



**Florida Academy of Family Physicians  
2020 Legislative Session  
Interim Capital Update #2  
November 8, 2019**

This week the legislature met in week four of its six weeks of interim legislative committee meetings. With the start of the legislative session just over two months away – and the intervening holidays – bills are starting to get filed at a more hectic pace (1, 184 thus far). And this week scores of appropriations-related bills were heard in committee, a good sign that preparations for the 2020-21 budget are underway. As for policy-related issues, the breadth of priority issues the legislature may address is still uncertain, but the legislature is not measuring itself by the number of bills it passes.

Legislation of interest to the FAFP is tagged and tracked as bills are filed. Following is a brief summary of the key issues impacting the Florida Academy of Family Physicians (FAFP). There are many bills expected to be filed concerning the practice of family medicine (e.g., scope expansion by mid-level practitioners, pharmacists, etc.) so stand by for more to come!

**2020 Doctor of the Day Program**

Now is the time for FAFP members to volunteer to take part in the 2020 Doctor of the Day program during each of the nine-weeks of the 2020 Legislative Session which is early this year, running from January 14 through March 13. FAFP's membership has maintained strong representation in Tallahassee to advance our advocacy efforts! For further information about the program, please contact FAFP Executive Vice President Jay Millson at [jmillson@fafp.org](mailto:jmillson@fafp.org).

**Legislation of Importance to FAFP**

**Bills are marked with FAFP's position:**  **Support**  **Oppose**  **Monitoring**  
 **Influenza & Strep Testing – *House Bill Scheduled***

**HB 389** by Rep. Tyler Sirois (R-Cocoa) and **SB 714** by Senator Travis Hutson (R-Elkton) authorize pharmacists to test for and treat the influenza virus and streptococcal infections within the framework of an established written protocol between the pharmacist and a supervising physician. **The House bill is scheduled for a hearing in the Health Quality Subcommittee on November 13<sup>th</sup> with the FAFP testifying in opposition.**

Link to HB 389: <http://www.flsenate.gov/Session/Bill/2020/389>

Link to SB 714: <http://www.flsenate.gov/Session/Bill/2020/714>

**Wellness Examinations**

**SB 208** by Senator Perry Thurston (D-Fort Lauderdale) specifies that physical examinations are provided to students as a part of the student support services team program. Mirroring the current childhood vaccination law, the bill also requires proof of well-care examination for school enrollment, but parents would be able to exempt the child from the well-care examination requirement on religious grounds.

Link to SB 208: <http://www.flsenate.gov/Session/Bill/2020/208>

### **Psychologist Prescribing**

**SB 448** by Senator Jeff Brandes (R-St. Petersburg) allows certified, licensed psychologists to prescribe, administer, discontinue, and distribute prescription drugs, including controlled substances. We anticipate that House legislation will be filed soon.

Link to SB 448: <http://www.flsenate.gov/Session/Bill/2020/448>

### **Prohibited Acts by Health Care Practitioners – *House Bill Scheduled for Hearing***

**HB 309** by Rep. Ralph Massullo (R-Beverly Hills) and **SB 500** by Senator Gayle Harrell (R-Stuart) authorize disciplinary action to be enforced by DOH for the use of specified names or titles without a valid license or certification to practice as such and provides penalties. The FAFP is working to ensure the language “family physician” is a covered term by the bill. **HB 309 is scheduled to be heard in the Health Quality Subcommittee on November 13<sup>th</sup>.**

Link to HB 309: <https://www.flsenate.gov/Session/Bill/2020/309>

Link to SB 500: <http://www.flsenate.gov/Session/Bill/2020/500>

### **“Bait & Switch”**

**SB 696** by Senator Debbie Mayfield (R-Vero Beach) and **HB 561** by Rep. Thad Altman (R-Indialantic) requires individual and group health insurers and HMOs to provide notice of prescription drug formulary changes to current and prospective insureds and the insureds’ or subscribers’ treating physicians and specifies the requirements for a notice of medical necessity submitted by the treating physician. The legislation also requires insurers to apply certain reductions in out-of-pocket expenses for prescription drugs toward an insured’s cost-sharing obligation.

Link to SB 696: <http://www.flsenate.gov/Session/Bill/2020/696>

Link to HB 561: <http://www.flsenate.gov/Session/Bill/2020/561>

### **Prior Authorization for Opioid Alternatives**

**SB 298** by Senator Gary Farmer (D-Fort Lauderdale) prohibits health insurance policies from requiring that treatment with an opioid analgesic drug product be attempted and have failed before authorizing the use of a nonopioid-based analgesic drug product.

