

Florida Academy of Family Physicians
2020 Legislative Session
Final Capital Update – WEEK NINE
March 16, 2020

As the 2020 Legislative Session extended through this week, legislators, staff, the press and the lobby corps were part of a surreal moment in a time where the process of dealing with legislation and the state budget unfolded simultaneously with unprecedented responses to the coronavirus pandemic. Although the session officially adjourned Thursday, March 19th – the budget that passed will almost certainly have to be revised due to COVID-19 implications. And, FAFP members will remain extremely busy attempting to adjust to a new virtual reality of patient care in order to best care for their patients.

2020 Doctor of the Day Program

FAFP's 2020 Doctor of the Day program could not have been such a huge success without the participation of 17 of FAFP's members who took the time to come to Tallahassee to participate in this important program. FAFP's advocacy efforts permeated each of the nine-weeks of the 2020 Legislative Session. Week nine included phenomenal FAFP participation in the program with Dr. Amaryllis Sanchez-Wohlever, Dr. Christy Cavanagh, Resident Dr. Tyler Spradling, Dr. Michale Swartzon, and Dr. Dennis Saver all serving as Doctors of the Day! For future information about next year's program, please contact FAFP Executive Vice President Jay Millson at jmillson@fafp.org.



(Dr. Sanchez Wohlever (middle) with husband Russell (left) and Senator Torres (Rt))



(Rt-L, Drs. Spradling, Cavanagh, and Swartzon)
Legislation of Importance to FAFP



Dr. Saver with Senator Debbie Mayfield

Bills are marked with FAFP's position: **Support** **Oppose** **Monitoring**

? APRN Scope of Practice Expansion – *HB 607 Signed by Governor*

HB 607 by Rep. Cary Pigman (R-Avon Park) allows advanced practice registered nurses (APRN) to engage in independent primary care practice, including family medicine, general pediatrics, and general internal medicine. The bill allows APRNs to provide a signature, certification, stamp, verification, affidavit, or other endorsement currently required to be

provided by a physician, and certify a cause of death and sign, correct, and file death certificates. HB 607 also allows certified nurse midwives to work autonomously.

On March 11th, HB 607 passed the Senate by a vote of 30 to 10 and passed the House by a vote of 107 to 8. That same day the bill was signed into law by the Governor and will be effective July 2020. The bill passed despite very strong opposition from the FAFP and organized medicine.

Link to Enrolled Version of HB 607:

<http://www.flsenate.gov/Session/Bill/2020/607/BillText/er>

Influenza & Strep Testing - *HB 389 Signed by Governor*

HB 389 by Rep. Tyler Sirois (R-Cocoa) contains two main components. First, it allows pharmacists to provide many levels of care for patients with the Chronic Conditions of arthritis, asthma, COPD, type 2 diabetes, HIV or AIDS, obesity, and any other conditions identified by the Board of Pharmacy. However, it must be done in collaboration with a physician (MD/DO). Secondly, it allows pharmacists to test and treat minor nonchronic conditions including, but not limited to, influenza, streptococcus, lice, skin conditions, and minor uncomplicated infections.

On March 11th, HB 389 passed the Senate by a vote of 28 to 12 and passed the House by a vote of 98 to 17. That same day the bill was signed into law by the Governor.

Link to Enrolled Version of HB 389:

<http://www.flsenate.gov/Session/Bill/2020/389/BillText/er>

Consultant Pharmacists - *HB 599 Signed by Governor*

HB 599 by Rep. Ana Maria Rodriguez (R-Doral) allows consultant pharmacists to provide medication management services, order and evaluate laboratory or clinical tests, and conduct patient assessments under a collaborative practice agreement in a health care facility. The legislation authorizes a consultant pharmacist to enter into a written collaborative practice agreement (CPA) with a medical director or a Florida-licensed physician, podiatrist, or dentist who is authorized to prescribe medication. The bill also defines a health care facility to include:

- Ambulatory surgery center;
- Inpatient hospice;
- Hospital;
- Alcohol or chemical dependency center;
- Ambulatory care center; or
- Nursing home component of a continuing care facility.

On February 20th, the House passed HB 599 by a vote of 115 to 2.

On March 11th, the Senate passed HB 599 by a vote of 40 to 0 and that same day the bill was signed into law by the Governor. Effective date July 1, 2020.

