

**Florida Academy of Family Physicians
2021 Legislative Session
Capital Update – WEEK TWO
March 12, 2021**

“COVID-19 liability protections for health care providers clears committee.” “Wilton Simpson, Chris Sprowls plan to rebuild unemployment trust with online sale tax.” “Florida lawmakers move to ban absentee ballot drop boxes.” “Bill to crack down on violent protests marches forward in Florida House.” “Jeff Brandes’ electric and autonomous vehicle bills zoom forward.” “Data privacy bill gets unanimous approval in first hearing.” “PACE septic-to-sewer expansion clears first Senate panel.” “Lawmaker eyes gaps in mental health care.”

The legislature is in full swing as it completes week two of its nine-week legislative session. And while COVID-related policy is of prime importance, the legislature is proving that it intends to address myriad policy issues in 2021 as evidenced above.

The FAFP will continue to keep you updated as these issues and hundreds more are addressed over the next two months, following is an update on the Florida Academy of Family Physicians’ priorities.

Doctor of the Day



FAFP Government Relations Committee member Dominique DiLorenzo, MD (left), served as Doctor of the Day on Tuesday March 9 - sponsored by Anna Eskamani (D-Orange). She not only connected with Representative Eskamani but several other legislators via her service in the Capital clinic and during a committee hearing. The FAFP has eight members signed up thus far to serve during less than ideal conditions in Tallahassee, but that’s what family medicine is all about – running to those in need as opposed to away.

Legislation Important to Florida’s Family Physicians – FAFP Positions Noted

APRN Scope of Practice Expansion – Oppose

HB 111 by Rep. Randy Maggard (R-Dade City), **SB 424** by Senator Jeff Brandes (R-St. Petersburg) allow advanced practice registered nurses (APRN) to engage in full independent practice by removing the current restriction to primary care practice.

Link to HB 111: <https://www.flsenate.gov/Session/Bill/2021/111>

Link to SB 424: <https://www.flsenate.gov/Session/Bill/2021/424>

PA Independent Practice – Oppose

HB 431 by Rep. Bob Rommel (R-Naples), **SB 894** by Senator Manny Diaz (R-Hialeah, and **HB 1299** by Rep. Alex Rizo (R-Miami) allow licensed physician assistants (PAs) to practice autonomously.

Link to HB 431: <https://www.flsenate.gov/Session/Bill/2021/431>

Link to SB 894: <https://www.flsenate.gov/Session/Bill/2021/894>

Link to HB 1299: <https://www.flsenate.gov/Session/Bill/2021/1299>

Psychologist Prescribing – Oppose

SB 160 by Senator Jeff Brandes (R-St. Petersburg) and **HB 687** by Representative Ramon Alexander (D-Tallahassee) allow certified, licensed psychologists to prescribe, administer, discontinue, and distribute prescription drugs, including controlled substances.

Link to SB 160: <https://www.flsenate.gov/Session/Bill/2021/160>

Link to HB 687: <https://www.flsenate.gov/Session/Bill/2021/687>

Optometry – Oppose

SB 876 by Senator Manny Diaz (R-Hialeah) and **HB 631** by Rep. Alex Rizo (R-Hialeah) expand the scope of practice for certified optometrists.

On March 10, SB 876 passed the Health Policy Committee by a vote of 6-3.

Link to SB 876: <https://www.flsenate.gov/Session/Bill/2021/876>

Link to HB 631: <https://www.flsenate.gov/Session/Bill/2021/631>

Administration of Vaccines – Oppose

SB 494 by Senator Danny Burgess (R-Zephyrhills) and **HB 459** by Rep. Fiona McFarland (R-Sarasota) allow pharmacists or registered interns under the supervision of a pharmacist to administer to adults all immunizations or vaccines recommended by the Centers for Disease Control and Prevention Advisory Committee on Immunization Practices.

On February 4, SB 494 passed the Health Policy Committee by a vote of 9-0.

SB 768 by Senator Dennis Baxley (R-Ocala) authorizes pharmacists and registered interns to administer immunizations and vaccines to children 6 years of age or older.

On February 17, SB 768 passed the Health Policy Committee by a vote of 6-4.

SB 898 by Senator Ana Maria Rodriguez (R-Doral) and **HB 1063** by Rep. Juan Fernandez-Barquin (R-Miami) authorize pharmacists to order, as well as administer, and pharmacy technicians to administer immunizations or vaccines listed in the CDC adult and children immunization schedule and recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices. The bills prohibit reimbursement for immunizations or vaccines ordered or administered by a pharmacist or a pharmacy technician to be at a rate lower than if it was ordered or administered by other health care practitioners.