Link to SB 298: <http://www.flsenate.gov/Session/Bill/2020/298>

### **Access to Treatment**

**SB 820** by Senator Gayle Harrell (R-Stuart) and **HB 373** by Rep. Ralph Massullo, MD (R-Beverly Hills) prohibit insurance companies from excluding coverage for certain cancer treatment drugs and provides additional requirements and procedures around step-therapy protocols. SB 820 also prohibits health insurers from retroactively denying a claim if the insurance company verified the subscriber’s eligibility at the time of treatment or provided an authorization number.

Link to SB 820: <http://www.flsenate.gov/Session/Bill/2020/820>

Link to HB 373: <http://www.flsenate.gov/Session/Bill/2020/373>

### **Automated Pharmacy Systems – *House Bill Passes***

**HB 59** by Rep. Matt Willhite (D-Wellington) and **SB 708** by Senator Travis Hutson (R-Elkton) authorize a community pharmacy to provide outpatient dispensing through the use

of an automated pharmacy system. The bills establish criteria for such systems and a community pharmacy's responsibilities when using this system. An automated pharmacy system is a mechanical system that dispenses prescription drugs received from a Florida-permitted pharmacy and maintains related transaction information. Florida law currently authorizes the use of automated pharmacy systems in long-term care facilities, hospices, and state correctional institutions. **On November 6<sup>th</sup>, HB 59 passed the Health Quality Subcommittee by a vote of 13 to 0.**

Link to HB 59: <http://www.flsenate.gov/Session/Bill/2020/59>

Link to SB 708: <http://www.flsenate.gov/Session/Bill/2020/708>



### **Dispensing Medicinal Drugs – *House & Senate Bills Moving Forward***

**SB 100** by Senator Gayle Harrell (R-Stuart) and **HB 57** by Rep. Matt Willhite (D-Wellington) authorize individuals licensed to prescribe medicinal drugs in an institutional pharmacy to dispense a 48-hour supply, rather than a 24-hour supply. The legislation also authorizes these individuals to dispense a 72-hour supply of drugs if a state of emergency has been declared in the area. **On October 15<sup>th</sup>, SB 100 passed the Health Policy Committee by a vote of 10 to 0. On November 6<sup>th</sup>, HB 57 passed the Health Quality Subcommittee by a vote of 11 to 0. Next week on November 13<sup>th</sup>, SB 100 will be heard in the Appropriations Subcommittee on Health and Human Services.**

Link to SB 100: <http://www.flsenate.gov/Session/Bill/2020/100>

Link to HB 57: <http://www.flsenate.gov/Session/Bill/2020/57>



### **Exemptions from School-entry Vaccinations**

**SB 64** by Senator Lauren Book (D-Plantation) removes the exemptions from school-entry health examinations and immunization requirements for religious reasons and requires the Board of Medicine and the Board of Osteopathic Medicine to jointly create a medical exemption review panel.

Link to SB 64: <http://www.flsenate.gov/Session/Bill/2020/64>



### **Student Loans and Scholarship Obligations of Health Care Practitioners – *Senate Bill Moves Ahead***

**SB 66** by Senator Janet Cruz (D-Tampa) and **HB 77** by Rep. Joy Goff-Marcil (D-Maitland) establish that a health care practitioner's failure to repay a student loan or to comply with the service scholarship obligations does not constitute grounds for a disciplinary action. The legislation was amended to remove the requirement for DOH to notify a practitioner whose student loan is in default, and of the DOH's intent to suspend his or her license if the practitioner does not provide the DOH with proof that new payment terms have been agreed upon by all parties to the student loan. **On November 5<sup>th</sup>, SB 66 passed the Health Policy Committee by a vote of 9 to 0.**

Link to SB 66: <http://www.flsenate.gov/Session/Bill/2020/66>

Link to HB 77: <http://www.flsenate.gov/Session/Bill/2020/77>



### **Impaired Practitioner Program**

**SB 350** by Senator Aaron Bean (R-Fernandina Beach) creates a student evaluation program within the Department of Health (DOH) to evaluate students who are preparing for

licensure as practitioners and who have or are suspected of having an impairment that could affect a student's ability to practice with skill and safety if the student were licensed, registered, or certified.

Link to SB 350: <http://www.flsenate.gov/Session/Bill/2020/350>



### **Insurance Coverage for Hearing Aids for Children**

**HB 125** by Rep. Chuck Brannan (D-Lake City) requires certain health insurance policies to provide hearing aid coverage for insured children and provides coverage requirements, including a minimum coverage amount of \$3,500 per ear within a 24-month period for the child.

