



Florida Academy of Family Physicians
2020 Legislative Session
Final Interim Capital Update #3
December 13, 2019

The Florida Legislature concluded its final series of six interim committee meeting weeks which helps prepare for the regular legislative session (January 14 through March 13, 2020) wherein committee hearings will continue. The most important bill debated, and the only bill that must pass, is the state budget. On November 18th, Governor DeSantis unveiled his \$91.4 billion budget proposal and several of the House and Senate appropriations committees heard presentations this week on the Governor's proposed budget. The legislature must take this proposal and build its own budget ensuring that its priorities are addressed and that the budget is balanced.

Legislation of interest to the FAFP is tagged and tracked as bills are filed. Following is a brief summary of the key issues impacting the Florida Academy of Family Physicians (FAFP).

2020 Doctor of the Day Program

Now is the time for FAFP members to volunteer to take part in the 2020 Doctor of the Day program during each of the nine-weeks of the 2020 Legislative Session which is early this year, running from January 14 through March 13. FAFP's membership has maintained strong representation in Tallahassee to advance our advocacy efforts! For further information about the program, please contact FAFP Executive Vice President Jay Millson at jmillson@fafp.org.

Legislation of Importance to FAFP

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

? APRN Scope of Practice Expansion - *House Bills Get Hearing*

HB 607 by Rep. Cary Pigman (R-Avon Park) allows advanced practice registered nurses (APRN) and physician assistants (PAs) to engage in independent practice. These practitioners may act as a patient's primary care provider; provide a signature, certification, stamp, verification, affidavit, or other endorsement currently required to be provided by a physician; certify a cause of death and sign, correct, and file death certificates. Despite opposition and testimony presented by the FAFP, FMA, and all of organized medicine, **the bill passed the Health Quality Subcommittee on December 11th by a vote of 14 to 1.**

A linked committee bill, **HQS1** by the Health Quality Subcommittee, deals with the registration and biennial renewal fees for licensing advanced practice registered nurses. **On December 11th, the subcommittee also voted to introduce the committee bill which will now receive an official bill number.**

Link to HB 607: <http://www.flsenate.gov/Session/Bill/2020/607>

Link to HQS1:

[https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3021&Session=2020&DocumentType=Proposed%20Committee%20Bills%20\(PCBs\)&FileName=PCB%20HQS%202020-01.pdf](https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3021&Session=2020&DocumentType=Proposed%20Committee%20Bills%20(PCBs)&FileName=PCB%20HQS%202020-01.pdf)

? Influenza & Strep Testing -

HB 389 by Rep. Tyler Sirois (R-Cocoa) and **SB 714** by Senator Travis Hutson (R-Elkton) authorize pharmacists to test for and treat the influenza virus and streptococcal infections within the

framework of an established written protocol between the pharmacist and a supervising physician. On November 13th, HB 389 passed the Health Quality Subcommittee by a vote of 11 to 3. Thank you to Dr. Martha Price for testifying in opposition to the bill on behalf of FAFP.

Link to HB 389: <http://www.flsenate.gov/Session/Bill/2020/389>

Link to SB 714: <http://www.flsenate.gov/Session/Bill/2020/714>

Wellness Examinations

SB 208 by Senator Perry Thurston (D-Fort Lauderdale) specifies that physical examinations are provided to students as a part of the student support services team program. Mirroring the current childhood vaccination law, the bill also requires proof of well-care examination for school enrollment, but parents would be able to exempt the child from the well-care examination requirement on religious grounds.

Link to SB 208: <http://www.flsenate.gov/Session/Bill/2020/208>

Psychologist Prescribing – *House Companion Measure Pending*

SB 448 by Senator Jeff Brandes (R-St. Petersburg) allows certified, licensed psychologists to prescribe, administer, discontinue, and distribute prescription drugs, including controlled substances. A House companion measure has not been filed to-date.

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

Consultant Pharmacists

HB 599 by Rep. Ana Maria Rodriquez (R-Doral) and **SB 1094** by Senator Manny Diaz (R-Hialeah) allow consultant pharmacists to provide medication management services, order and evaluate laboratory or clinical tests, conduct patient assessments, and administer drugs within the framework of a collaborative practice agreement between the pharmacist and a physician, podiatrist or dentist.

Link to HB 599: <http://www.flsenate.gov/Session/Bill/2020/599>

Link to SB 1094: <http://www.flsenate.gov/Session/Bill/2020/1094>

Occupational Regulation Sunset Act

HB 707 by Rep. Paul Renner (R-Palm Coast) and **SB 1124** by Senator Manny Diaz (R-Hialeah) sunsets the medical and osteopathic medical practice acts on July 1, 2022. The legislation states that the legislature intends to review each occupational regulatory program to determine whether to allow the program to expire, renew the program without modifications, or renew the program 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>

Prohibited Acts by Health Care Practitioners – *House Bill Clears Committee*

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. The FAFP is working to ensure the language “family physician” is a covered term by the bill. On November 13th, B 309 passed the Health Quality Subcommittee by a vote of 12 to 2. Committee member Rep. Rene Plasencia (R-Orlando) proposed an amendment that would have precluded anesthesiologist assistants from using the title “anesthetists,” but he withdrew the amendment and stated that he would work with the sponsor to revise the language.

