

# FAD Newsletter October 2023

## Clinical Pearls (Please see [attached handouts](#) that include more details)

1. **Intralesional 5-fluorouracil** mixed with 1% lidocaine with epinephrine (5:1 ratio) as an adjunct treatment for **warts**
2. **Intralesional 5-fluorouracil** mixed 50:50 with **Kenalog** as a more efficient treatment option for **hypertrophic scars**
3. **Intralesional 5-fluorouracil** mixed with 1% lidocaine with epinephrine (5:1 ratio) as nonsurgical option for **SCCs** in older patients who are not great candidates for excision
4. Intralesional bacteriostatic sodium chloride (**saline**) to improve atrophy, especially corticosteroid-induced atrophy, and overfill in the desired plane
5. **Hy-Bio** from Amazon (OTC supplement with both vitamin C 500mg and rutoside 50mg in 1 pill, take bid) for **pigmented purpuric dermatosis**
6. **Woods lamp flashlight** from **Amazon** (much cheaper and more portable than the regular Woods lamp) and place in each exam room
7. **Gloves in a Bottle** Shielding Lotion to create an invisible shield for patients with hand eczema or **contact dermatitis**
8. **Mesoram needles (3 needle injector)** to save time when treating a large area (intralesional platelet-rich plasma, kenalog or lidocaine for numbing)
9. Use a **pipette** instead of a wooden-tipped applicator when treating **multiple molluscum contagiosum** lesions
10. Have patients fill out a **hair loss questionnaire** BEFORE you see them to increase efficiency of the visit (my questionnaire attached)

## Legal Corner with Chris Nuland

### 1. Virtual Assistants and Senate Bill (SB) 264

**Q:** I read that SB 264 does not allow us to share any Protected Health Information (PHI) with any party outside of the US and Canada. Is that true, and does it even apply to Virtual Assistants?

**A.** SB 264, which passed the Florida Legislature this past Session, prohibits the storing of any Protected Health Information outside of the US and Canada. That does NOT mean that you may not share the information with somebody outside of the country, but you should at least seek assurances that the server is located within the United

#### **Senate Bill (SB) 264: Interests of Foreign Countries** (effective 7/1/23)

New law making it illegal for individuals or entities of several foreign countries to own agricultural land or land within 10 miles of critical infrastructure or military installations in Florida.

**ALSO AMENDS:** 1. **Florida Electronic Health Records Act** to require that offsite storage of certain personal medical information be physically maintained in the continental US, US territories or Canada. 2. **Health Care Licensing Procedures Act**, to require licensees to sign affidavits attesting that all patient information stored by them is being physically maintained in the continental US, US territories, or Canada.

<https://www.flsenate.gov/Committees/BillSummaries/2023/html/3145>

States and/or Canada. It is also recommended that you have a HIPAA Business Associate Agreement (BAA) with the vendor in which the vendor pledges to protect the privacy and security of any such information.

**Business Associate Agreement**

**(BAA):** The purpose of a business associate agreement is to outline your business associate's responsibility to keep your patients' PHI private and secure.

## 2. Medical Records and Fees

**Q:** How much may I charge for medical records?

**A.** Pursuant to Florida Administrative Code 64B8-10.003, physicians may charge patients and governmental entities \$1.00 per page for each of the first 25 printed pages, and 25 cents per page thereafter. Other entities (such as life insurance companies or other entities not working on behalf of the patient) may be charged a flat \$1.00 per page. There should be virtually no charge for electronic transfers, as there is no printing involved.

It is important to note, however, that the term "patient" includes any person or entity that the patient has authorized to receive the records, such as an attorney representing the patient in a lawsuit. Moreover, physicians may not charge for records contained in a patient portal and may only charge the actual cost of providing electronic medical records.

## 3. Disabled Patients and Health Care Law

**Q.** How far must I go to accommodate disabled patients?

**A.** The Americans with Disabilities Act requires physicians to make "reasonable accommodations" with respect to their disabled patients. For instance, physicians must allow service dogs in general areas (Florida Statute 413.08 explicitly states that documentation of the dog's training is not required) or in a consultation room, but the physician may exclude the dog from any room in which a sterile field is required.

With regard to deaf or non-English speaking patients, the physician must make reasonable accommodations, which may include an in-person translator or the use of one of the many services that provide translation (this includes non-English speakers, for whom the use of a translator is required). Many offices use an in-house translator (such as a staff member who signs or speaks a foreign language), but the patient has the authority to determine if such accommodations are reasonable; if they are not, you must schedule a second visit free of charge AND pay for the translation service.

# Legislative Update

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What FAD will be pushing this legislative session:

1. **Coverage for Skin Cancer Screenings (SB 56)** – require individual health insurance policies to provide coverage and payment for annual skin cancer screening performed by a licensed dermatologist without imposing any cost-sharing requirement

- a. Previous history: Did not pass last year but will pursue it again this year  
<https://www.flsenate.gov/Session/Bill/2023/142>
2. **Prior Authorization Reform** – Requires electronic request for a PA; prohibits requirements for PAs for certain services and medication; prohibits PA revocations, limitation, conditions and restriction under specific circumstance; prohibits requirements for additional PAs under certain circumstances
  - a. Previous history: Did not pass last year but will pursue again this year  
<https://www.flsenate.gov/Session/Bill/2023/1533>
3. **Health Care Practitioner Titles and Designations (“Ologist” Bill)**– requires the use of specified titles or designations with one’s name; requires certain practitioners to prominently display a copy of their license in a conspicuous area of practice.
  - a. Previous history: Passed the House (March 2023) and Senate (May 2023) but vetoed by Gov DeSantis so will try again this year
4. **Other reform fighting for this year**: Medicare reimbursement reform, pathologist of choice in Florida, MIPS penalties, tort reform