Link to SB 494: <https://www.flsenate.gov/Session/Bill/2021/494>

Link to HB 459: <https://www.flsenate.gov/Session/Bill/2021/459>

Link to SB 768: <https://www.flsenate.gov/Session/Bill/2021/768>

Link to SB 898: <https://www.flsenate.gov/Session/Bill/2021/898>

Link to HB 1063: <https://www.flsenate.gov/Session/Bill/2021/1063>

Access to Health Care Practitioner Services – Oppose

HB 803 by Rep. Mike Caruso (R-Delray Beach) and **SB 1680** by Senator Ana Maria Rodriguez (R-Doral) exempt physicians and osteopathic physicians who provide pro bono services from continuing education requirements, allows the board to issue a limited number of restricted licenses to physicians not licensed in Florida to practice for 36 months in certain settings. The bills also increase the federal poverty level from 200 to 400 for the Access to Health Care Act.

On March 3, HB 803 passed the Professions & Public Health Subcommittee by a vote of 15-1.

Link to HB 803: <https://www.flsenate.gov/Session/Bill/2021/803>

Link to SB 1680: <https://www.flsenate.gov/Session/Bill/2021/1680>

Nonopioid Alternatives – Support

SB 530 by Senator Keith Perry (R-Gainesville) and **HB 725** by Rep. Scott Plakon (R-Longwood) allow health care practitioners to provide the required nonopioid alternative educational pamphlet in either an electronic format or in a printed format to patients or the patient's representative.

SB 530 has cleared all of its committees of reference and is now available for Senate floor consideration.

On March 9, HB 725 passed the Health & Human Services Committee by a vote of 18-0 and is now on the calendar of bills ready to be heard on the House floor.

Link to SB 530: <https://www.flsenate.gov/Session/Bill/2021/530>

Link to HB 725: <https://www.flsenate.gov/Session/Bill/2021/725>

Informed Consent for Pelvic Examinations – Support

Legislation passed in 2020 requires certain health care practitioners and medical students to obtain written consent from a patient or a patient's representative before performing a pelvic exam. **SB 716** by Senator Lauren Book (D-Plantation) and **HB 361** by Rep. Evan Jenne (D-Dania Beach) limit the written consent requirement to anesthetized or unconscious patients. In addition, the bills allow the written consent to be obtained as part of a general consent form if it is included as its own provision and allow one written consent form to be used to authorize multiple health care practitioners or students to perform the pelvic examination.

Link to SB 716: <https://www.flsenate.gov/Session/Bill/2021/716>

Link to HB 361: <https://www.flsenate.gov/Session/Bill/2021/361>

COVID-19 Liability Protections for Businesses & Health Care Providers – Support

Governor DeSantis, Senate President Simpson, and House Speaker Sprowls have all indicated that they would like to pass COVID liability protections for businesses and health care providers this session. **SB 72** also by Senator Brandes and **HB 7** by Rep. Lawrence McClure (R-Dover) create civil liability protections for businesses, government entities, and other organizations against COVID-19-related claims. **SB 74** by Senator Jeff Brandes (R-St. Petersburg) and **HB 7005** by the House Health & Human Services Committee offer protections from civil liability for health care providers when the provider substantially follows authoritative or applicable government-issued health standards or guidance related to COVID-19.

The Senate Rules Committee amended SB 72 on March 11 with the protections contained in SB 74. SB 74 now provides protections for all persons, including businesses, charities,

educational institutions, and others against a COVID-19-related claim and requires a plaintiff who files a COVID-19-related lawsuit to prove that a health care provider's conduct constituted gross negligence or intentional misconduct. We will continue to monitor this legislation as the session progresses.

SB 72 is now on the calendar of bills ready to be heard on the Senate floor.

On March 10, HB 7005 passed the Judiciary Committee by a vote of 15-5.

On March 5, HB 7 passed the full House by a vote of 83-31 and is in the Senate.

Link to SB 72: <https://www.flsenate.gov/Session/Bill/2021/72>

Link to SB 74: <https://www.flsenate.gov/Session/Bill/2021/74>

Link to HB 7005: <https://www.flsenate.gov/Session/Bill/2021/7005>

Link to HB 7: <https://www.flsenate.gov/Session/Bill/2021/7>

Dispensing Medicinal Drugs – Support

HB 29 by Rep. Matt Willhite (D-Wellington) and **SB 262** by Senator Gayle Harrell (R-Stuart) authorize hospitals to dispense 48-hour supply of medicinal drugs to the patient of an emergency room of the hospital or a patient discharged from a hospital.

On March 9, HB 29 passed the Health & Human Services Committee by a vote of 18-0 and the bill is now on the calendar of bills ready for House floor consideration.

On March 10, SB 262 is passed the Health Policy Committee by a vote of 9-0.

