

**Florida Academy of Family Physicians
2022 Legislative Session
January 28, 2022 - Week 3**

The pace of the legislative session continued to quicken as the legislature completed its third week. Hundreds of bills moved through the process, including House and Senate priorities impacting local government pre-emption, education and workforce instruction, and immigration.

The reapportionment process also continued with the House moving forward on its redistricting plan. Next week, the House and Senate are expected to formalize their budget priorities and specific proposals will begin to move through the appropriations process. The combination of both policy and budget discussions during the middle weeks of the legislative session often ramp up the pace of the session from quick to hectic.

2022 Doctor of the Day Program | Family medicine double teamed the Doctor of the Day on Tuesday January 25 when USF Family Medicine faculty Drs. Julia Jenkins and Elizabeth Lawrence (far right to left) were joined by two of their residents Drs. Kaitlyn Grayson and Tisha Van Pelt, who used to work for former Senate President Mike Haridopolos (2010-12). It pays to know former leaders in many ways, this time getting to take pictures from within the Senate Chambers! The FAFP wishes to thank all members who dedicate their time to come to Tallahassee and serve as doctors of the day. If you are interested, please contact FAFP Executive Vice President Jay Millson at jmillson@fafp.org.



Legislation Moving This Week (alphabetically)

Abortion Rights | MONITOR

HB 5 by Rep. Erin Grall (R-Vero Beach) and **SB 146** by Sen. Kelli Stargel (R-Lakeland) prohibit physicians from performing an abortion if the gestational age of fetus is determined to be more than 15 weeks. The bills also require certain physician and directors of certain medical facilities to submit a monthly report to the Agency for Health Care Administration (AHCA) regarding the number of abortions performed. It also requires the Department of Health (DOH) to contract with local healthy start coalitions to create fetal and infant mortality review committees.

HB 5 was approved by House Health Care Appropriations on 1/27/22.

COVID-19-Related Claims Against Health Care Providers | SUPPORT

[SB 7014](#) by the Senate Judiciary Committee and [HB 7021](#) by the House Health and Human Services Committee extend the duration of the liability protections provided to health care providers against COVID-19-related claims from March 29, 2022, to June 1, 2023.

HB 7021 was approved by House Judiciary on 1/26/22.

Free Speech of Health Care Practitioners | MONITOR

[HB 687](#) by Rep. Brad Drake (R-Defuniak Springs) and [SB 1184](#) by Sen. Doug Broxson (R-Pensacola) prohibit health care provider governing Boards from revoking a license, certificate, or registration due to their right of free speech. If the Board takes action, it must prove beyond a reasonable doubt that the free speech led to the direct physical harm of patient with whom the practitioner had a relationship within the three years immediately preceding the incident. Failure to prove harm could result in the Board paying up to \$1.5 million per occurrence for damages to the practitioner. The bills also require Boards to provide practitioners with received complaints that may result in revocation of licensure within seven days after receiving the complaint. Failure to comply could result in a \$500 per day penalty from the Board.

SB 1184 was approved, as amended, by Senate Health Policy on 1/26/22.

Invalid Restrictive Covenants in Health Care| SUPPORT

[SB 842](#) by Sen. Jason Brodeur (R-Lake Mary) specifies that certain restrictive covenants in employment agreements between physicians and hospitals do not support a legitimate business interest.

SB 842 was approved by Senate Health Policy on 1/26/22.

Medical Specialty Designations | SUPPORT

[HB 861](#) by Rep. Ralph Massullo (R-Lecanto) and [SB 1192](#) by Sen. Anna Maria Rodriguez (R-Doral) provide that using a term that designates a medical specialty accredited by the ACGME is grounds for disciplinary action unless the health care provider has completed a residency or fellowship program.

HB 861 was approved in House Professions and Public Health on 1/25/22.

