



Florida Services
Chapter



FL Advocate Newsletter

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LEGISLATIVE REPORT—FEBRUARY 17, 2017

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This past week was a momentous one for the Florida Chapter's Advocacy Team, both in the courts and in the legislature.

11th Circuit Rules Ban Physician Free Speech re Guns Unconstitutional

In a major decision for all professional free speech, the full 11th Circuit Court of Appeals yesterday ruled in favor of the Florida Chapter and others that Florida's ban on physician's speaking to their patients regarding guns was a violation of the physician's First Amendment Right to Free Speech. While the Court did uphold a portion of the law that prohibits discrimination based upon a patient's gun ownership (a point that the Florida Chapter did not dispute), all but one judge agreed that restrictions on what a physician and patients discuss are a violation of the First Amendment.

As of press time, the Scott administration is considering whether to appeal the ruling to the U.S. Supreme Court.

"The Florida Chapter is delighted with the 11th Circuit's ruling, which upheld the principal that the government should not interfere in the doctor-patient relationship. While the Chapter does not wish to impinge on the rights of gun owners, it has fought this legislation in the Legislature and in the courts because it is essential that physicians and patients have the right to an open dialogue, free from government restrictions. Yesterday's ruling is a victory for patients and the profession.

The Chapter would also like to thank past Governor Stuart B. Himmelstein, MD, MACP, who has made a mission of protecting the First Amendment rights of both physicians and patients and who has been a leading advocate in this battle over the past six years."



Florida House Moves Major Legislation

While the Florida Senate this week addressed only budgetary items, the House was busy working on several pieces of major legislation.

In the House Quality Committee, the Committee voted to move forward with a bill that would allow certain ARNPs to practice without physician supervision and would allow out-of-state Telemedicine providers to practice without being held accountable to the Florida Board of Medicine. The Florida Chapter opposed both such provisions but continues to work with the sponsor on the legislation.

In better news, the same Committee advanced Chapter-supported legislation that would allow the responsible use of a single opiate during Level I office procedures if (and only if) emergency medications were available. The Senate Health Policy Committee will address the same issue next Tuesday.

Meanwhile, the Chapter's Direct Primary Care bill continues to advance, having passed the House Health Innovation Subcommittee unanimously on Wednesday afternoon. The Senate companion, which has already cleared one committee, is also on next Tuesday's Senate Health Policy Committee agenda.

All in all, it has been quite a week, and with the addition of residents on February 21-22 it promises to be an exciting committee week.