



**FLORIDA SOCIETY OF CLINICAL ONCOLOGY
SPECIAL LEGISLATIVE FAX BLAST –July 9, 2009**

SPECIAL LEGISLATIVE UPDATE: Erin Dunbar, MD, Chairman FLASCO Legislative Committee

CRITICAL DECISIONS ABOUT THE FUTURE OF ONCOLOGY CARE & REIMBURSEMENT ARE BEING MADE WITHOUT YOU!

FLASCO is actively advocating for you but we need your help immediately!

Federal Issue: Fix Prompt Pay Problem by Asking your Florida US Representatives to Co-Sponsor H.R. 1392 and Florida US Senators, Mel Martinez and Bill Nelson to Co-Sponsor S. 1221.

S. 1221 and H.R. 1392 are identical bills that eliminate prompt pay discounts from the calculation of Average Sales Price (ASP). The inclusion of these manufacturer-to-distributor financing discounts reduces Medicare reimbursement rates for your oncology practices.

Federal Issue: Improve Oncology Care Under Medicare by Asking your Florida US Representatives to Co-Sponsor H.R. 2939

H.R. 2939 is a pilot program to improve the quality of oncology care under Medicare entitled “Oncology Care Quality Improvement Act of 2009” that will directly improve cancer care in your practices.

Federal Issue: Counteract CMS’s Announcement to Severely Cut Medicare Funding for Cancer Care by Providing Accurate Information to our Florida US Representative & asking them to co-sponsor H.R. 2872, entitled the National Quality Cancer Care Demonstration Project

The Centers for Medicare & Medicaid Services (CMS) has issued a proposed rule for the 2010 Medicare Physician Fee Schedule. Among other provisions are cuts to imaging services, elimination of the consultation payment codes, attempts to reinstate the Competitive Acquisition Program (CAP) for Part B drugs, and the 21.5% cut in payments to all physicians scheduled for 1/1/10 unless Congress acts to overturn this. In order to let our legislators know how much money quality oncology care requires, COA is asking Florida Oncology providers to complete the Components of Care Survey, and will use to protest these significant cuts.

You are asked to consider completing this survey at: <http://www.communityoncology.org>.

You are asked to consider contacting your FL US Congressman to:

1. Fix the sustainable growth rate (SGR) formula for proper reimbursement
2. Co-sponsor H.R. 2872, entitled the National Quality Cancer Care Demonstration Project. This is the only national project that focused on quality cancer care and would provide \$300 million in additional funding.

More information on these Issues is available at the following sites:

COA website: <http://www.communityoncology.org>

US Oncology website: <http://www.legislink.com/>

COA website: <http://www.communityoncology.org>

ASCO website: <http://www.asco.org/ASCOv2/Public+Policy> (Under Practice Resources Tab)

ACCC website: http://www.accc-cancer.org/public_policy/publicpolicy_legislativeaction.asp

To contact you Florida US Congressmen and Senators go to:

<http://capwiz.com/co/home/> or <http://www.communityoncology.org> or

<http://legislink.com/legislatorsearch.aspx>

CONTACT FLASCO FOR TEMPLATE LETTERS (Dorothy.green@cancer.org)

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STATE ISSUE: UPDATE on the Health Care Clinic Establishment Permit

<http://www.doh.state.fl.us/mqa/ddc/>

During the 2008 Session, the Florida Legislature amended section 499.01, Florida Statutes, creating a health care clinic establishment permit, effective January 1, 2009.

NOTE: Starting October 1, 2009, S.B 1144 will take effect, which slightly revised perceived problems with 499.01. Per the Department of health’s Drug Device and Cosmetic (DOH DDC) staff, the ONLY effective change will be a wider inclusion of types of business corporations that fall under the HCCE permit legislation (i.e., beyond Professional Limited Liability Company or a Professional Corporation, as described in Chapter 621 Florida Senate). Starting October 1st, the DOH DDC website will post new information, see link below. The Department of Health has publicly stated that no enforcement measures will take place in Florida before the effective date of the new law.

However, currently, and after October 1st, the law includes:

An HCCE Permit is NOT required:

1. For the purchase of a prescription drug by a health care practitioner personally purchasing prescription drugs through the use of their professional license number.
2. These prescription drugs may only be dispensed or administered by the physician who ordered the drugs.

An HCCE Permit is required:

1. For the purchase of a prescription drug by a professional corporation or professional limited liability company.
2. Owned and operated by a professional corporation (P.A.) or professional limited liability company (P.L.)
3. Who desires to purchase and own the prescription drugs in the business entity’s name.
4. The establishment will be required to designate a qualifying practitioner who will be responsible for complying with all legal and regulatory requirements related to the purchase, recordkeeping, storage, and handling of the prescription drugs. A “qualifying practitioner” is a medical doctor, doctor of osteopathic medicine, physician assistant, advanced registered nurse practitioner, optometrist, doctor of podiatric medicine, dentist, chiropractor in limited circumstances, and veterinarian who are authorized under the appropriate practice act to prescribe and administer prescription drugs. The qualifying practitioner shall be the practitioner

whose name, establishment address, and license number is used on all distribution documents for prescription drugs purchased or returned by the health care clinic establishment.

5. by a place of business at one general location. Per the DOH DDC staff, if the establishment has more than one location (i.e. satellite offices), a qualifying practitioner must be employed at each location and needs a separate HCCE Permit for each location.

To contact the DOH DDC: P (850) 245-4292; F (850) 413-6982,
<http://www.doh.state.fl.us/mqa/DDC/contactinfo.htm#contact>

Link to Application: [Health Care Clinic Establishment Application](#)(pdf - 44kb)

http://www.doh.state.fl.us/Mqa/DDC/ap_HCCE.pdf

Link to Instructions: [Health Care Clinic Establishment Quick Reference Guide](#)(pdf - 28kb)

http://www.doh.state.fl.us/Mqa/DDC/info_HCCEGuide.pdf

Link to Qualifying Practitioner Change form [Change of Designated Practitioner](#) (pdf - 25kb)

http://www.doh.state.fl.us/Mqa/DDC/info_practitioner.pdf

Link to Laws and Rules:<http://www.doh.state.fl.us/mqa/ddc/>

Link to communicate with the DOH staff: mqa_DDC@doh.state.fl.us.

Additional information is available at:

<http://www.fmaonline.org/informz/HCCPEPermit.pdf>

http://blog.mediaprof.com/files/info_hcceguide.pdf