Link to Enrolled Version of HB 599:

<http://www.flsenate.gov/Session/Bill/2020/599/BillText/er>

Keep Our Graduates Working Act - *HB 115 Headed to Governor*

HB 115 by Rep. Nick Duran (D-Miami) removes the state authority to take disciplinary action against a healthcare practitioner who defaults on a federal- or state-guaranteed student loan or who fails to comply with the terms of a service scholarship. A healthcare

practitioner may not have a license, certificate or registration suspended or automatically revoked by the Department of Health solely because of a loan default or failure to complete service scholarship obligation.

On January 29th, HB 115 passed the House by a vote of 118 to 0.

On February 12th, HB 115 passed the Senate by a vote of 35 to 1.

Link to Enrolled Version of HB 115:

<http://www.flsenate.gov/Session/Bill/2020/115/BillText/er>

Nonopioid Alternatives – *HB 743 Headed to Governor*

HB 743 by Rep. Scott Plakon (R-Longwood) amends last year's enacted nonopioid alternatives legislation. Beginning July 1, 2020, the legislation provides an exception to the requirement to provide nonopioid alternatives when treating a patient in an emergency room, a critical care unit, or when the patient is receiving hospice services. The legislation allows information on the nonopioid alternatives to be provided to the patient's representative, in addition to the patient directly.

On March 4th, HB 743 passed the House by a vote of 115 to 0.

On March 6th, HB 743 passed the Senate by a vote of 39 to 0.

Link to Enrolled Version of HB 743:

<http://www.flsenate.gov/Session/Bill/2020/743/BillText/er>

Automated Pharmacy Systems – *HB 59 Headed to Governor*

HB 59 by Rep. Matt Willhite (D-Wellington) permits a licensed community pharmacy to provide outpatient pharmacy services for dispensing of medicinal drugs through the use of an automated pharmacy system (APS) if certain requirements are met.

On March 11th, HB 59 passed the House by a vote of 115 to 1.

On March 13th, HB 59 passed the Senate by a vote of 27 to 12.

Link to Enrolled Version of HB 59:

<http://www.flsenate.gov/Session/Bill/2020/59/BillText/er>

DOH Legislative Package – *HB 713 Headed to Governor*

HB 713 by Rep. Ana Maria Rodriguez (R-Doral) updates numerous provisions relating to health care practitioners and facilities regulated by the Department of Health (DOH), Division of Medical Quality Assurance (MQA). The bill:

- Provides that the Statewide Medical Director for Child Protection reports directly to the department's deputy secretary in charge of the state's Children's Medical Services Program and the medical director of each child protection teams reports directly to the statewide medical director.
- Substitutes the term "human immunodeficiency virus" (HIV) in place of "acquired immune deficiency syndrome" (AIDS) to broaden the scope of the department's regional patient care networks for persons with AIDS to also include persons with HIV;
- Grants rulemaking authority to DOH establish guidelines to implement the federal Conrad 30 Waiver Program and to encourage qualified physicians to relocate to Florida and practice in medically underserved and rural areas;
- For UF Shands, increases the period of time a cancer center may participate as a Tier 3 cancer center, and is authorized to pursue a National Cancer Institute designation

as a cancer center or a comprehensive cancer, from a maximum of six years to until June 30, 2024;

- Requires the applicant's date of birth on health care professional licensure applications;
- Revises the department's health care practitioner licensing provisions to permit the department 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;
- Deletes a health care practitioner's failure to repay student loans, as grounds for discipline by the department;
- Authorizes the department to issue medical faculty certificates, without examination, to fulltime faculty at Nova Southeastern University or Lake Erie College of Osteopathic Medicine;
- Updates the osteopathic internship and residency accrediting agencies to include the Accreditation Council for Graduate Medical Education (ACGME) and repeals the Board of Osteopathic Medicine's (BOOM) authority to approve other internship programs upon showing of good cause;
- Changes the physician/physician assistant makeup of the Council on Physician Assistants to be one MD, one DO, and three PAs, but still remains under control the Florida Board of Medicine; and
- Extends the requirement for the Florida Center for Nursing (FCN) to provide an implementation study and annual report on the availability of nursing programs and production of quality nurses to the Governor, the President of the Senate, and the Speaker of the House of Representatives until January 30, 2025.

