

**Florida Academy of Family Physicians
2021 Legislative Session
Interim Capital Update
February 1, 2021**

Last week, the legislature held its second week of interim committee meetings as it prepared for the upcoming 2021 Legislative Session. Despite the fact that access to the Capitol Complex is dramatically restricted, legislators were able to debate legislation, receive presentations from state agencies, deal with COVID-related policy issues, and file new legislation. All of this activity combined with Governor DeSantis' submitting his proposed budget to the legislature made for a very busy week in Tallahassee.

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. Due to the Coronavirus pandemic, the Florida Senate has determined it will not have Senators sponsoring doctors for the program due to limited capital access. The House of Representatives will continue the program for this session, however, the application and other protocols have not been released yet. 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

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

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>

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>

Psychologist Prescribing

SB 160 by Senator Jeff Brandes (R-St. Petersburg) allows 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>

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 is scheduled to be heard in the Health Policy Committee.

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.

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.

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>

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.

Link to SB 528: <https://www.flsenate.gov/Session/Bill/2021/528>

PIP - Motor Vehicle Insurance Reforms

SB 54 by Senator Danny Burgess (R-Zephyrhills) repeals the Florida 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 bill enacts 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 bill also requires 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 to 2.

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



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), and **SB 700** by Senator Ana Maria Rodriguez (R-Doral) 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.

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>



Nonopioid Alternatives

SB 530 by Senator Keith Perry (R-Gainesville) allows 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 is scheduled to be heard in the Health Policy Committee.

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



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 January 14, HB 9 passed the Pandemics & Public Emergencies Committee by a vote of 16-0.

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



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>



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>



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>