

## **Status Report on Actions of the 2016 House of Delegates**

This report includes the status of resolutions adopted or referred to the Board of Governors by the 2016 House of Delegates.

Board referrals are noted with an \*

### **Final Actions on 2016 Resolutions**

*\* Referred to the FMA Board of Governors*

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#### **Resolution 16-101**

#### **Mandatory Reporting of Adverse Events Related to Out of Hospital Birth**

ACOG District XII

**House Action: Adopted as amended.**

RESOLVED, That the Florida Medical Association support efforts to amend Florida statutes to require that the individual conducting the attempted planned out of hospital birth report to the Florida Department of Health (DOH) or the Florida Board of Medicine (BOM), all adverse events or outcomes, including all that result in an emergency antepartum and intrapartum referral to a hospital emergency room or birthing facility.

Added to FMA Policy Compendium- 25.004. The FMA supported legislation on this issue during the 2017 session.

#### **Resolution 16-102**

#### **Physician Bill of Rights Unfettered Patient Care FMA-AMA Publication**

Broward County Medical Association, Dade County Medical Association

**House Action: Adopted.**

RESOLVED, That the FMA will re-publish in a press release the Physician Bill of Rights and distribute them to all physicians, hospitals and other appropriate entities to be prominently displayed; and further

RESOLVED, That the FMA will request at the next meeting of the AMA, an action by the AMA to publish the Physician Bill of Rights in a press release and distribute them to all physicians, hospitals and other appropriate entities to be prominently displayed in the US and Furthermore promote this as a national policy for the American Medical Association.

Accomplished: Physician Bill of Rights distributed, placed on FMA website. Resolution submitted to the American Medical Association.

**\* Resolution 16-103**

**Itinerant Surgery**  
Marion County Medical Society

**House Action: Referred to the Board of Governors for decision.**

RESOLVED, That the Florida Medical Association request the Board of Medicine to promulgate a rule that would require physicians without hospital staff privileges in the locality in which they perform a surgical procedure, or who will be unavailable to their patients post-surgery, to advise their patients of this fact prior to the surgery being performed, and further require they tell their patients at which hospitals they have privileges, and further have made locale specific contractual medical coverage arrangements, in their specialty, in the event of an emergency.

The Board of Governors referred this resolution to the Council on Legislation. The COL submitted an amended version which was debated and approved by the Board as follows:

**RESOLVED, That the Florida Medical Association request the Board of Medicine to promulgate a rule that would require physicians performing Level II or III office surgery without hospital staff privileges in the locality in which they perform a surgical procedure, or who will be unavailable to their patients post-surgery, to advise their patients in writing of this fact prior to the surgery being performed, and further require they tell their patients at which hospitals they have privileges or have entered into a transfer agreement. , and further have made locale specific contractual medical coverage arrangements, in their specialty, in the event of an emergency.**

FMA Policy Compendium updated – 460.002.

**Resolution 16-104**  
**Human Trafficking Continuing Medical Education an Important Alternative**  
**to the Current Mandatory Domestic Violence CME Requirement**  
Florida College Emergency Physicians

**House Action: Adopted as amended.**

RESOLVED, That the Florida Medical Association work with the Florida Board of Medicine, State Medical Societies and others to secure a definition of human trafficking to be an alternative to the current mandatory Domestic Violence requirement.

FMA Policy Compendium updated – 145.015.

Legislation to add human trafficking to the domestic violence CME requirement did not pass in 2016. Will work to add this requirement to legislation in the 2017 session.

**Resolution 16-105**  
**Collective Bargaining/Negotiations**  
South Florida Caucus

**House Action: Adopted as amended.**

RESOLVED, That the Florida Medical Association will identify legal opportunities for physicians to strengthen their ability to fully negotiate with health plans about important issues involving reimbursement and patient care.

FMA Policy Compendium updated – 480.006.

The FMA delegation to the AMA is working with AMA staff to identify opportunities for physicians to strengthen their bargaining power with the health plans in the health system replacement for the Accountable Care Act, when and if such replacement becomes law.