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


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

 **“Bait & Switch”**

SB 696 by Senator Debbie Mayfield (R-Vero Beach) and **HB 561** by Rep. Thad Altman (R-Indian River) requires individual and group health insurers and HMOs to provide notice of prescription drug formulary changes to current and prospective insureds and the insureds' or subscribers' treating physicians and specifies the requirements for a notice of medical necessity submitted by the treating physician. The legislation also requires insurers to apply certain reductions in out-of-pocket expenses for prescription drugs toward an insured's cost-sharing obligation.

Link to SB 696: <http://www.flsenate.gov/Session/Bill/2020/696>


Link to HB 561: <http://www.flsenate.gov/Session/Bill/2020/561>

 **Access to Treatment**

SB 820 by Senator Gayle Harrell (R-Stuart) and **HB 373** by Rep. Ralph Massullo, MD (R-Beverly Hills) prohibit insurance companies from excluding coverage for certain cancer treatment drugs and provides additional requirements and procedures around step-therapy protocols. SB 820 also prohibits health insurers from retroactively denying a claim if the insurance company verified the subscriber's eligibility at the time of treatment or provided an authorization number.

Link to SB 820: <http://www.flsenate.gov/Session/Bill/2020/820>

Link to HB 373: <http://www.flsenate.gov/Session/Bill/2020/373>

 **Student Loans and Scholarship Obligations of Health Care Practitioners – *Senate Bill Moves Ahead***

SB 66 by Senator Janet Cruz (D-Tampa) and **HB 77** by Rep. Joy Goff-Marcil (D-Maitland) establish that a health care practitioner's failure to repay a student loan or to comply with the service scholarship obligations does not constitute grounds for a disciplinary action. The legislation was amended to remove the requirement for DOH to notify a practitioner whose student loan is in default, and of the DOH's intent to suspend his or her license if the practitioner does not provide the DOH with proof that new payment terms have been agreed upon by all parties to the student loan. **On November 5th, SB 66 passed the Health Policy Committee by a vote of 9 to 0.**

Link to SB 66: <http://www.flsenate.gov/Session/Bill/2020/66>

Link to HB 77: <http://www.flsenate.gov/Session/Bill/2020/77>

 **Emergency Room Health Care Practitioners Public Records Exemption**

HB 145 by Rep. Mike Grieco (D-Miami Beach) and **SB 878** by Senator Gayle Harrell (R-Stuart) provide a public records exemption for personal identifying and location information of current or former emergency room health care practitioners and their spouses and children.

Link to HB 145: <http://www.flsenate.gov/Session/Bill/2020/145>

Link to SB 878: <http://www.flsenate.gov/Session/Bill/2020/878>

 **Prior Authorization for Opioid Alternatives**

SB 298 by Senator Gary Farmer (D-Fort Lauderdale) prohibits health insurance policies from requiring that treatment with an opioid analgesic drug product be attempted and have failed before authorizing the use of a nonopioid-based analgesic drug product. A House companion measure has not been filed to-date.

Link to SB 298: <http://www.flsenate.gov/Session/Bill/2020/298>



Administration of Vaccines

HB 825 by Rep. Juan Fernandez-Barquin (R-Miami) revises the recommended immunizations or vaccines a pharmacist, or registered intern under certain conditions, may administer. A Senate companion bill has not been filed to-date.

Link to HB 825: <http://www.flsenate.gov/Session/Bill/2020/825>



Automated Pharmacy Systems – *House Bill Passes*

HB 59 by Rep. Matt Willhite (D-Wellington) and **SB 708** by Senator Travis Hutson (R-Elkton) authorize a community pharmacy to provide outpatient dispensing through the use of an automated pharmacy system. The bills establish criteria for such systems and a community pharmacy's responsibilities when using this system. An automated pharmacy system is a mechanical system that dispenses prescription drugs received from a Florida-permitted pharmacy and maintains related transaction information. Florida law currently authorizes the use of automated pharmacy systems in long-term care facilities, hospices, and state correctional institutions. **On November 6th, HB 59 passed the Health Quality Subcommittee by a vote of 13 to 0.**

Link to HB 59: <http://www.flsenate.gov/Session/Bill/2020/59>

Link to SB 708: <http://www.flsenate.gov/Session/Bill/2020/708>



Dispensing Medicinal Drugs – *House & Senate Bills Advancing*

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. **SB 100 passed the Health Policy Committee by a vote of 10 to 0 and the Appropriations Subcommittee on Health and Human Services by a vote of 9 to 0. HB 57 passed the Health Quality Subcommittee by a vote of 11 to 0.**

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

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



Exemptions from School-entry Vaccinations

SB 64 by Senator Lauren Book (D-Plantation) removes the exemptions from school-entry health examinations and immunization requirements for religious reasons and requires the Board of Medicine and the Board of Osteopathic Medicine to jointly create a medical exemption review panel.

