



Health Quality Subcommittee

**Wednesday, November 15, 2017
8:30 AM - 10:00 AM
Mashburn Hall (306 HOB)**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Health Quality Subcommittee

Start Date and Time: Wednesday, November 15, 2017 08:30 am
End Date and Time: Wednesday, November 15, 2017 10:00 am
Location: Mashburn Hall (306 HOB)
Duration: 1.50 hrs

Implementation update on SB 8-A (2017), Medical Use of Marijuana, by Christian Bax, Director of Office of Medical Marijuana Use, Florida Department of Health

Implementation update on the Nurse Licensure Compact, by Joe Baker, Executive Director, Florida Board of Nursing

NOTICE FINALIZED on 11/08/2017 2:00PM by Iseminger.Bobbye

FLORIDA DEPARTMENT OF HEALTH

Office Of Medical Marijuana Use

Low-THC Cannabis & Medical Marijuana

MedicalMarijuanaUse@FLHealth.gov



MMTC Licensure Phases



- Phase 1: By July 3, 2017, DOH must license any entity that holds an active, license under former Compassionate Use Act.
- Phase 2: By August 1, 2017, DOH must license any applicant whose application was scored but denied a license by DOH under the Compassionate Use Act, and which had an ongoing administrative or judicial challenge as of January 1, 2017, or had a final ranking within one point of the highest final ranking in its region.
- Phase 3: By October 3, 2017, DOH must license applicants, one of which is a recognized class member of Pigford v. Glickman and is a member of the Black Farmers and Agriculturalists Association (Florida Chapter).
- Phase 4: Upon reaching 100,000 patients in the registry, and for each additional 100,000 patients thereafter, DOH must license 4 more MMTCs within 6 months.

Phase 3 MMTC Licensure and Procurements



- DOH adopted rules and noticed proposed regulations that establish the MMTC application procedure pursuant to s. 381.986, F.S. and Art. X, S. 29 Fla. Const. (Notice of Proposed Regulation 1-1.02 & 2-1.01 Emergency Rule 64ER17-1 & 64ER17-2).
- DOH is procuring outside specialists to evaluate new applications.
 - Request for Quotes issued to state term contracts; currently reviewing quotes received.
- DOH has developed an Request for Proposals for the statewide seed-to-sale tracking system.

Dispensary Distribution Method and Current Dispensing Locations



| Dispensary Distribution | MMTC* | Retail Dispensary Locations |
|--|-----------------------|---|
| <ul style="list-style-type: none"> • Statewide Maximum - Each MMTC may have up to 25 dispensaries statewide, before the patient population reaches 100,000. Each MMTC gets an additional 5 dispensaries for each additional 100,000 patients. • Regional Maximum - The statewide maximum is distributed in the 5 regions (Northwest, Northeast, Central, Southwest and Southeast) based on regional population. • MMTCs may purchase dispensary slots from other MMTCs. • Dispensaries limits sunset on April 1, 2020. | Surterra Therapeutics | Tallahassee, Tampa |
| | Trulieve | Bradenton, Clearwater, Edgewater, Fort Meyers, Gainesville , Jacksonville, Miami, Lady Lake, Pensacola, St. Petersburg, Tallahassee, Tampa |
| | Knox Medical | Gainesville, Jacksonville, Lake Worth, Orlando, Tallahassee |
| | Curaleaf | Kendall, Miami |

* These are the only MMTCs currently operating retail dispensaries.

Initial 25 Dispensing Facilities



| Region | Population | Percentage | Licenses |
|-----------|------------|------------|----------|
| Northwest | 1,479,945 | 7.35% | 2 |
| Northeast | 2,486,611 | 12.34% | 3 |
| Central | 6,468,121 | 31.10% | 8 |
| Southwest | 3,540,012 | 17.57% | 4 |
| Southeast | 6,173,965 | 30.64% | 8 |
| Total | 20,148,654 | 100% | 25 |

MMTC Rules and Regulations



DOH is in the process of developing rules for:

- * MMTC License Applications
- * MMTC Fines
- Edible standards
- Pesticide use
- MMTC License Renewals
- Labeling and packaging standards
- Dosing guidelines
- Testing laboratory Certification

* Rule Published

Qualified Physicians and Registered Patients



- There are currently 1,066 qualified physicians.
 - An increase of 19 qualified physicians since the October 11th update.

