

2021 Florida Legislative Summary - FINAL

Focus: Impact on Florida's Family Physicians

(*Implementation dates provided)



 FLORIDA ACADEMY OF
FAMILY PHYSICIANS
SUPPORTING FLORIDA'S FAMILY PHYSICIANS



COVID-19 Liability Protections for Businesses & Health Care Providers (Signed March 29)

This legislation is already law ([SB 72](#)) providing liability protections unless gross negligence can be proven. It mostly protects large healthcare facilities (e.g., nursing homes, hospitals) rather than physician offices but it represents a significant victory for medicine during the 2021 session.



Informed Consent for Pelvic Examinations (July 1, 2021*)

A priority “glitch bill” for the FAFP this year, [SB 716](#) **narrows the definition of “pelvic examination” to requiring written consent for health care practitioners and trainees to performing pelvic examinations on anesthetized or unconscious patients, yet verbal and written consent for conscious patients. The term “pelvic examination” is now defined to mean a manual examination of the organs of the female reproductive system using the health care provider’s gloved hand or instrumentation.** The term does not include a visual assessment, imaging, or a non-diagnostic medical or surgical procedure. The bill provides several exceptions for obtaining consent as follows:

- to avert a serious risk of imminent, substantial and irreversible physical impairment of a major bodily function, to permit a pelvic examination without consent when it is necessary to provide emergency services and care; or
- to administer as part of a court order or child protective investigation; or
- when the examination is administered pursuant to a criminal investigation alleging certain offenses related to child abuse and neglect.

Lastly, the bill provides that a single written consent for a pelvic examination may authorize multiple health care practitioners or students to perform a pelvic examination on a pregnant woman having contractions in a hospital. The FAFP has developed a new generic [written consent form](#) (also available via [fafp.org/advocacy](#)) for family physicians to use in their practices which complies with the revised requirements that

are now much more logical after strong lobbying efforts by the FAFP, FMA and organized medicine as a whole.



Nonopioid Alternatives (July 1, 2021*)

Also a priority glitch bill, this legislation ([SB 530](#)) allows for distribution of the Florida Department of Health’s non-opioid alternative pamphlets for patients to be **electronically transmitted as opposed to printed only.**



PA Independent Practice (July 1, 2021*)

Also passing despite strong opposition, [HB 431](#) expands the scope of practice for physician assistants (PA). However, physician supervision of PA practice via a collaborative agreement is still required. Changes include:

- expansion of the ratio of supervision from 4-1 to 10-1
- PA charts do not need to be reviewed or co-signed by the supervising physician.
- schedule II psychiatric controlled substances for minors up to 14 days
- signature authority: Baker Act orders, death certificates, do-not-resuscitate orders, medical evaluations for workers’ compensation, school physical examinations, orders for physical therapy and occupational therapy and death certificates.



Administration of Vaccines (July 1, 2021*)

[SB 768](#) expands the scope of authority for Florida-licensed pharmacists to administer, to an adult only^ and under physician supervision, any immunization and vaccine that is:

- listed in the federal Centers for Disease Control and Prevention’s (CDC) recommended vaccine or vaccine licensed in the United States by the U.S. Food and Drug Administration (FDA).
- listed in the CDC’s Health Information for International Travel;
- authorized for emergency use by the FDA. (^flu vaccine can be provided to children 7 and older)



“Parents’ Bill of Rights” (July 1, 2021*)

[HB 241](#) [HB 241](#) “Parents’ Bill of Rights” passed, despite the FAFP’s and organized medicine’s strenuous opposition, including both a direct letter to Governor DeSantis requesting a veto and a joint letter with the FMA and organized medicine. The legislation prohibits the state, its political subdivision, any other governmental entity or any other institution from infringing upon the fundamental right of a parent to direct the upbringing, education, health care, and mental health of his or her minor child. Specific to family medicine, **the legislation prohibits a physician, or his or her employees, from providing or soliciting to arrange healthcare services, prescribe medicinal drugs, or allowing a medical procedure to be performed in a facility without first obtaining written parental consent.** Although abortions and clinical laboratory services are exempted, violations are subject to disciplinary action punishable as a first degree misdemeanor. It is recommended that family physicians obtain written parental consent for treatment of a minor; in any circumstance, to ensure compliance.



Protecting DNA Privacy Act (October 1, 2021)

[HB 833](#) amends the statutes dealing with the unlawful use of DNA by prohibiting DNA analysis and disclosure of results of such analysis without authorization and prohibits the transfer of a DNA sample without express consent. Since the DNA sample is defined to mean any human biological specimen from whom DNA can be extracted, this legislation has significant implications for family physicians performing certain tests in their offices (e.g., strep, flu, blood, biopsies, urine, etc.). **The FAFP recommends its members include “DNA samples or analysis” in the definition of the Protected Health Information or HIPAA consent form already utilized in your offices. A generic form is provided HERE as well as can be found on [fafp.org/advocacy](#).**