Link to SB 64: <http://www.flsenate.gov/Session/Bill/2020/64>



Impaired Practitioner Program

SB 350 by Senator Aaron Bean (R-Fernandina Beach) creates a student evaluation program within the Department of Health (DOH) to evaluate students who are preparing for licensure as practitioners and who have or are suspected of having an impairment that could affect a student's ability to practice with skill and safety if the student were licensed, registered, or certified. A House companion bill has not been filed to-date.

Link to SB 350: <http://www.flsenate.gov/Session/Bill/2020/350>



Insurance Coverage for Hearing Aids for Children

HB 125 by Rep. Chuck Brannan (D-Lake City) and **SB 1006** by Senator Dennis Baxley (R-Ocala) require certain health insurance policies to provide hearing aid coverage for insured children and

provide coverage requirements, including a minimum coverage amount of \$3,500 per ear within a 24-month period for the child.

Link to HB 125: <http://www.flsenate.gov/Session/Bill/2020/125>

Link to SB 1006: <http://www.flsenate.gov/Session/Bill/2020/1006>



DOH Legislative Package – *House Bill Clears Committee*

SB 230 by Senator Gayle Harrell (R-Stuart) and **HB 713** by Rep. Ana Maria Rodriguez (R-Doral) update numerous provisions relating to health care practitioners and facilities regulated by the Department of Health (DOH), Division of Medical Quality Assurance (MQA). Some of the specific provisions contained in the bill:

- Grants rulemaking authority to the DOH for responsibilities relating to maximizing the use of existing programs and coordinating stakeholders and resources to develop a state strategic plan, including the process of selecting physicians under the Conrad 30 Waiver Program;
- Requires DOH to develop strategies to maximize federal-state partnerships that incentivize physicians to practice in medically underserved or rural areas;
- Repeals the requirement that the Board of Medicine (BOM) conduct a review of organizations that board-certify physicians in dermatology;
- Updates the osteopathic internship and residency accrediting agencies to include the Accreditation Council for Graduate Medical Education (ACGME);
- Revises and updates the massage therapy licensure requirements, athletic trainer educational and internship requirements, as well as licensure requirements for Marriage and Family Therapists and Mental Health Counselors;
- Updates the name of the accreditation body for psychology programs and revises the requirements for psychology licensure;
- Replaces the term “acquired immune deficiency syndrome” with “human immunodeficiency virus” to broaden the purpose of the DOH’s regional patient care networks to include persons with HIV, who might not have developed AIDS, as well as patients with AIDS;
- Revises the DOH’s health care practitioner licensing provisions to permit the DOH 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; and
- Authorizes the DOH to issue medical faculty certificates to full-time faculty at Nova Southeastern University or Lake Erie College of Osteopathic Medicine.

On October 15th, SB 230 passed the Health Policy Committee as a committee substitute by a vote of 10 to 0. On December 11th, HB 713 passed the Health Quality Subcommittee by a vote of 11 to 0.

Link to SB 230: <http://www.flsenate.gov/Session/Bill/2020/230>

Link to HB 713: <http://www.flsenate.gov/Session/Bill/2020/713>



Osteopathic Physician Licensure Requirements – *Both Bills Approved by Committees*

SB 218 by Senator Gayle Harrell (R-Stuart) and **HB 221** by Rep. Spencer Roach (R-North Fort Myers) revise the licensure requirements for persons seeking licensure or certification as a DO. On October 22nd, SB 218 passed the Senate Health Policy Committee by a vote of 9 to 0. On November 6th, HB 221 passed the Health Quality Subcommittee by a vote of 14 to 0.

Link to SB 218: <http://www.flsenate.gov/Session/Bill/2020/218>

Link to HB 221: <http://www.flsenate.gov/Session/Bill/2020/221>



Health Care Licensing Requirements for Veterans – *House Bill Passes*

HB 409 by Rep. Cary Pigman (Avon Park) and **SB 780** by Senator George Gainer (R-Panama City) exempt allopathic and osteopathic physicians from specified licensing requirements when providing certain services to veterans in this state. **On November 13th, HB 409 passed the Health Quality Subcommittee by a vote of 14 to 0.**

Link to HB 409: <http://www.flsenate.gov/Session/Bill/2020/409>

Link to SB 780: <http://www.flsenate.gov/Session/Bill/2020/780>



Interstate Medical Licensure Compact

SB 926 by Senator Gayle Harrell (R-Stuart) implements the Interstate Medical Licensure Compact in Florida and establishes that physicians and osteopaths licensed under the Interstate Medical Licensure Compact are deemed to be licensed under chapters 458 and 459, respectively. The bill also deletes a provision classifying that the failure to repay a student loan issued or guaranteed by the state or federal government in accordance with the terms of the loan as a failure to perform a statutory or legal obligation. **SB 928** also filed by Senator Harrell is the accompanying public records exemption for this legislation.

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

Link to SB 928: <http://www.flsenate.gov/Session/Bill/2020/928>