- There are currently 50,952 patients in the Medical Marijuana Use Registry.
 - An increase of 9,652 patients since the October 11th update.

Identification Cards



- The OMMU has issued over 30,434 identification cards
 - This includes 10,434 identification cards issued since the October 11th update.
- The processing time for complete identification card applications remains approximately 30 days from **receipt of a complete application**:
 - Properly filled out and signed
 - Valid photograph - Full-face, passport-type, color photograph of the qualified patient or caregiver or the Florida driver license or Florida identification card photograph of the qualified patient or caregiver obtained directly from the Department of Highway Safety and Motor Vehicles
 - Payment processed

Identification Cards (Cont.)



- Agreed to terms with the Department of Highway Safety and Motor Vehicles to have direct access to driver's license and identification card photos.
 - Both agencies are in the process of signing the Memorandum of Understanding.
- DOH completed its invitation to negotiate as directed by SB 8-A ,and issued an intent to award.
 - An unsuccessful vendor has filed a protest to the awarding of the contract
 - 11/6/2017 Formal protest is due (filed on 11/3/17)
 - 11/15/2017 Have settlement discussion or refer to Division of Administrative Hearings
 - 12/15/2017 Hearing within 30 days of referral (1-3 days)
 - 1/18/2018 Recommended Order due from ALJ
 - 2/17/2018 Final Order due from Department

Statutory Deadlines



| | |
|---------------------|--|
| July 3, 2017 | Grant MMTC licenses to licensed dispensing organizations |
| Aug 1, 2017 | Grant MMTC licenses to any denied DO with a pending legal challenge as of January 1, 2017, or a final ranking within one point the regional winner that proves it has the infrastructure and ability to begin cultivating within 30 days |
| Oct 3, 2017 | Grant MMTC license to a member of the Black Farmers, give preference to applicants that own citrus processing facilities |
| Oct 3, 2017 | Must begin issuing patient and caregiver ID cards |
| Jan 1, 2018 | Physician certification pattern review panel shall submit an annual report to Governor, President and Speaker. Department and applicable boards shall initiate nonemergency rulemaking pursuant to Ch. 120 |
| Jan 15, 2018 | DOH must submit to the research board and quarterly thereafter data sets for each patient registered in the registry, including condition and daily dose amounts |
| Jan 31, 2018 | Submit to Governor, President and Speaker the annual evaluation of the marijuana use and prevention campaign as assessed by an independent entity |
| May 1, 2018 | Establish supplemental fees to cover costs of marijuana education and use prevention campaign, as well as Medical Marijuana Research and Education at H. Lee Moffitt Cancer Center |
| July 1, 2018 | Verify that MMTCs have a certified laboratory |

Legal Challenges



- Home Grow:
 - Redner v. DOH, et. al., 13th Judicial Circuit Case No. 17-CA-5677
- Smoking Ban:
 - People United for Medical Marijuana v. DOH, et. al.,
2d Judicial Circuit Case No. 2017-CA-1394
- Constitutionality of Black Farmers Provision 381.986(8)(a)2 F.S.:
 - Smith v. DOH, 2d Judicial Circuit Case No. 2017-CA-001972
 - Tropiflora, LLC v. DOH, 2d Judicial Circuit Case No. 2016-CA-1330
- MMTC Licensure:
 - Nature's Way v. DOH Case No. 17-5801
- Card Outsourcing Bid Protest
 - Automated Health Systems v. DOH Case No. 16-071

Questions?

Presentation to the House Health Quality Subcommittee



Joe Baker, Jr.
Executive Director
Board of Nursing

What is the Nurse Licensure Compact?