On March 13th, HB 713 passed the Senate by a vote of 110 to 0 and passed the House by a vote of 37 to 0.

Link to Enrolled Version of HB 713:

<http://www.flsenate.gov/Session/Bill/2020/713/BillText/er>

Osteopathic Physician Licensure Requirements – SB 218 Headed to Governor

SB 218 by Senator Gayle Harrell (R-Stuart) updates the osteopathic internship and residency accrediting agencies to include the Accreditation Council for Graduate Medical Education (ACGME).

On March 9th, SB 218 passed the Senate by a vote of 39 to 0.

On March 11th, SB 218 passed the House by a vote of 117 to 0.

Link to Enrolled Version of SB 218:

<http://www.flsenate.gov/Session/Bill/2020/218/BillText/er>

Reproductive Health – SB 698 Headed to Governor

SB 698 by Senators Lauren Book (D-Plantation) revises the description of what constitutes grounds for disciplinary action against a health care practitioner who intentionally places a human embryo into a patient without the recipient's consent. Specifically, the legislation bans health care practitioners from donating their own reproductive material to a patient. The legislation broadens the definition of "pelvic examination" and requires written consent before the exam may be performed by health care practitioners, medical students, or other students in training to become a health care practitioner.

On March 11th, SB 698 passed the House by a vote of 117 to 0 and on March 12th, SB 698 passed the Senate by a vote of 39 to 0.

Link to Enrolled Version of SB 698:

<http://www.flsenate.gov/Session/Bill/2020/698/BillText/er>

Emotional Support Animals – *SB 1084 Headed to Governor*

SB 1084 by Senator Manny Diaz (R-Hialeah) amends Florida's Fair Housing Act by prohibiting discrimination in housing rental to an individual needing an Emotional Support Animal (ESA). SB 1084 creates a new cause for disciplinary action against a health care practitioner's license for providing supporting information for an emotional support animal, without personal knowledge of the patient's disability or disability-related need. The legislation also creates a misdemeanor crime of providing false or fraudulent emotional support animal information or documentation and requires a convicted person to perform 30 hours of community service for an organization serving persons with disabilities, or another entity or organization the court determines appropriate.

On March 3rd, SB 1084 passed the Senate by a vote of 40 to 0.

On March 10th, SB 1084 passed the House by a vote of 116 to 0.

Link to Enrolled Version of SB 1084:

<http://www.flsenate.gov/Session/Bill/2020/1084/BillText/er>

Mental Health & Suicide Prevention – *SB 7012 Headed to Governor*

SB 7012 by the Senate Children, Families, and Elder Affairs makes a variety of changes to laws relating to mental health services. The bill redefines "mental illness" related to the Baker Act and post-adjudication commitment to exclude dementia and traumatic brain injury. The bill broadens the duties of the Statewide Office of Suicide Prevention (Office) within DCF by requiring the Office to coordinate education and training curricula on suicide prevention efforts for veterans and service members. Additionally, the bill requires the Office to include veterans and service members in the network of community-based programs intended to improve suicide prevention initiatives. The bill broadens the scope of the Suicide Prevention Coordinating Council by requiring the Council to make recommendations on the implementation of evidence-based mental health programs and suicide risk identification training in the Council's annual report on suicide prevention. The Council is also required to work with DCF to help make the public more aware of the locations and availability of behavioral health providers. SB 7012 adds 5 new members to the Council.

The bill also establishes coordinated specialty care (CSC) programs as an essential element of a coordinated system of care in Florida, and requires DCF to assess the availability of and access to CSC programs in the state, including any gaps in availability or access that may exist. The bill requires that a minor's guardian or representative must be given information regarding the availability of a local mobile response service, suicide prevention resources, social supports and local self-help groups upon the release from the Baker Act. The bill requires county jails to administer the psychotropic medications prescribed by DCF when a forensic client is discharged and returned to the county jail, unless the jail physician documents the need to change or discontinue such medication.

On March 11th, SB 7012 was amended and passed the House by a vote of 118 to 0.

On March 13th, SB 7012 passed the Senate by a vote of 38 to 0.

