

**Florida Academy of Family Physicians
2021 Legislative Session
Interim Capital Update Weeks 3&4
February 15, 2021**

The legislature has held interim committee meetings for three consecutive weeks in Tallahassee. Beginning on February 15, they will begin the last round of interim committee hearings before the legislative session begins on March 2. For two of these interim weeks, the House and Senate Appropriations Committees had briefings on the Governor's proposed budget. The Governor's proposed spending plan is more than \$4 billion higher than the current year's budget, with \$2.6 billion of the increase driven by response to the COVID-19 Pandemic. Despite some grumblings from legislators about a proposed \$1 billion program to aid cities and counties dealing with the impact of climate change, the application of local school property taxes, and the high price tag for Everglades' restoration, the Governor's budget presentations were largely met with polite acceptance during the committee hearings.

Senate Appropriations Chair Senator Kelli Stargel (R-Lakeland) warned her colleagues that despite "modest gains" in the state's economic forecast, a \$2.7 billion budget shortfall looms and spending cuts will be needed. "No entity should assume that state support will automatically continue this year." Stargel said.

Following is a summary of the issues confronting our state and the Florida Academy of Family Physicians.

2021 Doctor of the Day Program

FAFP's Doctor of the Day Program is an important part of FAFP's advocacy efforts during each of the nine-weeks of the 2021 Legislative Session which begins March 2 runs through April 30.

The Florida Senate has reversed their original decision to not participate in this program and will now be hosting the Doctor of the Day Program along with the House of Representatives. The new application and details on the program's COVID-19 protocols are now available. For further information about the program, please contact FAFP Executive Vice President Jay Millson at jmillson@fafp.org.

Florida Legislative Activity

2021 Legislation of Interest to the Florida Academy of Family Physicians

(Oppose) APRN Scope of Practice Expansion

HB 111 by Rep. Randy Maggard (R-Dade City) and **SB 424** by Senator Jeff Brandes (R-St. Petersburg) allows 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>

(Oppose) PA Independent Practice

HB 431 by Rep. Bob Rommel (R-Naples) and **SB 894** by Senator Manny Diaz (R-Hialeah) allow licensed physician assistants (PAs) to practice autonomously in primary care practice, including internal medicine, pediatrics, family medicine, general internal medicine, geriatrics, general obstetrics, and gynecology practices.

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

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

(Oppose) Psychologist Prescribing

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>

(Monitor) Administration of Vaccines

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) requires pharmacists to report vaccination data to DOH's immunization registry. The bill also authorizes pharmacists and registered interns to administer immunizations and vaccines to children 6 years of age or older.

On February 17, SB 768 is scheduled to be heard in the Health Policy Committee.

SB 898 by Senator Ana Maria Rodriguez (R-Doral) authorizes 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 bill prohibits 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. The bill also requires pharmacists to report certain vaccination data to the DOH's immunization registry.

SB 1022 by Senator Lauren Book (D-Plantation) requires the Department of Children and Families to include in the licensure standards for child care facilities a minimum percentage of children enrolled in a facility who must have received immunizations.

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 SB 1022: <https://www.flsenate.gov/Session/Bill/2021/1022>

(Support) Health Insurance Prior Authorization

SB 528 by Senator Gayle Harrell (R-Stuart) provides certain patient protection provisions regarding prior authorization forms, treatment coverage and prescription drug coverage. Specifically, the bill prohibits health insurers from excluding coverage for certain cancer treatments drugs. 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. The bill requires insurers to publish

on their website and provide insureds in writing, protocol exception procedures. In addition, the bill prohibits insurers from retroactively denying coverage if the health insurer verified eligibility at the time of treatment or provided an authorization number. Finally, the bill provides for certain step therapy protocol exceptions.

Another bill, **HB 851** by Rep. Susan Valdés (D-Tampa) prohibits 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 SB 528: <https://www.flsenate.gov/Session/Bill/2021/528>

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

(Support) Health Insurance Cost Sharing

SB 1078 by Senator Jason Brodeur (R-Sanford) prohibits 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 bill requires 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>

(Support) PIP - Motor Vehicle Insurance Reforms

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.

On January 26, SB 54 passed the Banking & Insurance Committee by a vote of 10-2.

On February 15, SB 54 is scheduled to be heard in the Judiciary Committee.

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

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

(Support) Telehealth

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), and **SB 1250** by Senator Lorraine Ausley (D-Tallahassee) 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 is scheduled to be heard in the Health Policy Committee.

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>

(Monitor) Nonopioid Alternatives

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.

On February 4, SB 530 passed the Health Policy Committee by a vote of 9-0 and on February 18, SB 530 is scheduled to be heard in the Rules Committee, its last stop.

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

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

(Monitor) Consumer Protection Against Fraud During a Pandemic

HB 9 by Rep. Ardian Zika (R-Land O' Lakes) establishes 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.

House Speaker Chris Sprowls (R-Palm Harbor) has stated that passage of the bill is a House priority.

On February 10, HB 9 passed the Criminal Justice & Public Safety Subcommittee by a vote of 17-0 and is now in the Judiciary Committee, its last stop.

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

(Support) COVID-19 Liability Protections for Health Care Providers

SB 74 by Senator Jeff Brandes (R-St. Petersburg) and **PCB HHS 21-01** 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 legislation would take effect upon becoming a law and applies retroactively, except to defendants named in lawsuits filed before the effective date of the bill. The liability protections will apply until one year after the termination or expiration of the state public health emergency relating to COVID-19, which was declared by the State Surgeon General, or any nationwide emergency declaration by the Federal Government, whichever is later.

On February 10, SB 74 passed the Judiciary Committee by a vote of 6-4.

On February 17, PCB HHS 21-01 is scheduled to be heard in the Health & Human Services Committee.

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

Link to PCB HHS 21-01:

<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3085&Session=2021&DocumentType=General+Publications&FileName=Health+Care+Civil+Liability.pdf>

(Support) Dispensing Medicinal Drugs

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. The legislation also provides the drug supply requirements for prescribing or dispensing of such drugs and authorizes a prescriber to provide patient with prescription for medicinal drugs for use beyond initial prescription period.

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

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

(Monitor) Vaccinations During Public Health Emergencies

HB 6003 by Rep. Anthony Sabatini (R-Howey-In-The-Hills) removes the authority of State Health Officer/Surgeon General to order vaccinations upon the declaration of a public health emergency.

Link to HB 6003: <https://www.flsenate.gov/Session/Bill/2021/6003>

(Monitor) Informed Consent for Pelvic Examinations

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>