**\* Resolution 16-106**

**Standing Retail Clinics/Clinic Responsibilities and Access to Medical Records**

Broward County Medical Association, Dade County Medical Association

**House Action: Referred to the Board of Governors for decision.**

RESOLVED, That the Florida Medical Association (FMA) take proactive steps and create a Task Force and Grievance Committee for physicians and proactively work directly with the Agency for Health Care Administration and the Board of Medicine to assure that any retail clinic and its medical director will be accountable and report such complaints and follow guidelines that will assure that patient care is appropriate and will assure real time access to the medical director who oversee the clinics or the physical location of the clinic as well as patient medical records; and be it further

RESOLVED, That the FMA take proactive steps, publicize this issue and send a letter to the media and to all retail clinics requiring them to provide a reliable method to access such records and care givers and protocols for safe medical care and accountability of the medical director and supervisors with a copy to the Board of Medicine and the Board of Nursing.

The Board of Governors referred this resolution to the Council on Legislation. The COL submitted substitute language which the Board adopted as follows:

*RESOLVED, That the FMA take proactive steps to assist physicians in filing complaints with the appropriate government authority against medical clinics who render substandard care, fail to provide medical records in a timely manner, or who otherwise violate Florida statutes, rules or regulations.*

FMA Policy Compendium updated: 95.006.

The Office of General Counsel will seek to identify instances of substandard care by medical clinics, and will assist in filing complaints with the appropriate authorities.

**Resolution 16-107**

**Gun Violence Requires a Public Health Response**

Orange County Medical Society

**House Action: Adopted as amended (includes a title change).**

RESOLVED, That our FMA make a public statement that gun violence requires a comprehensive public health response and solution; and further

RESOLVED, That our FMA support our AMA in lifting the gun violence research ban.

FMA Policy Compendium updated – 190.006.

The FMA delegation to the AMA will continue to assist in efforts to lift the gun violence research ban at the 2017 AMA Annual Meeting.

**\* Resolution 16-108**

**Promoting the Successful Clinical Outcome of Primary Amebic Meningoencephalitis**

Orange County Medical Society

**House Action: Referred to the Board of Governors for decision.**

RESOLVED, That the Florida Medical Association will work with the CDC on training and education relating to Primary Amebic Meningoencephalitis (PAM); and further

RESOLVED, That the Florida Medical Association supports clinical guidelines and standards of care that promote rapid diagnosis and effective treatment of PAM.

The Board of Governors referred this resolution to the Council on Medical Education, Science, and Public Health. The Council submitted amended language that was adopted by the Board as follows:

**RESOLVED, That the Florida Medical Association will work with the CDC and the Florida Department of Health on training and education relating to uncommon and emerging infectious diseases ~~Primary Amebic Meningoencephalitis (PAM)~~; and further**

**RESOLVED, That the Florida Medical Association supports clinical guidelines and standards of care that promote rapid diagnosis and effective treatment of these infectious diseases PAM.**

FMA Policy Compendium updated - 420.041.

**Resolution 16-109**

**Extraordinary Response of Local Community to Terrorist Attack**

Orange County Medical Society

**House Action: Adopted as amended.**

RESOLVED, That our Florida Medical Association pledges to work collaboratively with all Florida communities and the appropriate state agencies after a disaster especially as it relates to future medical care and behavioral health needs; and further

RESOLVED, That the Florida Delegation to the American Medical Association advocate for the continued involvement of organized medicine at all levels in the coordination of disaster response and recovery, public health and community collaboration, and ongoing education and training for medical

professionals that will continue to improve our ability to sustain life in the face of such tragedy.

FMA Policy Compendium Updated - 420.039.

The Florida delegation to the AMA will advocate for continued involvement of organized medicine at all levels in the coordination of disaster response at the 2017 AMA Annual Meeting

**Resolution 16-110**  
**Advocacy for Metabolic Bariatric Surgery for Severely Obese**  
**Patients Suffering With Type 2 Diabetes**  
Sarasota County Medical Society

**House Action: Adopted as amended.**

RESOLVED, That the Florida Medical Association supports legislation to promote access to Metabolic Bariatric surgery among severely obese (BMI>35) patients with type 2 diabetes.

FMA Policy Compendium updated– 280.011. This item was included in the 2017 FMA Legislative Agenda.