Link to Enrolled Version of SB 7012:

<http://www.flsenate.gov/Session/Bill/2020/7012/BillText/er>

Children's Mental Health – *HB 945 Headed to Governor*

HB 945 by Rep. David Silvers (D-Lake Clarke Shores) requires the Department of Children and Families (DCF) and the Agency for Health Care Administration (AHCA) to identify children and adolescents who are the highest users of crisis stabilization services and collaboratively take action to meet the behavioral health needs of such children. The bills direct these agencies to jointly submit a quarterly report to the Legislature during Fiscal Years 2020-2021 and 2021-2022 on the actions taken by both agencies to better serve these individuals.

The bill requires DCF to contract with the Managing Entities (MEs) for crisis response services provided through mobile response teams (MRTs) to provide immediate, onsite behavioral health crisis services 24 hours per day, seven days per week for certain children, adolescents, and young adults. The MRTs must triage new requests and respond to calls in-person within 60 minutes if possible; respond on-location; provide services that are responsive to the patient and family; provide de-escalation techniques to patient and families to reduce future crises; provide screening, early identification and referrals to community services; ensure informed consent and confidentiality; promote information sharing; and coordinate informal partnerships with behavioral health providers. Imposes upon MEs numerous requirements for MRT procurement including a requirement that there is access to a board-certified or board-eligible psychiatrist or psychiatric nurse practitioner.

The bill also requires the MEs to develop a plan that promotes the development and implementation of a coordinated system of care for children, adolescents, and young adults to integrate behavioral health services provided through state-funded child-serving systems and facilitate access to mental health treatment and services. The bill sets forth requirements for this planning process. The plan must be completed by January 1, 2022 and implemented by January 1, 2023.

MEs must assess gaps in the arrays of mental health services for children and adolescents. AHCA shall regularly test Medicaid managed care plan provider network databases to ensure that behavioral health providers are accepting enrollees and confirm that enrollees have access to behavioral health systems. The Louis de la Parte Florida Mental Health Institute within the University of South Florida shall develop a model protocol for school use of MRTs. The bill requires that before law enforcement is contacted for Baker Act purposes the school principal must first verify that des-escalation strategies have been utilized and outreach to an MRT has been initiated.

DCF and AHCA shall assess the quality of care provided in crisis stabilization units to children and adolescents who are high utilizers. DCF and AHCA shall compare Florida standards of care in crisis stabilization units with other states and make recommendations for improvements. Findings and recommendations shall be given to the Governor, Speaker, and President by November 15, 2020.

On March 5th, HB 945 passed the House by a vote of to 100 to 0.

On March 12th, HB 945 passed the Senate by a vote of 40 to 0.

Link to Enrolled Version of HB 945:

<http://www.flsenate.gov/Session/Bill/2020/945/BillText/er>

The following bills did not pass this session:

? Psychologist Prescribing - *FAILED TO PASS*

SB 448 by Senator Jeff Brandes (R-St. Petersburg) and **HB 1443** by Rep. David Santiago (R-Deltona) allow certified, licensed psychologists to prescribe, administer, discontinue, and distribute prescription drugs, including controlled substances.

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

Link to HB 1443: <http://www.flsenate.gov/Session/Bill/2020/1443>

? Legislative Review of Occupational Regulations - *FAILED TO PASS*

HB 707 by Rep. Paul Renner (R-Palm Coast) and **SB 1124** by Senator Manny Diaz (R-Hialeah) schedule the automatic repeal of state licensure for over one-hundred professions and occupations over four years, beginning July 1, 2021, and ending July 1, 2024, unless the Florida legislature renews each of those licensing laws. The legislation establishes that it is the intent of the legislature to complete a systematic review of the costs and benefits of certain occupational regulatory programs prior to the date set for repeal to determine whether the program should be allowed to expire, be renewed, or be renewed with modifications.

Link to HB 707: <http://www.flsenate.gov/Session/Bill/2020/707>

Link to SB 1124: <http://www.flsenate.gov/Session/Bill/2020/1124>

? Electronic Prescribing - *FAILED TO PASS*

Beginning July 1, 2021, **HB 1103** by Rep. Amber Mariano (R-Hudson) and **SB 1830** by Senator Dennis Baxley (R-Ocala) eliminate current electronic prescribing exemptions and require prescribers to generate and transmit all prescriptions electronically, except when electronic prescribing is unavailable due to a temporary electrical or technological failure.

