

**Florida Academy of Family Physicians**  
**2022 Legislative Session Interim Legislative Update**  
December 3, 2021

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Legislators have now completed their final round of interim committee meetings. They will now take a break for the holidays and return January 11<sup>th</sup> for the start of the 2022 legislative session.

**OPPAGA Report on Electrocardiograms for Student Athletes Discussed |**

The House Secondary Education and Career Development Subcommittee received a report prepared by the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) which evaluated the (1) benefits and challenges of requiring EKG assessments for student athletes; (2) the cost of EKG assessments; (3) the accuracy of EKG assessments; (4) the current school district practices related to requiring or recommending EKGs for student athletes and (5) the nationally recognized or accepted criteria to identify athletes who should receive an EKG assessment.

Currently, two states - Texas and Pennsylvania - have adopted EKG assessment-related legislation for student athletes; however, neither state requires an EKG assessment for all athletes. Legislation filed by Rep. Fred Hawkins (R-St. Cloud), [HB 59](#), requires certain high school students to receive an EKG before participating in interscholastic athletics.

You may view the video of the hearing [here](#). You may also view the OPPAGA Report and corresponding presentation [here](#)

**Committee Hears from New CEO of Florida Birth-Related Neurological Injury Compensation Association (NICA) |** Members of the Senate Banking and Insurance Committee met Melissa Jaacks, the new interim CEO of NICA to hear her plans for addressing the issues recently raised over the administration of NICA. Prior to her comments, the committee heard from the Office of Insurance Regulation (OIR), Florida's auditor general and the Agency for Health Care Administration regarding their audit of NICA.

During the 2021 session, legislation was approved addressing several issues with the NICA. Ms. Jaacks said she has spent a lot of time listening to parents of the children in NICA. Specifically, she noted the following issues that are priorities for addressing: improving the benefit handbook which is too vague for families and case managers; adding a medical director or medical Board to make determinations on medical necessity and other health-related issues; formalizing the approval and denial process; establishing a family portal to provide transparency on the care provided or denied; increasing the caseload manager staff and establishing a parent advocate or parent advisory committee which will have ongoing dialogues with staff. Ms. Jaacks also noted that she is working closely with the OIR to revise NICA's plan of operations which would include a clear time limit for reimbursements. The meeting materials, including the audits, may be viewed [here](#).

**Legislative Redistricting Process Continues** | The work to redraw the boundaries for state legislative and congressional districts continued this week with the House release of its proposed Congressional and House maps. The redistricting process occurs once a decade following the U.S. Census. Florida legislators must approve one new congressional seat and redraw state Senate and state House maps prior to the June 13 qualifying deadline for the 2022 election cycle. A [joint interactive website](#) is available to the public who wish to participate in the redistricting process or to access the data or maps.

**2022 Doctor of the Day Program** | The application for the Legislature's Doctor of the Day Program has been released and now is the time for FAFP members to express their desire to volunteer for this program. A physician is designated for each day of the nine-week session and plays an important role in the FAFP's advocacy efforts. For further information, please contact FAFP Executive Vice President Jay Millson at [jmillson@fafp.org](mailto:jmillson@fafp.org).

### **Legislation Moving During the Recent Committee Week (alphabetically)**

#### **COVID-19-Related Claims Against Health Care Providers |**

[SB 7014](#) by the Senate Judiciary Committee extends the duration of the liability protections provided to health care providers against COVID-19-related claims from March 29, 2022 to June 1, 2023.

#### **Drug-Related Overdose Prevention |**

[SB 544](#) by Sen. Jim Boyd (R-Bradenton) and [HB 731](#) by Rep. Mike Caruso (R-Delray Beach) expand access to emergency opioid antagonists by increasing education regarding the use of emergency opioid antagonists, allowing pharmacists to order and dispense emergency opioid antagonists with an autoinjection delivery system, adding civilian personnel of law enforcement agencies to the list who are authorized to store, possess, and administer emergency opioid antagonists, and providing civil and criminal immunity.

#### **Recognizing Veteran Suicide |**

[SM 302](#) by Sen. Danny Burgess (R-Zephyrhills) and [HM 63](#) by Rep. Matt Willhite (D-Wellington) are memorials urging Congress to recognize the epidemic of suicide among veterans and to fully fund suicide prevention efforts of the U.S. Department of Veterans Affairs. HM 63 passed the Local Administration & Veterans Affairs Subcommittee this week.