**Resolution 16-301**  
**Call for a Moratorium on Maintenance of Certification**  
Hillsborough County Medical Association

**House Action: Adopted as amended.**

RESOLVED, That the Florida Medical Association and its delegation to the AMA will make every effort to support legislation to protect against physicians being dropped from hospital medical staffs based solely on maintenance of certification (MOC).

FMA Policy Compendium updated - 245.013.

This item has been added to the 2017 FMA Legislative Agenda. Legislation was filed by Sen. Jeff Brandes (bill number pending) and Rep. Julio Gonzalez (HB 723) at the request of the FMA. While this legislation did not pass during the 2017 legislative session, the FMA will continue to work with all invested parties to achieve a resolution of this issue.

**Resolution 16-302**  
**Physician Payment for Patient Phone Calls**  
Hillsborough County Medical Association

**House Action: Adopted as amended.**

RESOLVED, That the Florida Medical Association seek legislation for appropriate payments by health insurance companies to Florida-licensed physicians for providing medical care/advice as documented in the electronic medical records to patients by telephone, e-mail and other electronic communications methods.

FMA Policy Compendium updated - 380.023. This item was included in the 2017 FMA Legislative Agenda.

**Resolution 16-303**

**Protection of Physician Payment in the Face of Florida Personal Injury Protection (PIP) Reform**  
Hillsborough County Medical Association

**House Action: Adopted.**

RESOLVED, That the Florida Medical Association oppose legislation which would remove the \$5,000 allowable for treating physicians of motor-vehicle accident victims; and that any legislation passed include a section for a prompt and defined payment period by the insurance company to ensure timely delivery of physician payment, and be it further

RESOLVED, That the Florida Medical Association work to assure that Florida physicians continue to receive prompt payment by Motor Vehicle Insurers, as per their benefits, that these benefits are carved out from hospital or facility fees, and that we define "Usual and Customary" rates per established community charges, not from the insurer's definition of usual and *customary*.

FMA Policy Compendium updated - 380.024.

This item was added to the 2017 FMA Legislative Agenda. The FMA testified at a Senate workshop on No-Fault Automobile Insurance Reform in favor of keeping the current PIP system. The FMA was successful in defeating legislation that would have eliminated the current Personal Injury Protection system.

**Resolution 16-304**

**Expert Witness Fees in Workers Compensation**  
Florida Orthopaedic Society

**House Action: Adopted.**

RESOLVED, That the Florida Medical Association support legislation that will amend Florida Statutes to increase the statutory expert witness fee and enable insurance carriers to negotiate reasonable fees with physicians to ensure adequate access to medical experts and specialists in the workers compensation system.

FMA Policy Compendium updated - 185.017. This item was included in the 2017 FMA Legislative Agenda. The workers compensation legislative package did not pass during the 2017 Session.

**Resolution 16-305**

**Insurer Compliance with Authorization Requests In Workers Compensation**  
Florida Orthopaedic Society

**House Action: Adopted.**

RESOLVED, That the Florida Medical Association support legislation that will amend Florida Statutes to require an insurance carrier to approve or deny a treatment authorization within the time frame already established in Florida law.

FMA Policy Compendium updated - 260.041.

This item was included in the 2017 FMA Legislative Agenda. The workers compensation legislative package did not pass during the 2017 Session.

**\* Resolution 16-306**

**Ensuring Safety of Student Athletes**

Florida Orthopaedic Society and Duval County Medical Society

**House Action: Referred to the Board of Governors for decision.**

RESOLVED, That the Florida Medical Association support legislation that will mandate athletic trainers in public schools to ensure that those professionals are available to maintain continuity of care and implement programs designed to enhance student safety during practice and competition.

The Board of Governors referred this resolution to the Council on Legislation. The COP submitted amended language that was considered and adopted by the Board as follows:

**RESOLVED, That the Florida Medical Association support legislation that will encourage ~~mandate~~ athletic trainers be immediately available at each public school during competitive athletic events. These athletic trainers should be licensed by the State of Florida under Chapter 468.70 in ~~public schools~~ to ensure that those professionals are available to maintain continuity of care and implement programs designed to enhance student safety during practice and competition.**

FMA Policy Compendium updated - 445.021. This item was included in the 2017 FMA Legislative Agenda.