Link to HB 125: <http://www.flsenate.gov/Session/Bill/2020/125>



### **Emergency Room Health Care Practitioners Public Records Exemption**

**HB 145** by Rep. Mike Grieco (D-Miami Beach) provides a public records exemption for personal identifying and location information of current or former emergency room health care practitioners and their spouses and children.

Link to HB 145: <http://www.flsenate.gov/Session/Bill/2020/145>



### **DOH Legislative Package**

**SB 230** by Senator Gayle Harrell (R-Stuart) updates numerous provisions relating to health care practitioners and facilities regulated by the Department of Health (DOH), Division of Medical Quality Assurance (MQA). Some of the specific provisions contained in the bill:

- Grants rulemaking authority to the DOH for responsibilities relating to maximizing the use of existing programs and coordinating stakeholders and resources to develop a state strategic plan, including the process of selecting physicians under the Conrad 30 Waiver Program;
- Requires DOH to develop strategies to maximize federal-state partnerships that incentivize physicians to practice in medically underserved or rural areas;
- Repeals the requirement that the Board of Medicine (BOM) conduct a review of organizations that board-certify physicians in dermatology;
- Updates the osteopathic internship and residency accrediting agencies to include the Accreditation Council for Graduate Medical Education (ACGME);
- Revises and updates the massage therapy licensure requirements, athletic trainer educational and internship requirements, as well as licensure requirements for Marriage and Family Therapists and Mental Health Counselors;
- Updates the name of the accreditation body for psychology programs and revises the requirements for psychology licensure;
- Replaces the term “acquired immune deficiency syndrome” with “human immunodeficiency virus” to broaden the purpose of the DOH’s regional patient care networks to include persons with HIV, who might not have developed AIDS, as well as patients with AIDS;
- Revises the DOH’s health care practitioner licensing provisions to permit the DOH to issue a temporary license, that expires in 60 days, instead of 30 days, to a nonresident or non-citizen physician who has accepted a residency, internship, or fellowship in Florida and has not yet received a social security number; and

- Authorizes the DOH to issue medical faculty certificates to full-time faculty at Nova Southeastern University or Lake Erie College of Osteopathic Medicine.

On October 15<sup>th</sup>, SB 230 passed the Health Policy Committee as a committee substitute by a vote of 10 to 0.

Link to SB 230: <http://www.flsenate.gov/Session/Bill/2020/230>



### **Osteopathic Physician Licensure Requirements – *Both Bills Approved by Committees***

**SB 218** by Senator Gayle Harrell (R-Stuart) and **HB 221** by Rep. Spencer Roach (R-North Fort Myers) revise the licensure requirements for persons seeking licensure or certification as a DO. On October 22<sup>nd</sup>, SB 218 passed the Senate Health Policy Committee by a vote of 9 to 0. On November 6<sup>th</sup>, HB 221 passed the Health Quality Subcommittee by a vote of 14 to 0.

Link to SB 218: <http://www.flsenate.gov/Session/Bill/2020/218>

Link to HB 221: <http://www.flsenate.gov/Session/Bill/2020/221>



### **Health Care Licensing Requirements/Veterans – *House Bill on Agenda***

**HB 409** by Rep. Cary Pigman (Avon Park) and **SB 780** by Senator George Gainer (R-Panama City) exempt allopathic and osteopathic physicians from specified licensing requirements when providing certain services to veterans in this state. **HB 409 will be heard in the Health Quality Subcommittee on November 13<sup>th</sup>.**

Link to HB 409: <http://www.flsenate.gov/Session/Bill/2020/409>

Link to SB 780: <http://www.flsenate.gov/Session/Bill/2020/780>



### **Medicaid Expansion & Coverage**

**SJR 224** by Senator Annette Taddeo (D-Miami) and **HJR 247** by Rep. Cindy Polo (D-Miramar) propose an amendment to the State Constitution to provide Medicaid coverage to persons under age 65 who have an income equal to or below 138 percent of the federal poverty level.

Link to SJR 224: <http://www.flsenate.gov/Session/Bill/2020/224>

Link to HJR 247: <http://www.flsenate.gov/Session/Bill/2020/247>

**HB 219** by Rep. Barbara Watson (D-Miami Gardens) and **SB 164** by Senator Perry Thurston (D-Fort Lauderdale) extend Medicaid eligibility to adults who are under 65 years of age whose income does not exceed 133 percent of the federal poverty level.

Link to HB 219: <http://www.flsenate.gov/Session/Bill/2020/219>

Link to SB 164: <http://www.flsenate.gov/Session/Bill/2020/164>