#### **Schizophrenia Drugs |**

[SB 534](#) by Sen. Gayle Harrell (R-Stuart) authorizes the approval of drug products or medication prescribed for treating schizophrenia or schizotypal or delusional disorders for Medicaid recipients who have not met the step-therapy prior authorization criteria, when the drug or medication has been dispensed to the patient during the previous 12 months or prior authorization has been granted previously for the drug.

#### **Step-therapy Protocols |**

[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 Expansion | SUPPORT**

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

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

### **Abortion Rights |**

[HB 167](#) by Rep. Webster Barnaby (R-Deltona) requires physicians to conduct a test for, and inform women seeking abortions of, the presence of a detectable fetal heartbeat. The bill also prohibits physicians from performing or inducing an abortion if a fetal heartbeat is detected and authorizes a private civil cause of action for violations of the statutory requirement.

### **Alzheimer's Disease and Dementia-related Disorders Awareness |**

[SB 806](#) by Sen. Keith Perry (R-Gainesville) and [HB 475](#) by Rep. Michelle Salzman (R-Pensacola) require the Department of Health (DOH), in collaboration with the Department of Elderly Affairs (DOEA) and the Alzheimer's Association, to develop and disseminate information on Alzheimer's disease and dementia-related disorders to health care practitioners. The bills also require DOH to encourage health care providers to display the information in their facilities and discuss the information with patients 60 years of age or older.

### **Clinician-Administered Drugs |**

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

### **Department of Health |**

[SB 768](#) by Sen. Ana Maria Rodriguez (R-Doral) and [HB 693](#) by Rep. Brad Drake (R-Eucheeanna) are the Department of Health's (DOH) legislation package which provides the following:

- Revises education, training, and temporary certification requirement for midwives;
- Removes obsolete form and fee requirements for fingerprinting of orthotists and prosthetists;
- Revises educational requirements for psychologists applying for licensure by endorsement;
- Removes obsolete references to DOH-issued licensure examinations for clinical social workers and marriage and family therapists;

- Requires DOH to encourage high-risk pregnant women of unknown status to be tested for sexually transmissible diseases; and
- Amends provisions related to the regulation of Medical Marijuana Treatment Centers (MMTCs).

### **Emergency Medical Care and Treatment of Minors Without Parental Consent |**

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

### **Free Speech of Health Care Practitioners |**

[HB 687](#) by Rep. Brad Drake (R-Eucheeanna) prohibits 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. If the Board takes such action, it must prove beyond a reasonable doubt that the free speech led to the direct physical harm of a person with whom the practitioner had a practitioner-patient relationship within the 3 years immediately preceding the incident. A Board failing to prove harm is liable for a sum of up to \$1.5 million per occurrence for any direct or indirect damages to the practitioner.

### **Health Insurance Prior Authorization |**

[HB 564](#) by Sen. Gayle Harrell (R-Stuart) prohibits 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. The bill also provides that prior authorization forms may only contain information that is necessary for the determination of medical necessity or coverage for the requested medical procedure, course of treatment, or prescription drug benefit. Lastly, the bill requires insurers to publish on their website and provide insureds in writing protocol exception procedures.

### **Medicaid Eligibility |**

[HB 27](#) by Rep. Geraldine Thompson (D-Windermere) expands Medicaid eligibility and coverage to adults who are under 65 who have an income equal to or below 133 percent of the federal poverty level (FPL).

### **Medicaid Modernization |**

[SB 330](#) by Sen. Jason Brodeur (R-Sanford) 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.

### **Medicaid Proposed Constitutional Amendment |**

[SJR 412](#) by Sen. Annette Taddeo (D-Miami) and [HJR 239](#) by Rep. Felicia Robinson (D-Miami Gardens) propose an amendment to the State Constitution to require amending the state Medicaid plan to provide Medicaid coverage to persons under age 65 with income equal to or below 138 percent of the federal poverty level, matching the maximum allowed under the American Healthcare Act (ACA).

