

**Florida Academy of Family Physicians
2021 Legislative Session
Capital Update – WEEK FOUR
March 26, 2021**

The legislature concluded week four of the nine-week legislative session, and the legislature entered the phase of the legislative process where the merging of policy and budget begins. Policy committees are in the midst of dealing with hundreds of bills, almost all of which impact one or more of the interested parties represented in Tallahassee. Appropriation subcommittees also released initial budget proposals this week which reflect the realities of COVID-19 on state coffers and do not yet reflect the potential infusion of federal stimulus dollars. The next few weeks of the legislative session will now focus on both policy and budget considerations as the session enters into its typical pressure cooker phase.



This week FAFP Vice President Dr. Christy Cavanagh (top left) and President Elect Dr. Carrie Vey (top right) served as doctor of the day in Tallahassee. Dr. Cavanagh was sponsored by Representative Jenna Persons (R- Lee) and Dr. Vey House Speaker Designate Representative Paul Renner (R- Flagler). Knowing full well that access will be challenging and the Capital halls will be more or less empty has not deterred FAFP's leaders from serving and engaging in the legislative process. A special thanks to all who have served and will do so throughout the 2021 session!

Legislation Important to Florida's Family Physicians – FAFP Positions Noted

House & Senate Budget Subcommittees Release Budget Proposals

Both the Senate and House Appropriations Subcommittees released initial versions of their budget proposals this week. The proposals form the basis of each chamber's overall budget that will ultimately be negotiated prior to the legislature's final adoption of the 2021-22 budget. Neither budget reflects the anticipated infusion of federal stimulus dollars.

Senate and House Appropriations Subcommittees held hearings to review their sections of the budget and forward the committee's recommendations to the full Appropriations Committees which are expected to will take up the spending plans next week. Neither budgets contain the \$10 billion in COVID stimulus funds recently passed by Congress, yet. The proposals are an early step that will ultimately be part of House and Senate negotiations on a final budget for the new fiscal year which starts July 1.

In the Health and Human Services portion of the budget the House proposed spending roughly \$42.1 billion across the state's six health care-related agencies while the Senate released a \$42.3 billion proposal. Both the House and Senate propose severe cuts to hospitals and Medicaid funding. The Senate proposal would reduce hospital inpatient and outpatient Medicaid rates by \$251.2 million, reduces the critical care fund used to enhance Medicaid services to hospitals that specifically provide charity care by \$77.3 million, and eliminates young adults from the Medicaid rolls. The House would cut Medicaid payments to hospitals by \$288 million and eliminate \$226 million from the critical care fund.

Both plans fully fund the Medicaid and KidCare programs. The Senate plan also cuts base program spending by 10% in programs across the board while the House takes a more targeted approach to cuts. The House would cut funding for nursing homes by 2% (\$80 million) – the Senate would not. The House budget also includes funding for an initiative by House Speaker Chris Sprowls (R-Palm Harbor) to allow postpartum women to continue to receive Medicaid benefits for a full year following the birth of their children. (*See details below under Medicaid Eligibility section*)

APRN Scope of Practice Expansion – Oppose

HB 111 by Rep. Randy Maggard (R-Dade City), **SB 424** by Senator Jeff Brandes (R-St. Petersburg) allow 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 – Oppose

HB 431 by Rep. Bob Rommel (R-Naples), **SB 894** by Senator Manny Diaz (R-Hialeah), and **HB 1299** by Rep. Alex Rizo (R-Miami) allow licensed physician assistants (PAs) to practice autonomously. Both the bills have been amended to remove the autonomous practice language, but also remove the cap on the number of PAs a doctor can supervise. The amended bills also allow PAs to prescribe psychiatric medications under supervision to those under 18 years of age. **Neither bill has had a committee hearing.**

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

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

Link to HB 1299: <https://www.flsenate.gov/Session/Bill/2021/1299>

Psychologist Prescribing – Oppose

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.

Neither bill has had a committee hearing.

Link to SB 160: <https://www.flsenate.gov/Session/Bill/2021/160>

Link to HB 687: <https://www.flsenate.gov/Session/Bill/2021/687>

Optometry – Oppose

SB 876 by Senator Manny Diaz (R-Hialeah) and **HB 631** expand the scope of practice for certified optometrists to perform laser and non-laser ophthalmic procedures and therapies under certain circumstances.

On March 23, HB 631 passed the Professions & Public Health Subcommittee by a vote of 14-3 and is now in the Health and Human Services Committee, it's final hearing. SB 876 has two hearings remaining – Appropriations Subcommittee on Health and Human Services and Appropriations.