Link to HB 1103: <http://www.flsenate.gov/Session/Bill/2020/1103>

Link to SB 1830: <http://www.flsenate.gov/Session/Bill/2020/1830>

 Dispensing Medicinal Drugs - *FAILED TO PASS*

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.

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

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



Pharmacy Benefit Managers – *FAILED TO PASS*

HB 7045 by the House Health Market Reform Subcommittee requires drug manufacturers to provide notification of upcoming price increases to every health insurer that covers the drug at least 60 days prior to the effective date of any manufacturer drug price increase. In addition, the drug manufacturer must submit a report to the Department of Business and Professional Regulation (DBPR) and the Office of Insurance Regulation (OIR) on each manufacturer drug price increase made during the previous calendar year. Other provisions contained in HB 7045 include pharmacy audit provisions and PBM reporting requirements. Additionally, the bill requires AHCA to contract for an independent analysis by June 30, 2020, of pharmacy benefit management practices under the Statewide Medicaid Managed Care Program and to conduct an analysis by June 30, 2020 of managed care plan pharmacy networks to ensure that enrollees have sufficient choice of pharmacies within established geographic parameters.

SB 1338 by Senator Tom Wright (R-New Smyrna Beach) gives the Florida Office of Insurance Regulation (OIR) the authority to examine and audit Pharmacy Benefit Management companies (PBMs) to provide more accountability and transparency in the manner in which drugs are priced and dispensed in Florida. The legislature had previously granted this authority to OIR; however, the bill clarifies the authority and imposes the cost of the examination on the PBM consistent with other regulated entities. SB 1338 also requires health insurers and health maintenance organizations (HMOs) to annually report specified pricing information to OIR. The legislature previously imposed pharmacy audit guidelines to provide fairness in the audit process. The bill moves the audit authority from the Board of Pharmacy to OIR for consistency and clarifies that managed care organizations and HMOs contracting with PBMs must ensure that the statutory provisions imposed are followed by the PBM.

Link to HB 7045: <http://www.flsenate.gov/Session/Bill/2020/7045>

Link to SB 1338: <http://www.flsenate.gov/Session/Bill/2020/1338>



Prohibited Acts by Health Care Practitioners – *FAILED TO PASS*

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. Both bills clarify that non-physicians are banned from using a long list of titles, including “physician,” “primary care physician,” “pediatrician,” and many other specialty titles. FAFP amended HB 309 to clarify that “family physician” is a protected name. The Senate bill was amended to make the use of the terms “anesthesiologist” or “dermatologist” prohibited, and grounds for professional discipline, unless the practitioner is licensed as a physician under Chapters 458 or 459, F.S., or as a dentist under Chapter 466, F.S.

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

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



Interstate Medical Licensure Compact – *FAILED TO PASS*

SB 926 by Senator Gayle Harrell (R-Stuart) and **HB 1143** by Rep. Tommy Gregory (R-Sarasota) implement the Interstate Medical Licensure Compact in Florida and establish

that physicians and osteopaths licensed under the Interstate Medical Licensure Compact are deemed to be licensed under chapters 458 and 459, respectively.

The legislation also relates to various health care professions and programs regulated by the Department of Health, including:

- Authorizing a person living with HIV to donate blood, organs, and other human tissue to a recipient who has HIV and who knows the donor has HIV.
- Authorizing a psychiatric nurse to authorize the release of an individual from a nationally-accredited community mental health center. Currently, a psychiatric nurse, performing within a protocol with a psychiatrist, may only authorize a release of a person involuntarily admitted under the Baker Act from a receiving facility, if owned or operated by hospital.
- Making battery on a vulnerable adult or a patient or resident of certain health care facilities a disqualifying offense for employment and certain health care practitioner licenses.
- Authorizing DOH to issue medical faculty certificates to -time faculty members of additional Florida medical schools.
- Authorizing qualified pharmacists to administer long-acting medications to treat substance abuse disorders.
- Establishing a scope of practice for a certified master social worker and aligns the application process that of other licensed mental health professionals.

Link to SB 926: <http://www.flsenate.gov/Session/Bill/2020/926>

Link to HB 1143: <http://www.flsenate.gov/Session/Bill/2020/1143>