### **Medical Education Reimbursement and Loan Repayment Program |**

[HB 657](#) by Rep. Kamia Brown (D-Ocoee) 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. 18 limited access to quality health care certain practice areas.

### **Medication Technicians |**

[SB 836](#) by Sen. Jason Brodeur (R-Sanford) defines the term “medication technician” and establishes minimum requirements and training. The bill also allows medication technicians to assist a resident with self-administration of medications.

### **Newborn Screening |**

[SB 292](#) by Sen. Tina Polsky (D-Boca Raton) requires each newborn be tested for cytomegalovirus before three weeks of age. The bill also adds physicians to the list of practitioners to whom a parent may be referred to obtain the required newborn hearing screening after a home birth.

### **Overpayment of Claims |**

[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.

### **Pharmacies & Pharmacy Benefit Managers |**

The Florida Pharmacy Act establishes a set of protections for licensed pharmacies regarding audits by Pharmacy Benefits Managers (PBMs) and other payers. [SB 742](#) by Sen. Ana Maria Rodriguez (R-Doral) and [HB 357](#) by Rep. Jackie Toledo (R-Tampa) transfer the audit provisions of the Florida Pharmacy Act to the Florida Insurance Code, giving the Office of Insurance Regulation (OIR) the authority to enforce these provisions and respond to potential violations.

### **Physician Certifications for Medical Marijuana |**

[SB 164](#) by Sen. Jeff Brandes (R-St. Petersburg) and [HB 333](#) by Rep. Jayer Williamson (R-Pace) authorize qualified physicians to perform patient examinations and evaluations through telehealth for renewals of physician certifications for the medical use of marijuana.

[SB 326](#) also by Sen. Brandes deletes the requirement that qualified physicians be physically present in the same room as their patients when conducting an examination for physician certification for the medical use of marijuana and authorizes qualified physicians to conduct the examinations through telehealth.

### **Prescription Drug Formularies |**

[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.

### **Prescription Insulin Drugs |**

[SB 678](#) by Sen. Janet Cruz (D-Tampa) requires insurers and HMOs to respectively cap an insured's monthly cost-sharing obligation for covered prescription insulin drugs.

### **Protections of Medical Conscience |**

[HB 747](#) by Rep. John Snyder (R-Stuart) creates the Healthcare Ethics and Liberty Protection Act. The bill provides that health care providers and health care payers should not be compelled to participate in or pay for any health care that they object to on the basis of conscience.

### **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 |**

[HB 6011](#) by Rep. Spencer Roach (R-North Fort Myers) and [SB 262](#) by Sen. Ana Maria Rodriquez (R-Doral) authorize parents of adult children to recover damages for mental pain and suffering in medical negligence suits.

[HB 6039](#) by Rep. Yvonne Hinson (D-Gainesville) and [SB 560](#) by Sen. Ana Maria Rodriguez (R-Doral) delete the current prohibition on adult children of decedents recovering damages in medical negligence claims.

### **Suicide Prevention |**

[SB 478](#) by Sen. Jason Brodeur (R-Sanford) directs the Statewide Office for Suicide Prevention within the Department of Children and Families to conduct a study that includes an overview of the current infrastructure of the Florida's National Suicide Prevention Lifeline (NSPL) system among other requirements. The study's report must be submitted to the Legislature and DCF's Secretary by July 1, 2023.

### **Telehealth Payment |**

[SB 726](#) by Sen. Loranne Ausley (D-Tallahassee) requires 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.

### **Transmission and Screening of HIV and Sexually Transmissible Diseases |**

[HB 787](#) by Rep. Christopher Benjamin (D-Miami Gardens) removes offenses relating to prostitution from those offenses under which certain offenders must undergo HIV testing, reduces the criminal penalties for commission of criminal transmission of HIV, and

removes the requirements relating to screening, treatment, and counseling for sexually transmissible diseases of offenders charged with prostitution.

**Uterine Fibroid Research and Education |**

[SB 543](#) by Rep. Anika Omphroy (D-Lauderdale Lakes) requires health care providers who diagnose or treat a woman with uterine fibroids to submit diagnosis or treatment information to the Department of Health (DOH). It also requires the DOH, in consultation with the Florida Medical Association, to develop and disseminate information on uterine fibroids and conduct a campaign to increase public awareness.