Link to SB 876: <https://www.flsenate.gov/Session/Bill/2021/876>

Link to HB 631: <https://www.flsenate.gov/Session/Bill/2021/631>

Administration of Vaccines – Oppose

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) authorizes pharmacists and registered interns to administer immunizations and vaccines to children 6 years of age or older.

SB 768 is scheduled to be considered in the Children, Families, and Elder Affairs on March 30.

Originally, **SB 898** by Senator Ana Maria Rodriguez (R-Doral) and **HB 1063** by Rep. Juan Fernandez-Barquin (R-Miami) authorized pharmacists to order, as well as administer, and pharmacy technicians to administer immunizations or vaccines listed in the CDC's adult and children immunization schedule and recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices. The scope of HB 1063 was narrowed to allow pharmacists to only administer influenza vaccines to children ages 7 and older. The initial version of the bill would have authorized pharmacists to provide various vaccines to children ages 3 and older and included vaccines needed for school, unless parents requested an exemption.

On March 24, HB 1063 passed the Health & Human Services Committee, its last committee reference, by a vote of 16-1. An amendment was adopted to revise the supervision ratio that a certified pharmacist can supervise up to three registered interns while administering an immunization or vaccine.

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 HB 1063: <https://www.flsenate.gov/Session/Bill/2021/1063>

Access to Health Care Practitioner Services – Oppose

HB 803 by Rep. Mike Caruso (R-Delray Beach) and **SB 1680** by Senator Ana Maria Rodriguez (R-Doral) exempt physicians and osteopathic physicians who provide pro bono

services from continuing education requirements, allows the board to issue a limited number of restricted licenses to physicians not licensed in Florida to practice for 36 months in certain settings. The bills also increase the federal poverty level from 200 to 400 for the Access to Health Care Act.

HB 803 is in the Health & Human Services Committee, its last committee reference.

Link to HB 803: <https://www.flsenate.gov/Session/Bill/2021/803>

Link to SB 1680: <https://www.flsenate.gov/Session/Bill/2021/1680>

Nonopioid Alternatives – Support

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. SB 530 was amended to prohibit health insurance policies from requiring that treatment with an opioid analgesic drug product or abuse-deterrent opioid analgesic drug product be attempted and have failed before authorizing the use of a nonopioid-based analgesic drug product.

SB 530 passed the full Senate on March 18 by a vote of 39-0.

HB 725 is on the calendar of bills ready to be heard on the House floor.

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

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

Informed Consent for Pelvic Examinations – Support

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.

SB 716 is scheduled to be heard in the Judiciary Committee on March 29.

Link to SB 716: <https://www.flsenate.gov/Session/Bill/2021/716>

Link to HB 361: <https://www.flsenate.gov/Session/Bill/2021/361>

Medicaid Eligibility

This week, House Speaker Chris Sprowls (R-Palm Harbor) announced his support for **PCB HCA 21-01**, a House budget conforming bill which extends Medicaid coverage for pregnant women. Specifically, the conforming bill introduced on March 25 by the Health Care Appropriations Subcommittee extends postpartum Medicaid eligibility for pregnant women to 12 months and continues the policy of retroactive Medicaid eligibility for non-pregnant adults to the first day of the month in which an application for Medicaid is submitted.

The House proposal which is now **HB 5201** is a priority of the Florida Woman’s Legislative Caucus. The \$240-million extension was discussed on March 25 as part of the proposed Medicaid conforming bill on the agenda in the Health Care Appropriation Subcommittee. Most of the funding will come from pass-through funds from the federal government with the state committing about \$92 million. Currently, pregnant women are covered for only

two months after the birth of a child. The additional months of eligibility under the House funding proposal will apply to about 97,600 Florida women each year, according to Florida's Agency for Health Care Administration.

Upon the Speaker's announcement, Senate Democratic Leader Gary Farmer (D-Lighthouse Point) and Senate Committee on Children, Families and Elder Affairs Chair Lauren Book (D-Plantation) praised the Speaker's support of the one-year Medicaid benefit extension and called for the Governor and Senate President Simpson to follow suit.

Link to HB 5201: <https://www.flsenate.gov/Session/Bill/2021/5201>

COVID-19 Liability Protections for Businesses & Health Care Providers – Support

Legislative leaders announced that an agreement had been reached on COVID-19 liability protections for businesses and health-care providers. The agreement was placed on SB 72 by Senator Jeff Brandes (R-St. Petersburg). The agreement provides procedures for COVID-19-related civil actions. **SB 72** takes effect upon becoming a law and applies retroactively; however, the bill does not apply in a civil action against a particular defendant if the suit is filed before the bill's effective date.

