, creates a registration process and requirements for out-of-state telehealth providers, creates record-keeping requirements for telehealth providers and authorizes the prescription of controlled substances in certain situations by telehealth, which was previously prohibited. It creates a definition of telehealth which specifically excludes audio-only telephone calls, e-mail messages or facsimile transmission. The new registration process for out-of-state providers will make specific information regarding those providers available to the public, including out-of-state license numbers, malpractice insurance coverage and disciplinary history. The law creates a framework for disciplining out-of-state providers.

## **Non-Opioid Alternatives**

Requires that health care providers, prior to ordering anesthesia or prescribing a Schedule II opioid drug, to inform the patient of available non-opioid alternatives for treatment of pain, discuss the advantages and disadvantages of non-opioid alternatives and provide the patient with an informational pamphlet developed by the Department of Health.

## **Office Surgery**

Physician offices will be required to register with the Department of Health by January 1, 2020 if they perform a liposuction procedure where more than 1,000 cc. of fat is removed, a Level II office surgery or a Level III office surgery. The new law authorizes the Department to regulate these physician offices, which will include annual site visits, financial responsibility requirements and the designation of a physician to be responsible for the office's compliance with health and safety requirements.

## **Electronic Prescribing**

Also effective January 1, 2020, physicians who maintain or who own an electronic health records (EHR) system, are employed by or under contract with, a health care facility or practice that maintains such a system, are required to electronically transmit prescriptions for drugs by either the renewal of the physician's license or by July 1, 2021, whichever is earlier. There are a number of exceptions, but they are relatively narrow.

## **Prescription Drug Importation Programs**

This bill established two programs to import prescription drugs approved by the FDA into the state, contingent on federal approval. One program, the Canadian Prescription Drug Importation Program, provides savings and options for specific populations served by the state, including Medicaid, clients of free clinics and county health departments and inmates. The other program, International Prescription Drug Importation Program, establishes eligibility criteria for the types of prescription drugs which may be imported and the requirements for companies that export or import prescription drugs.

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