Link to HB 29: <https://www.flsenate.gov/Session/Bill/2021/29>

Link to SB 262: <https://www.flsenate.gov/Session/Bill/2021/262>

Telehealth – Support

HB 247 by Rep. Tom Fabricio (R-Miramar), **SB 660** by Senator Manny Diaz (R-Hialeah), **SB 864** by Senator Jason Brodeur (R-Sanford), **SB 700** by Senator Ana Maria Rodriguez (R-Doral), **HB 831** by Rep. Anthony Rodriguez (R-Miami), **SB 1250** by Senator Loranne Ausley (D-Tallahassee), and **HB 6079** by Rep. Cyndi Stevenson (R-St. Johns) all make various changes to the telehealth statutes. During this legislative session, the legislature will address such issues as whether audio-only telephone calls can be considered telehealth, which controlled substances can be prescribed via telehealth, reimbursement amounts, and use of telehealth and supervisory relationships by out of state telehealth providers.

On February 17, SB 700 passed the Health Policy Committee by a vote of 10-0.

Link to HB 247: <https://www.flsenate.gov/Session/Bill/2021/247>

Link to SB 660: <https://www.flsenate.gov/Session/Bill/2021/660>

Link to SB 864: <https://www.flsenate.gov/Session/Bill/2021/864>

Link to SB 700: <https://www.flsenate.gov/Session/Bill/2021/700>

Link to HB 831: <https://www.flsenate.gov/Session/Bill/2021/831>

Link to SB 1250: <https://www.flsenate.gov/Session/Bill/2021/1250>

Link to HB 6079: <https://www.flsenate.gov/Session/Bill/2021/6079>

Health Insurance Prior Authorization – Support

HB 1439 by Rep. Kelly Skidmore (D-Boca Raton) and **SB 1846** by Senator Tina Polsky (D-Boca Raton) require health insurers and pharmacy benefit managers to establish an online prior authorization process beginning January 1, 2022 and to make certain information accessible on their websites.

Link to HB 1439: <https://www.flsenate.gov/Session/Bill/2021/1439>

Link to SB 1846: <https://www.flsenate.gov/Session/Bill/2021/1846>

Retroactive Denial – Support

HB 851 by Rep. Susan Valdés (D-Tampa) and **SB 1388** by Senator Gayle Harrell (R-Stuart) prohibit individual health insurers and HMOs from retroactively denying a claim because of the insured and subscriber’s ineligibility at any time under certain circumstances.

Link to HB 851: <https://www.flsenate.gov/Session/Bill/2021/851>

Link to SB 1388: <https://www.flsenate.gov/Session/Bill/2021/1388>

Step-therapy Protocol Exemptions – Support

SB 1290 by Senator Ed Hooper (R-Clearwater) and **HB 1001** by Rep. Matt Willhite (D-Wellington) require health insurers to publish on their website, and provide in writing to the insurer, procedures to request step therapy protocol exemptions. The procedures must include the manner and timeframe in which the health insurer is required to authorize or deny the request. The legislation requires that the health insurer must authorize or deny the request within 72 hours for nonurgent care situations and 24 hours for urgent care situations.

Link to SB 1290: <https://www.flsenate.gov/Session/Bill/2021/1290>

Link to HB 1001: <https://www.flsenate.gov/Session/Bill/2021/1001>

Health Insurance Cost Sharing – Support

SB 1078 by Senator Jason Brodeur (R-Sanford) and **HB 1111** by Rep. Demi Busatta Cabrera (R-Coral Gables) prohibit health insurance companies from picking and choosing which financial assistance they will apply to the patient’s insurance deductible/maximum out-of-pocket limit. Specifically, the bills require insurers and their pharmacy benefits managers (PBMs) to apply payments by or on behalf of insureds toward the total contributions of the insureds’ cost-sharing requirements.

Link to SB 1078: <https://www.flsenate.gov/Session/Bill/2021/1078>

Link to HB 1111: <https://www.flsenate.gov/Session/Bill/2021/1111>

Access to Treatment – Support

SB 1392 by Senator Gayle Harrell (R-Stuart) and **HB 1021** by Rep. Allison Tant (D-Tallahassee) prohibit health insurers from requiring insureds to have failed on a drug before providing prescription drug coverage for drugs prescribed for stage 4 metastatic cancer and associated conditions.

Link to SB 1392: <https://www.flsenate.gov/Session/Bill/2021/1392>

Link to HB 1021: <https://www.flsenate.gov/Session/Bill/2021/1021>

Overpayment of Claims – Support

SB 1386 by Senator Gayle Harrell (R-Stuart) and **HB 1109** by Rep. Mike Grieco (D-Miami Beach) revise the timeframe for submission of insurer and HMO claims, respectively, for overpayment to providers. All claims for overpayment must be submitted to a provider or HMO within 12 months, rather than 30 months, after the health insurer’s or HMO’s payment of the claim. The bills allow for claims for overpayment beyond the 12-month period from providers convicted of fraud.

