



**Florida Academy of Family Physicians
2022 Legislative Session
January 14, 2022 - Week 1**

The 2022 Regular Legislative Session in Florida commenced this week with Governor DeSantis calling Florida a “free state that has stood as the rock of freedom,” fighting against unconstitutional mandates to ensure citizens can earn a living. DeSantis noted the revenue estimates continue to exceed projections providing a positive budget outlook to confront future challenges. While the remainder of his comments is well documented online, there are many issues confronting healthcare although his only mention of this significant industry was in general to COVID-19 response. The 60-day legislative session is scheduled to conclude on March 11 and will address, or not, the 3,500 bills that have been filed for legislative consideration.

2022 Doctor of the Day Program | The application for the Legislature’s Doctor of the Day Program is available. A physician is designated each day of the nine-week session and plays a significant role in the FAFP’s advocacy efforts. For further information, please contact FAFP Executive Vice President Jay Millson at jmillson@fafp.org.

Legislation Moving This Week (FAFP Position)

Telehealth Expansion | SUPPORT

[SB 312](#) by Sen. Manny Diaz (R-Hialeah) and [HB 17](#) by Rep. Tom Fabricio (R-Miramar) allow a telehealth provider to issue a renewal prescription for a Schedule III, IV or V controlled substance through telehealth, within the scope of their practice. However, the Senate measure also removes a provision in the definition of telehealth that excludes audio-only telephone calls.

SB 312 was approved by Senate Rules and HB 17 was approved by House Professions and Public Health Subcommittee on 1/13/22.

Invalid Restrictive Covenants in Health Care | SUPPORT

[SB 842](#) by Sen. Jason Brodeur (R-Lake Mary) specifies that certain restrictive covenants in employment agreements between physicians and hospitals do not support a legitimate business interest.

SB 842 was approved in the Senate Commerce & Tourism Committee on 1/10/22.

COVID-19-Related Claims Against Health Care Providers | SUPPORT

[SB 7014](#) by the Senate Judiciary Committee and House [PCB 22-01](#) by the House Health and Human Services Committee extend the duration of the liability protections provided to health care providers against COVID-19-related claims from March 29, 2022 to June 1, 2023.

SB 7014 was approved by the Rules Committee on 1/13/22 and PCB 22-01 was approved by the House Health and Human Services Committee on 1/14/22.

Other Bills of Interest to Family Physicians *(alphabetically)*

Abortion Rights | MONITOR

[HB 5](#) by Rep. Erin Grall (R-Vero Beach) and SB 146 by Sen. Kelli Stargel (R-Lakeland) prohibit physicians from performing an abortion if the gestational age of fetus is determined to be more than 15 weeks. The bills also require certain physician and directors of certain medical facilities to submit a monthly report to the Agency for Health Care Administration (AHCA) regarding the number of abortions performed. It also requires the Department of Health (DOH) to contract with local healthy start coalitions to create fetal and infant mortality review committees.

ARNPs Autonomous Practice | OPPOSE

[SB 1686](#) by Sen. Anna Maria Rodriguez (R-Doral) requires certified nurse midwives providing out-of-hospital birth services to have a written plan for the appropriate delivery of emergency care. The bill also deletes the requirement that certified nurse midwives have a written patient transfer agreement with a hospital and a written referral agreement with a licensed physician.

Cardiac Screening for Newborns | MONITOR

[SB 1254](#) by Sen. Joe Gruters (R-Sarasota) revises components of the postpartum evaluation and follow-up care that birth centers must provide to include a cardiac screening of newborns.

Clinician-Administered Drugs | SUPPORT

[SB 748](#) by Sen. Manny Diaz (R-Hialeah) prohibits specified insurer practices related to reimbursements, payment, access, dispensing, or coverage of clinician-administered drugs.

Collaborative Practice in Health Care | OPPOSE

[SB 986](#) by Sen. Manny Diaz (R-Hialeah) and [HB 437](#) by Rep. Bob Rommel (R-Naples) allows certified registered nurse anesthetists (CRNAs) to work in collaboration with, rather than under the direction of, a health care practitioner.

Electrocardiograms for Student Athletes | OPPOSE

[HB 59](#) by Rep. Fred Hawkins (R-St. Cloud) and [SB 1590](#) by Sen. Dennis Baxley (R-Lady Lake) require students to receive electrocardiogram to participate in interscholastic athletic competitions.

Emergency Medical Care & Treatment of Minors Without Parental Consent | SUPPORT

[HB 817](#) by Rep. Ralph Massullo (R-Lecanto) and [SB 1114](#) by Sen. Jennifer Bradley (R-Orange Park) allow physicians to render emergency medical care without parental consent.

Florida Birth-Related Neurological Injury Compensation Fund | SUPPORT

[SB 1050](#) by Sen. Lauren Book (D-Plantation) prohibits the Florida Birth-Related Neurological Injury Compensation Association from holding itself out the payor of last resort.

