

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/HB 559 — Institutional Formularies Established by Nursing Home Facilities

by Health and Human Services Committee and Rep. Byrd and others (SB 1020 by Senator Bean)

The bill authorizes a nursing home facility to establish and implement an institutional formulary (a list of medicinal drugs) that a pharmacist may use as a therapeutic substitution to replace a resident's prescribed medicinal drug with a chemically different drug listed in the formulary that is expected to have the same clinical effect.

The bill:

- Provides definitions, requirements, and operational parameters for a nursing home facility's implementation of an institutional formulary and for participation by prescribers and pharmacists.
- Requires participating nursing home facilities to establish a committee to develop the institutional formulary and perform quarterly monitoring of clinical outcomes when a therapeutic substitution occurs.
- Requires each prescriber to approve, for each patient, the use of, and any subsequent changes made to, an institutional formulary and allows a prescriber to opt-out of the institutional formulary with regard to a medicinal drug or class of medicinal drugs for any resident.
- Requires a nursing home facility to notify the prescriber before each therapeutic substitution using a method of communication designated by the prescriber and to document the therapeutic substitution in the resident's medical records.
- Authorizes a prescriber to prevent a therapeutic substitution for a specific prescription by indicating "NO THERAPEUTIC SUBSTITUTION" on the prescription, or by making an overt action for a prescription that is provided orally.
- Requires a nursing home to obtain informed consent from a resident, the resident's legal representative, or his or her designee as to the use of the institutional formulary for the resident. The nursing home must inform such person of the right to refuse to participate and may not take adverse action against the resident for choosing not to participate.
- Prohibits a nursing home facility from taking adverse action against a prescriber for not agreeing to use the facility's institutional formulary.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 116-2