**Resolution 16-307**

**De-linkage of Medical Staff Privileges from Hospital  
Employment Contracts**

South Florida Caucus

**House Action: Adopted as amended.**

RESOLVED, That our Florida Medical Association will pursue state legislation to statutorily de-link/uncouple medical staff privileges from physician employment contracts and purchase service agreements.

FMA Policy Compendium updated - 245.014. This item was included in the 2017 FMA Legislative Agenda.

**Resolution 16-308**

**Sunscreen Use**

Florida Society of Dermatology and Dermatologic Surgery

**House Action: Adopted as amended.**

RESOLVED, That the Florida Medical Association support legislation to permit the use of sunscreen in school districts and private schools in Florida.

FMA Policy Compendium updated - 445.020.

This item was included in SB 7069. This bill was approved by the Governor on June 15, 2017.

**Resolution 16-309**

**Licensure and Oversight of Ultrasound Sonographers**

Duval County Medical Society

**House Action: Referred to the Board of Governors for study and report back.**

RESOLVED, That the Florida Medical Association support legislation that would provide for the licensure and regulatory oversight of ultrasound sonographers to ensure the safety of Florida patients.

The Board of Governors referred this resolution to the Council on Legislation. The Board of Governors voted to create an Ad Hoc committee to study this issue further.

**Resolution 16-310**

**Use of Unlicensed Personnel to Perform Surgical Aspects of Hair Restoration Surgery**

Florida Society of Dermatology and Dermatologic Surgery

**House Action: Adopted as amended.**

RESOLVED, That the Florida Medical Association oppose the use of unlicensed personnel and/ or medical assistants to perform critical-to-quality steps of hair restoration surgery, such as re-distribution planning, donor harvesting of follicular units via FUE or strip methods, and creation of recipient sites; and be it further

RESOLVED, That the FMA oppose the use of unlicensed personnel and/or medical assistants to perform the diagnosis or treatment of hair loss conditions; and be it further

RESOLVED, That the FMA support legislative efforts to prohibit the use of unlicensed personnel and/or medical assistants to perform hair restoration evaluation, diagnosis, and/or critical-to-quality steps of hair restoration surgery, such as diagnosis of hair loss etiology, hair re-distribution planning, donor harvesting of follicular units via FUE or strip methods, and creation of recipient sites.

FMA Policy Compendium updated - 450.029. This item was included in the 2017 FMA Legislative Agenda.



**Resolution 16-311**  
**Florida Physician Exemption from Jury Duty**  
Collier County Medical Society

**House Action: Not adopted.**

RESOLVED, That the Florida Medical Association seek state legislation or regulation to provide that practicing physicians shall be excused from jury service upon request.

**Resolution 16-312**  
**Ambulatory Surgical Centers**  
Brevard County Medical Society

**House Action: Referred to the Board of Governors to study and report back.**

RESOLVED, That the Florida Medical Association seek an administrative rule change and/or legislation that would allow for dual licensure of ambulatory surgical centers.

The Board of Governors referred this resolution to the Council on Legislation. The COL submitted amended language that was considered and adopted by the Board as follows:

**RESOLVED, That the Florida Medical Association support seek—an administrative rule change and/or legislation that would allow for dual licensure of ambulatory surgical centers, while maintaining adequate continuity of care for patients.**

This item was included in the 2017 FMA Legislative Agenda.

**Resolution 16-313**  
**Healthcare Access to all Floridians Medicaid to Medicare Parity Reform**  
**HMO/PSN Statewide Expansion Oversight, Medicaid Eligibility Expansion Through Federal Funding**  
**and**  
**Managed Medical Assistance (MMA) Program Florida Statue**  
**Title XXX Compliance with Federal and State Law**  
Broward County Medical Association, Dade County Medical Association

**House Action: Adopted Substitute Resolution 16-313.**

RESOLVED, That the FMA reaffirm its commitment to the principles set forth in FMA Policy 300.028 regarding Medicaid expansion and physician reimbursements at Medicare levels, and be if further

RESOLVED, That the FMA support legislation that would require all plans in the statewide Medicaid managed care program to reimburse all physicians at Medicare levels.

This resolution reaffirms policy 300.028. The FMA submitted language to the legislature that would require all Medicaid managed care plans to reimburse physicians at Medicare levels, and lobbied for passage during the 2017 session. Unfortunately, the language was not adopted by the legislature.