Free Speech of Health Care Practitioners | SUPPORT

[HB 687](#) by Rep. Brad Drake (R-Eucheeanna) and [SB 1184](#) by Sen. Doug Broxson (R-Pensacola) prohibit Boards governing health care practitioners from revoking a license, a certificate, or the registration of health care practitioner due to his or her right of free speech.

Health Insurance Prior Authorization | SUPPORT

[HB 564](#) by Sen. Gayle Harrell (R-Stuart) and [HB 633](#) by Rep. Allison Tant (D-Tallahassee) prohibit HMOs from excluding coverage for cancer treatment drugs used for the treatment of stage 4 metastatic cancer and its associated conditions, prohibits health insurers from mandating home infusion of cancer medications.

Impaired Practitioner Program | SUPPORT

[SB 1946](#) by Sen. Aaron Bean (R-Jacksonville) creates a student evaluation program within the Department of Health (DOH) fund evaluations for students preparing for licensure who have or are suspected of having an impairment that could affect their ability to practice. The bill also requires a monthly report to the DOH on the evaluations.

In-Hospital Medical Staff Committees/Public Records | SUPPORT

[HB 869](#) by Rep. Alex Rizo (Hialeah) and [SB 1350](#) by Sen. Manny Diaz (Hialeah Gardens) provide an exemption from public records requirements for certain confidential information held by in-hospital medical staff committees of public hospitals.

Medicaid Modernization | SUPPORT

[SB 330](#) by Sen. Jason Brodeur (R-Lake Mary) authorizes the Agency for Health Care Administration (AHCA) to reimburse for remote patient monitoring and store-and-forward services as optional services in the Florida Medicaid program.

Medical Education Reimbursement and Loan Repayment Program | SUPPORT

[HB 657](#) by Rep. Kamia Brown (D-Ocoee) and [SB 1442](#) by Sen. Shevrin Jones (D-Miami Gardens) revises the purpose of Medical Education Reimbursement and Loan Repayment Program and expands the eligibility criteria for the program to include medical professional who provide primary care to racial and ethnic minority populations that experience health disparities due to quality health care.

Medical Specialty Designations | SUPPORT

[HB 861](#) by Rep. Ralph Massullo (R-Lecanto) and [SB 1192](#) by Sen. Anna Maria Rodriguez (R-Doral) provide that using a term that designates a medical specialty accredited by the ACGME is grounds for disciplinary action unless the health care provider has completed a residency or fellowship program.

Newborn Screening | SUPPORT

[SB 292](#) by Sen. Tina Polsky (D-Boca Raton) and [HB 1073](#) by Rep. Vance Aloupis (R-Miami) require each newborn be tested for cytomegalovirus before three weeks of age. The bill also adds physicians to the list of providers a parent is referred to obtain the newborn hearing screening after a home birth.

Overpayment of Claims | SUPPORT

[SB 440](#) by Sen. Gayle Harrell (R-Stuart) and [HB 805](#) by Rep. David Smith (R-Winter Springs) shorten the timeframe for when a health insurer can claim an overpayment by a provider.

Patient Specific Prescription Drug Coverage Transparency | SUPPORT

[HB 947](#) by Rep. Alex Andrade (R-Pensacola) and [SB 1290](#) by Sen. Joe Gruters (R-Sarasota) provide patients are entitled to receive, upon request, information from a prescribing or ordering health care provider and specifies information insurers must provide to health care providers. The bills also authorize health care providers to designate third party to facilitate the exchange of information.

Prescription Drug Formularies | SUPPORT

[SB 1100](#) by Sen. Ana Maria Rodriguez (R-Doral) requires insurers and HMOs to provide a notice of prescription drug formulary changes to current and prospective insureds and treating physicians.

Psychologist Prescribing | OPPOSE

[HB 319](#) by Rep. Ramon Alexander (D-Tallahassee) and [SB 540](#) by Sen. Jeff Brandes (R-St. Petersburg) allow certified, licensed psychologists to prescribe, administer, discontinue, and distribute prescription drugs, including controlled substances.

Recovery of Damages in Medical Negligence Claims | OPPOSE

[HB 6001](#) by Rep. Spencer Roach (R-North Fort Myers) and [SB 262](#) by Sen. Ana Maria Rodriguez (R-Doral) authorize parents of adult children to recover damages for mental pain and suffering in medical negligence suits.

Step-therapy Protocols | SUPPORT

[HB 459](#) by Rep. Matt Willhite (D-Wellington) and [SB 730](#) by Sen. Gayle Harrell (R-Stuart) require health insurers to publish on their websites and provide to their insureds with step-therapy protocol exemption procedures.

Telehealth Payment | SUPPORT

[SB 726](#) by Sen. Loranne Ausley (D-Tallahassee) and [HB 1087](#) by Rep. Anthony Rodriguez (R-Miami) require health insurers to reimburse a telehealth provider for the diagnosis, consultation, or treatment of any insured person provided through telehealth on the same basis and at least at the same rate that the health insurer would reimburse if the covered service were delivered through an in-person encounter. It also prohibits health insurers from imposing copayments, coinsurance, deductibles as well as policy year, calendar year or lifetime limits for benefits provided through telehealth. Insurers also may not require a covered benefit to be provided through telehealth.