- The Nurse Licensure Compact (NLC) is an interstate compact.
 - It allows an RN or LPN to have a multistate license (in primary state of residency)
 - This permits the nurse to practice in other member states (both physically and via telecommunications) subject to each state's practice laws

Implementation

- Florida did not initially join the NLC due **to the NLC's:**
 - **Conflict with Florida public records and public meetings laws;**
 - **Failure to require criminal background checks; and**
 - **Unlawful rule-making delegation**
- The Legislature successfully negotiated changes to the NLC to resolve these issues
- Florida enacted the NLC in 2016 in HB 1061

Implementation

The NLC has an effective date of 12/31/18 or 6 months after the 26th state passes the NLC into law.

- The 26th state, North Carolina, passed the NLC into law on July 20, 2017;
- The NLC law will become effective in Florida and the 25 other NLC states on January 19, 2018

NLC Benefits for Nurses

- Ability to practice in multiple states with one license
- Reduces regulatory requirements by removing necessity for obtaining a license in each state
- **Clarifies a nurse's authority to practice in multiple states via telehealth**



NLC Benefits for Telehealth



- Nurses can practice in multiple states with one license
- Increases patient access to care
- Enables care continuity for patients regardless of their location

NLC Benefits Nurse Educators

- Nurses engaged in online didactic nursing education in multiple states, need to hold multiple state licenses.
- These nurses and their respective institutions benefit tremendously from a multistate license.



NLC Benefits for Nursing Boards

- Ability to share complaint and investigative information
- Shared responsibility for patient safety not governed by geographical boundaries
- Multiple states working together to assure patient safety
- Ability to locate, isolate or limit ability to practice on Privilege to Practice
- Reduces duplicative board actions
- Uniform statutes, rules and policies applicable to and enforceable upon all compact states

Public Protection Features of NLC

- Requirements of member states:
 - conduct state and federal criminal background checks at initial and license by endorsement.
 - fully participate in Nursys
 - share licensee investigation and disciplinary information with other member states
 - indicate in Nursys: participation in alternative programs and significant investigations.
- Nurses under discipline or in an alternative program have multistate privileges removed.
- Nurses not meeting Uniform Licensure Requirements not eligible for multistate license.
- Nurses with a felony conviction not eligible for a multistate license.
- Take adverse action against the multistate privilege to practice in that party state.

Nursys: Important Tool to Support NLC

- National nurse licensure database with 50+ jurisdictions. (www.nursys.com)
Employers utilize Nursys to determine where a nurse has the authority to practice.
- Central database for the NLC to share licensure and disciplinary actions, including discipline investigations with other compact states

11 Uniform Licensure Requirements

To receive a multistate license, a nurse must:

- 1) **Meet the home state's qualifications**
- 2) Graduate from qualifying education program (or graduated from a foreign program verified by independent credentials review agency)
- 3) Pass the NCLEX-RN® or NCLEX-PN® exam (or predecessor)

Uniform Licensure Requirements (Cont.)

To receive a multistate license, a nurse must:

- 4) Have no active discipline on a license
- 5) Submit to a federal criminal background check
- 6) Not be currently enrolled in an alternative program (i.e. IPN)
- 7) Have a valid U.S. Social Security number

Uniform Licensure Requirements (Cont)

To receive a multistate license, a nurse must:

- 8) Self-disclose participation in an alternative program
- 9) Have no misdemeanors related to practice of nursing
(determined on case-by-case basis)
- 10) Passed English proficiency exam if foreign grad
- 11) Have no prior state or federal felony convictions

Florida Licensee Data as of 6/30/17

- Licensed Practical Nurses 85,305
- Registered Nurses 309,269



Implementation in Florida: Existing Licenses

Apply via BON website as of 1/19/18 to convert RN or LPN license to multistate license (is optional).

\$100 fee

LiveScan Criminal Background Check

FAQs are posted as well

www.FloridasNursing.gov

Implementation in Florida: New Licenses

- As of 1/19/18, new applicants for licensure by exam or endorsement will receive a multistate license, if eligible
- If ineligible, will receive a single state Florida license
- Licenses & website will distinctly reflect single state vs multistate licensure status
- Multistate licenses will be renewed just as licenses are renewed now

Thank you!

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