SB 72 passed the full Senate on March 18 by a vote of 24-15 and passed the House on March 26 by a vote of 83-31. The bill was immediately enrolled so that it can be sent to the Governor to sign into law.

Link to Enrolled Version of SB 72:

<https://www.flsenate.gov/Session/Bill/2021/72/BillText/er>

Personal Protective Equipment – Support

Florida's Division of Emergency Management (FDEM) is tasked with managing the state's response to the COVID-19 pandemic, including acquiring and distributing personal protective equipment (PPE) to local governments and health care providers. Currently, FDEM is required to develop and maintain logistics contracts with suppliers who can supply resources and commodities, such as generators, and other commonly needed supplies during a natural disaster. The division also operates and manages the State Logistics Response Center which stores the state's stockpile of resources. Prior to the COVID-19 Pandemic, PPE was not acquired to the extent needed for supporting a pandemic response.

SB 1760 by Senator Ben Albritton (R-Wauchula) and **HB 1353** by Rep. Clay Yarborough (R-Jacksonville) require FDEM to maintain an inventory of PPE in reserve for declared emergencies caused by an infectious or communicable disease. The bills also require FDEM to plan for and procure PPE or have sufficient contracts in place for ensuring PPE availability in the event of a declared emergency and must make PPE available for purchase by healthcare practitioners or their employers at the cost procured or negotiated by the division, and may not sell such PPE at a price exceeding the purchase price.

On March 16, SB 1760 passed the Military and Veterans Affairs, Space, and Domestic Security Committee by a vote of 7-0.

On March 16, HB 1353 passed the Pandemics & Public Emergencies Committee by a vote of 16-0.

Link to SB 1760: <https://www.flsenate.gov/Session/Bill/2021/1760>

Link to HB 1353: <https://www.flsenate.gov/Session/Bill/2021/1353>

Emergency Preparedness & Response Fund

Late last year, both the House and Senate leadership announced the formation of newly-created committees to review all facets of the state response to the ongoing pandemic and identify specific areas where improvements could be made to benefit the state moving forward.

As a result of the House Pandemics & Public Emergencies Committee's hearings and discussion, the committee released a draft bill this week, **PCB PPE 21-01**, which sets policy and legislative intent for public health emergency planning, response and preparedness in Florida. These are some of the changes recommended in the proposed bill:

- Requires the State Health Officer to develop a public health emergency plan to ensure the state is prepared for every foreseeable public health emergency.
- Requires the Division of Emergency Management to maintain an inventory of state-owned personal protective equipment.
- Requires emergency orders, proclamations, and rules related to public health emergencies to list the statute or rule that is being amended or waived, to list the expiration date, and to be posted online in a searchable format.
- Provides that the Governor can spend from funds appropriated for other purposes or from the Emergency Preparedness and Response Fund but must submit a budget amendment before he or she can spend from unappropriated general revenue or the Budget Stabilization Fund.
- Provides that the State Health Officer is responsible for reporting the number of cases and deaths during public health emergencies.
- Provides that a significant emergency order issued by a political subdivision must be narrowly tailored to reduce any infringement on individual liberty to the greatest extent possible and may not exceed a total duration of 42 days, and
- Authorizes the Governor, Lieutenant Governor, Division Director, the Surgeon General, the President of the Senate, and the Speaker of the House of Representatives to conduct public service announcements during a declared state of emergency.

The Senate Select Committee on Pandemic Preparedness and Response chaired by Senator Danny Burgess (R-Zephyrhills) has also held a series of meetings that included presentations on the pandemic's impact on Florida businesses, state agencies, and many other topics.

SB 2006 by Senator Burgess amends the State Emergency Management Act to better address the threat posed by a pandemic or other public health emergency.

Among the provisions, the bill requires the Division of Emergency Management to include in the state comprehensive emergency management plan provisions addressing public-health-emergency preparedness, response, recovery, and mitigation. The division must develop the provisions in consultation with the Department of Health and the Agency for Health Care Administration. The bill also provides additional oversight and transparency regarding exercises of the executive branch's emergency powers and authorizes the Legislature to pass a concurrent resolution to terminate orders and directives issued under a state of emergency, instead of only the state of emergency itself.

On March 24, the Pandemics & Public Emergencies Committee voted 14-4 to officially introduce the bill which is now HB 7047.

SB 2006 is in the Appropriations Committee, its final committee reference.

