



**Florida Academy of Family Physicians
2022 Legislative Session
February 4, 2022 – Week 4**

The legislative committee meeting process is in full swing, and the breadth of policy issues is indicative of the challenges and opportunities the state confronts. The House and Senate released their proposed health and human services budgets this week. The House contains \$10 million for student loan forgiveness for certain health care practitioners, including physicians.

The below headlines provide a glimpse of the issues addressed by state leaders in just the last few days as the Legislative Session approaches the midway point:

- *Florida readies for federal infrastructure dollars*
- *Senate passes telehealth bill allowing providers to use telephones to deliver care*
- *State of emergency declared in 30 counties after cold front slams Florida farms*
- *PIP' Repeal Drive Starts Again*
- *Elections Law Fights Ramp Up Again*
- *FL AG Ashley Moody wants tougher penalties for retail thieves*
- *House Looks to Boost Law Officer Recruitment.*

2022 Doctor of the Day Program | A physician is designated each day of the nine-week session and plays a significant role in the FAFP's advocacy efforts. No FAFP members served this week but many are scheduled to in the weeks to come. For further information, please contact FAFP Executive Vice President Jay Millson at jmillson@fafp.org.

Legislation Moving This Week (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. They also require the Department of Health (DOH) to contract with local healthy start coalitions to create fetal and infant mortality review committees.

SB 146 was approved by Health Policy on 2/2/22.

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

[SB 7014](#) by the Senate Judiciary Committee and [HB 7021](#) 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.

HB 7021 and SB 7014 are scheduled to be considered by the full House on 2/9/22.

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. *HB 817 was approved by House Health and Human Services on 2/1/22.*

Free Speech of Health Care Practitioners | MONITOR

[HB 687](#) by Rep. Brad Drake (R-Defuniak Springs) and [SB 1184](#) by Sen. Doug Broxson (R-Pensacola) prohibit health care provider governing Boards from revoking a license, certificate, or registration due to their right of free speech. If the Board acts, it must prove beyond a reasonable doubt that the free speech led to the direct physical harm of patient with whom the practitioner had a relationship within the three years immediately preceding the incident. Failure to prove harm could result in the Board paying up to \$1.5 million per occurrence for damages to the practitioner. The bills also require Boards to provide practitioners with received complaints that may result in revocation of licensure within seven days after receiving the complaint. Failure to comply could result in a \$500 per day penalty from the Board.

SB 1184 is scheduled for consideration by Senate Judiciary on 2/7/22.

Newborn Screening | MONITOR

[SB 292](#) by Sen. Tina Polsky (D-Boca Raton) and [HB 1073](#) by Rep. Vance Aloupis (R-Miami) require a newborn's primary care provider, for home births not attended by a health care provider, to coordinate a referral for hearing loss screening. If they fail the screening, the provider must refer the newborn for an FDA-approved test for Cytomegalovirus (CMV). The bills also require, for newborns delivered in hospitals, to have screenings completed within 21 days after birth. For at home births with a health care provider in attendance, the requirement that the provider refer newborns to a licensed audiologist, a hospital, or another newborn hearing screening provider within 30 days is reduced to seven days after birth and the results of newborn hearing screenings and congenital CMV and any related diagnostic testing must be reported to DOH within seven days after receipt. The amended bill no longer requires birth centers to ensure all newborns are referred to a licensed physician for hearing loss screenings.

HB 1073, as amended, was approved by House Health and Human Services on 2/2/22.

PIP Repeal | MONITOR

[HB 1525](#) by Rep. Erin Grall (R-Vero Beach) and [SB 150](#) by Sen. Danny Burgess (R-Zephyrhills) repeal Florida's Motor Vehicle No Fault Law. A similar measure was approved during the 2021 session; however, the Governor vetoed it citing concerns about higher auto premiums. The House bill contains the following provisions:

- Repeals PIP and replaces it with mandatory - \$25,000/\$50,000 Bodily Injury and \$10,000 property damage.
- Allows auto policies to exclude liability coverage for a vehicle not designated as an insured vehicle if not newly acquired or as a temporary substitute vehicle.
- Creates a Medical Payments program which requires insurers to offer to consumers with limits of \$5000 and \$10,000 with a zero of \$500 deductible.

- Requires insureds to reserve \$5,000 for physicians providing emergency medical services.
- Provides there is no cause of action unless a person commits fraud.
- Expands uninsured motorist (UM) to include disability, impairment, disfigurement, loss of capacity for the enjoyment of life and creates a mandatory death benefit of \$5000.
- Provides a \$10,000 set-off of noneconomic damages if a person suffers an injury while uninsured for more than 30 days. This would not apply if the accident were due to DUI, reckless driving, gross negligence, felony offense or wrongful death.

The Senate companion contains many of the same provisions in HB 1525. However, the Senate bill creates a third-party bad faith statute, s.624.156 which is similar to what was included in the 2021 Senate legislation.

SB 150 was approved by Senate Banking and Insurance on 2/2/22. HB 1525 will be considered by House Civil Justice and Property Rights on 2/7/22.

Recovery of Damages in Medical Negligence Claims | OPPOSE

[HB 6011](#) 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.

Action on SB 262 was postponed in Senate Judiciary on 1/31/22.

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 step-therapy protocol exemption procedures.

SB 730 was approved by Senate Banking and Insurance on 2/2/22.

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.

HB 17 and SB 312 are scheduled to be considered by the full House on 2/9/22.

Other Bills of Interest to Family Physicians (alphabetically)

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.

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.

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.

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.

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.

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 | OPPOSE

[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.

Protections of Medical Conscience | MONITOR

[HB 747](#) by Rep. John Snyder (R-Stuart) and [SB 1820](#) by Sen. Dennis Baxley (R-Lady Lake) create 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.

Statewide Medicaid Managed Care Program | MONITOR

[SB 1950](#) by Sen. Jason Brodeur (R-Lake Mary) [HB 7047](#) by House Finance and Facilities amend the Statewide Medicaid Managed Care Program (SMMC). The current managed care contracts under the SMMC are scheduled to expire December 2024. The Agency for Health Care Administration will conduct a procurement in 2022-23 for new contracts that commence at the end of 2024.

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. Lorraine 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.