**Resolution 16-314**  
**Prevention of Interference by the**  
**American Board of Internal Medicine in the Practice of Medicine**  
Ellen W. McKnight, M. D., Delegate

**House Action: Adopted as amended** (*includes title change*).

RESOLVED, That the FMA stands committed to remove MOC mandates legislatively and will prohibit the interference of the ABIM/ABMS on the ability of physicians to practice medicine in the state of Florida.

FMA Policy Compendium updated: 400.011. See FMA action on Resolution 16-301.

**Resolution 16-315**  
**Oppose Constitutional Amendment to Legalize Marijuana for Medical Conditions**  
Lee County Medical Society

**House Action: Adopted.**

RESOLVED, That the Florida Medical Association (FMA) oppose Amendment 2, the constitutional amendment to legalize marijuana for medical conditions.

Reaffirmed policy 307.002.

Despite the FMA's public opposition to Amendment 2, it passed by the constitutionally required margin.

**Resolution 16-401**  
**End the Federal Policy of Imposing Maintenance of Certification**  
**Mandates upon Physicians through Medicare Payment Models, Quality Measures, and**  
**Future Alternative Payment Systems**  
Ellen W. McKnight, M.D., Delegate

**House Action: Adopted as amended.**

RESOLVED, That the FMA opposes MOC mandates under all Medicare payment models, quality measures, and any future alternative payment systems.

FMA Policy Compendium updated: 325.023.

The FMA delegation to the AMA will work with the AMA to ensure that MOC is not incorporated into the Medicare system.

**Resolution 16-402**  
**Protecting the Right of Privacy and Access for the**  
**Medicare Patient and Preserving Solo/Small Group Practices**  
Ellen W. Mcknight, M.D., Delegate

**House Action: Reaffirmed as existing policy.**

RESOLVED, That the FMA recognizes the importance of the survival and success of private solo, small group medical practices; and be it further

RESOLVED, That the FMA supports the right of the Medicare patient to see a physician of their choice who is committed to keeping their medical information private; and be it further

RESOLVED, That the FMA opposes a Medicare patient being penalized financially, which is presently done, if that patient chooses to see an opted-out doctor in order to protect their access and privacy; and be it further

RESOLVED, That the FMA supports a change in Federal policy which currently denies the rights of a Medicare patient to privacy and access, supports Federal legislation allowing a Medicare patient to see an opted out physician, and supports the patient being reimbursed directly by Medicare, a fair contracted price for the service provided.

FMA Policy Compendium updated: 300.027.

The FMA delegation to the AMA will work with the AMA staff and take any needed action at the 2017 AMA Annual Meeting to implement the policy changes sought by this resolution.

**Resolution 16-403**  
**Insourcing the Outsourced Health Care Insurance Call Centers**  
Hillsborough County Medical Society

**House Action: Adopted as amended.**

RESOLVED, That the Florida Medical Association support requiring health insurers and other health care businesses that handle protected health information to operate their call centers in the United States.

FMA Policy Compendium updated: 260.042.

**Resolution 16-404**  
**Appropriate Reimbursement for Medicare Documentation**

South Florida Caucus

**House Action: Adopted as amended.**

RESOLVED, That the Florida Medical Association continue to work with the American Medical Association to ensure that physicians are fairly reimbursed for producing documentation related to tests, procedures, and medication authorizations.

FMA Policy Compendium updated: 380.025. The FMA delegation to the AMA will work with AMA staff to adopt policy changes in the Medicare program that would require physicians to be paid for producing documentation related to tests, procedures and medication authorizations.

**Resolution 16-405**  
**Bundled Payments**  
South Florida Caucus

**House Action: Adopted as amended.**

RESOLVED, That the Florida Medical Association, through its Task Force on Alternative Payment Models, study and evaluate Medicare's new bundled payment model and report back to the House of Delegates in 2017.

The Task Force has been incorporated into the Council on Medical Economics, studied this issue and the report will be available at the 2017 House of Delegates, Board Report D.

**Resolution 16-406**  
**Principles for Health Care Reform**  
South Florida Caucus

**House Action: Adopted as amended.**

RESOLVED, That the Florida Medical Association's Council on Medical Economics review and make recommendations to update P 235.005 FMA Health System Reform Policies and produce a written report to the Florida Medical Association House of Delegates.