Link to HB 7047: <https://www.flsenate.gov/Session/Bill/2021/7047>

Link to SB 2006: <https://www.flsenate.gov/Session/Bill/2021/2006>

Dispensing Medicinal Drugs – Support

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 Senate bill was amended to provide that the new conditions that authorize the prescribing of a controlled substance are subject to ss. 456.44 and 465.0276, F.S., which regulate the prescribing of controlled substances. HB 29 is on the calendar of bills ready for House floor consideration. On March 23, SB 262 passed the Military and Veterans Affairs, Space, and Domestic Security Committee by a vote of 7-0 and the bill is now in the Appropriations Committee, its last stop.

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

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

Telehealth – Support

HB 247 by Rep. Tom Fabricio (R-Miramar) allows practitioners to prescribe schedule III, IV, and V controlled substances using telehealth services and retains current law restrictions on prescribing Schedule II controlled substances through telehealth.

On March 23, HB 247 passed the Professions & Public Health Subcommittee by a vote of 17-0.

Link to HB 247: <https://www.flsenate.gov/Session/Bill/2021/247>

Prohibited Acts by Health Care Practitioners – Support

HB 721 by Rep. Ralph Massullo and **SB 1142** by Senator Ray Rodrigues (R-Estero) prohibit health care practitioners from using certain specialty designations. The term "anesthesiologist" may only be used by licensed physicians and licensed dentists and the term "dermatologist" may only be used by licensed physicians.

SB 1142 was amended to add the making of misleading, deceptive, or fraudulent representations related to a practitioner's specialty designation as grounds for discipline. The bill requires that when DOH finds that a person has violated s. 456.072(1)(a), F.S., the department must issue an emergency cease and desist order and take disciplinary action if the person fails to comply with the order. The bill also provides for disciplinary action based on a licensed health care practitioner's failure to identify his or her specialty designation and requiring the DOH, not a practitioner regulatory board, to enforce s. 456.072(1)(t), F.S.

On March 17, SB 1142 passed the Health Policy Committee by a vote of 9-0.

Link to HB 721: <https://www.flsenate.gov/Session/Bill/2021/721>

Link to SB 1142: <https://www.flsenate.gov/Session/Bill/2021/1142>

Health Care Practitioner Discipline – Support

SB 1934 by Senator Lauren Book (D-Plantation) and **HB 1579** by Rep. Vance Aloupis (R-Miami) provide a pathway for the Department of Health to immediately suspend a healthcare practitioner's license, pending the legal conclusion to criminal charges including sexual assault, possession of child pornography, and homicide. The bills require the DOH to

issue emergency orders to suspend any physicians' license who is a pediatrician or who otherwise treats children in his or her practice if the physician is arrested for committing or attempting, soliciting, or conspiring to commit acts that would constitute violations of specified criminal offenses involving a child. The legislation also requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to analyze this state's laws and rules relating to grounds for disciplinary actions against and immediate suspension of health care practitioner licenses and the application of such laws and rules, specifically with respect to criminal offenses.

On March 23, SB 1934 passed the Criminal Justice Committee by a vote of 8-0 and is now in the Rules Committee. On March 23, HB 1579 passed the Professions & Public Health Subcommittee by a vote of 17-0. The bill was amended to expand DOH's authority to issue an emergency suspension order to all licensed health care practitioners and adds homicide to the list of offenses that DOH must issue an emergency suspension order. The amended bill also requires DOH to issue an emergency order suspending the license if a health care practitioner is arrested for committing or attempting, soliciting, or conspiring to commit any act that would constitute a violation of certain offenses in this state or similar offenses in another jurisdiction and includes such offenses as acts that constitute grounds for discipline of a licensed health care practitioner.

Link to SB 1934: <https://www.flsenate.gov/Session/Bill/2021/1934>

Link to HB 1579: <https://www.flsenate.gov/Session/Bill/2021/1579>

PIP - Motor Vehicle Insurance Reforms – Monitor

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. A technical amendment was adopted in committee to the House bill which deleted the unnecessary options language from the provision requiring MedPay to be offered without a deductible.

On March 25, SB 54 was scheduled to be debated on the Senate floor; however, Senator Burgess postponed the bill. The Senate is scheduled to be in session again on April 1.

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

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

Consumer Protection Against Fraud During a Pandemic – Monitor

HB 9 by Rep. Ardian Zika (R-Land O' Lakes) and **SB 1608** by Senator Aaron Bean (R-Fernandina Beach) establish 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.

On March 25, the Senate Rules Committee passed HB 9 by a vote of 17-0.
SB 1608 is in the Rules Committee, its last committee reference.

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

Link to SB 1608: <https://www.flsenate.gov/Session/Bill/2021/1608>