Link to SB 1386: <https://www.flsenate.gov/Session/Bill/2021/1386>

Link to HB 1109: <https://www.flsenate.gov/Session/Bill/2021/1109>

Health Care Licensure Exemption – Support

HB 1097 by Rep. Andrew Learned (D-Brandon) and **SB 780** by Senator George Gainer (R-Panama City) exempt out-of-state allopathic or osteopathic physicians who are employed with the U.S. Department of Veterans Affairs from the licensure requirements for the treatment of veterans in Florida, and require DOH to notify them of their exemption within 15 days.

Link to HB 1097: <https://www.flsenate.gov/Session/Bill/2021/1097>

Link to SB 780: <https://www.flsenate.gov/Session/Bill/2021/780>

Prohibited Acts by Health Care Practitioners – Support

HB 721 by Rep. Ralph Massullo and **SB 1142** by Senator Ray Rodrigues (R-Estero) prohibit health care practitioners from using certain specialty designations. The term "anesthesiologist" may only be used by licensed physicians and licensed dentists and the term "dermatologist" may only be used by licensed physicians.

Link to HB 721: <https://www.flsenate.gov/Session/Bill/2021/721>

Link to SB 1142: <https://www.flsenate.gov/Session/Bill/2021/1142>

Health Care Practitioner Discipline – Support

SB 1934 by Senator Lauren Book (D-Plantation) and **HB 1579** by Rep. Vance Aloupis (R-Miami) provide a pathway for the Department of Health to immediately suspend a healthcare practitioner's license, pending the legal conclusion to criminal charges including sexual assault, possession of child pornography, and homicide. The bills require the DOH to issue emergency orders to suspend any physicians' license who is a pediatrician or who otherwise treats children in his or her practice if the physician is arrested for committing or attempting, soliciting, or conspiring to commit acts that would constitute violations of specified criminal offenses involving a child. The legislation also requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to analyze this state's laws and rules relating to grounds for disciplinary actions against and immediate suspension of health care practitioner licenses and the application of such laws and rules, specifically with respect to criminal offenses.

Senator Book filed the legislation and issued a [press release](#) after learning that her children's own pediatrician had been charged with sex crimes against children.

Link to SB 1934: <https://www.flsenate.gov/Session/Bill/2021/1934>

Link to HB 1579: <https://www.flsenate.gov/Session/Bill/2021/1579>

PIP - Motor Vehicle Insurance Reforms – Monitor

SB 54 by Senator Danny Burgess (R-Zephyrhills) and **HB 719** by Rep. Erin Grall (R-Vero Beach) repeal Florida's Motor Vehicle No-Fault Law which requires every owner and registrant of a motor vehicle in this state to maintain Personal Injury Protection (PIP) coverage. Beginning January 1, 2022, the bills enact financial responsibility requirements for liability for motor vehicle ownership or operation, as follows:

- For bodily injury (BI) or death of one person in any one crash, \$25,000, and
- Subject to that limit for one person, \$50,000 for BI or death of two or more people in any one crash.
- Existing \$10,000 financial responsibility requirement for property damage is retained.

The bills also require insurers to offer medical payments coverage (MedPay) to cover certain medical expenses and creates a new framework to govern all third-party claims against motor vehicle insurers for bad faith failure to settle a case. A technical amendment was adopted in committee to the House bill which deleted the unnecessary options language from the provision requiring MedPay to be offered without a deductible.

On March 11, SB 54 passed the Rules Committee by a vote of 12-3.

On March 10, HB 719 passed the Civil Justice & Property Rights Subcommittee by a vote of 18-0.

Link to SB 54: <https://www.flsenate.gov/Session/Bill/2021/54>

Link to HB 719: <https://www.flsenate.gov/Session/Bill/2021/719>

Consumer Protection Against Fraud During a Pandemic – Monitor

HB 9 by Rep. Ardian Zika (R-Land O' Lakes) and **SB 1608** by Senator Aaron Bean (R-Fernandina Beach) establish criminal penalties and authorizes civil remedies for those knowingly and willfully making a false or misleading statement or disseminating false or misleading information regarding the availability of, or access to, a COVID-19 vaccine.

On March 5, HB 9 passed the bill by a vote of 113-0.

On March 16, SB 1608 is scheduled to be heard in the Criminal Justice Committee.

Link to HB 9: <https://www.flsenate.gov/Session/Bill/2021/9>

Link to SB 1608: <https://www.flsenate.gov/Session/Bill/2021/1608>