The Council on Medical Economics proposed to sunset the FMA's current policy on health system reform at the January Board of Governors meeting. This recommendation was considered and tabled by the Board of Governors, who instructed the Council to draft proposed updates to the FMA's policies on health system reform and present them at the May meeting. The new policies were adopted as P 235.017, see Board Report D.

**Resolution 16-407**  
**Public Relations Campaign on Impact of Changes in Medicare,**  
South Florida Caucus

**House Action: Adopted as amended.**

RESOLVED, That the Florida Medical Association work to educate physicians and their patients on new payment programs, including balance billing.

FMA Policy Compendium updated - 325.025.

The FMA produced and distributed an educational guide for physicians on the laws regarding balance billing, and have been working with the Office of Insurance Regulation and the Agency for Health Care Administration to ensure that health insurance companies are complying with their obligations under the law.

**\* Resolution 16-408  
Rescission of MACRA Legislation  
South Florida Caucus**

**House Action: Referred to the Board of Governors for Decision.**

RESOLVED, That our Florida Delegation to the AMA direct the AMA to initiate, pursue and seek legislation that will rescind onerous MACRA legislation; and be it further

RESOLVED, That our Florida Delegation to the AMA direct the AMA to assist CMS to develop realistic quality outcome metrics that conform to realities of primary and specialty practice, and participation with these quality metrics will not diminish physician reimbursement.

The Board of Governors discussed this resolution and approved the following amended resolution:

**RESOLVED, That our Florida Delegation to the AMA ~~direct~~ encourage the AMA to initiate, pursue and seek legislation that will ~~rescind~~ modify onerous MACRA legislation; and be it further**

**RESOLVED, That our Florida Delegation to the AMA ~~direct~~ encourage the AMA to assist CMS to develop realistic quality outcome metrics that conform to realities of primary and specialty practice, and small practice and participation with these quality metrics will not diminish physician reimbursement.**

This resolution is policy P 325.026

**Resolution 16-409  
Repeal of the Patient Protection and Affordable Care Act  
St Johns County Medical Society**

**House Action: Reaffirmed as existing policy.**

RESOLVED, That the Florida Medical Association reaffirm policy P235.012 Repeal of the Patient and Protection Affordable Care Act.

Reaffirmed policy 235.012.

**Resolution 16-410**  
**Medicare Annual Physical Examinations**  
South Florida Caucus

**House Action: Adopted as amended.**

RESOLVED, That the Florida Medical Association advocate that Annual Wellness Visits (AWV) only be performed by a patient’s primary care physician or their designee.

FMA Policy Compendium updated - 325.024. This item was included in the 2017 FMA Legislative Agenda.

**Resolution 16-411**  
**Ensuring That Physicians Have Access to the Safest Medications When**  
**Treating Chronic Pain in a Complex Regulatory Environment**  
Ellen W. Mcknight, M.D., Delegate

**House Action: Adopted as amended.**

RESOLVED, That the Florida Medical Association supports requiring insurance companies in the State of Florida to have multiple long-acting opioids with abuse deterrent technology on both their tier one and tier two level pharmacy benefits.

FMA Policy Compendium updated - 130.020.  
This item was included in the 2017 FMA Legislative Agenda.

**Resolution 16-412**  
**Ending Medicare Advantage “Auto-Enrollment”**  
Special Society Section

**House Action: Adopted.**

RESOLVED, That the Florida Medical Association (FMA) request Florida’s Congressional Delegation to call on the Centers for Medicare and Medicaid Services (CMS) to immediately end the procedure of “auto-enrollment” of patients into Medicare Advantage Plans; and be it further

RESOLVED, that the Florida Medical Association (FMA) present a resolution to the American Medical Association (AMA) at the AMA Interim Meeting in November, 2016, requesting the AMA work with the centers for Medicare and Medicaid Services (CMS) and/or Congress to end the procedure of “auto-enrollment” of individuals into Medicare Advantage Plans.

FMA Policy Compendium updated - 80.007. The FMA has contacted members of Congress about this problem and sought help to end the practice of auto-enrollment. The FMA delegation to the AMA introduced and passed a resolution at the 2016 AMA Interim meeting to stop auto-enrollment.