PIP Repeal | MONITOR

[HB 1525](#) by Rep. Erin Grall (R-Vero Beach) and [SB 150](#) by Sen. Danny Burgess (R-Zephyrhills) repeal Florida's Motor Vehicle No Fault Law. A similar measure was approved during the 2021 session; however, the Governor vetoed it citing concerns about higher auto premiums. The House bill contains the following provisions:

- Repeals PIP and replaces it with mandatory - \$25,000/\$50,000 Bodily Injury and \$10,000 property damage.
- Allows auto policies to exclude liability coverage for a vehicle not designated as an insured vehicle if not newly acquired or as a temporary substitute vehicle.
- Creates a Medical Payments program which requires insurers to offer to consumers with limits of \$5000 and \$10,000 with a zero of \$500 deductible.

- Requires insureds to reserve \$5,000 for physicians providing emergency medical services.
- Provides there is no cause of action unless a person commits fraud.
- Expands uninsured motorist (UM) to include disability, impairment, disfigurement, loss of capacity for the enjoyment of life and creates a mandatory death benefit of \$5000.
- Provides a \$10,000 set-off of noneconomic damages if a person suffers an injury while uninsured for more than 30 days. This would not apply if the accident was due to DUI, reckless driving, gross negligence, felony offense or wrongful death.

The Senate companion contains many of the same provisions in HB 1525. However, the Senate bill creates a third-party bad faith statute, s.624.156 which is similar to what was included in the 2021 Senate legislation.

SB 150 will be heard by Senate Banking and Insurance on 2/2/22.

Protections of Medical Conscience | MONITOR

[HB 747](#) by Rep. John Snyder (R-Stuart) and [SB 1820](#) by Sen. Dennis Baxley (R-Lady Lake) create the Healthcare Ethics and Liberty Protection Act. The bill provides that health care providers and health care payers should not be compelled to participate in or pay for any health care that they object to on the basis of conscience.

HB 747 was approved by House Professions and Public Health on 1/25/22.

Recovery of Damages in Medical Negligence Claims | OPPOSE

[HB 6011](#) by Rep. Spencer Roach (R-North Fort Myers) and [SB 262](#) by Sen. Ana Maria Rodriquez (R-Doral) authorize parents of adult children to recover damages for mental pain and suffering in medical negligence suits.

HB 6011 was approved by Civil Justice and Property Rights on 1/27/22 and SB 262 is scheduled to be heard by Senate Judiciary on 1/31/22.

Statewide Medicaid Managed Care Program | MONITOR

[SB 1950](#) by Sen. Jason Brodeur (R-Lake Mary) amends the Statewide Medicaid Managed Care Program (SMMC). The current managed care contracts under the SMMC are scheduled to expire December 2024. The Agency for Health Care Administration (AHCA) will conduct a procurement in 2022-2023 for new contracts that commence at the end of 2024. The bill makes the following changes to the program:

- Requires provider service networks (PSNs) to be reimbursed on a prepaid basis.
- Authorizes AHCA to select eligible managed care plans to provide services through a single statewide procurement.
- Authorizes AHCA to award contracts to managed care plans on a regional or statewide basis and outlines a new regional structure for plan selection under the Managed Medical Assistance (MMA) and the long-term care (LTC) programs.
- Consolidates 11 regions into eight.
- Requires AHCA to award a contract to at least one PSN in each of the eight regions.

- Amends the Achieved Savings Rebates (ASR) structure to change thresholds relating to profit-sharing for managed care plans.
- Requires managed care plans to include certain Florida cancer in their networks.
- Allows children in the child welfare Guardian Assistance Program to enroll in the child welfare specialty plan.
- Expands the Healthy Behaviors Program to include focuses on smokeless tobacco and opioid abuse.

The House measure – [PCB FFS 2201](#) by House Finance and Facilities contains the following provisions:

- Consolidates the 11 regions into eight regions and reintegrates dental benefits into the MMA program.
- Prohibits AHCA from auto-enrolling recipients in a plan having a regional market share greater than 45 percent.
- Allows certain plan contributions in support of medical education to be credited against medical loss ratio and the Achieved Savings Rebate.
- Expands the Healthy Behaviors Program to include focuses on smokeless tobacco and opioid abuse.
- Requires managed care plans to include certain Florida cancer hospitals in their networks.
- Allows children in the child welfare Guardian Assistance Program to enroll in the child welfare specialty plan.
- Requires regular AHCA testing of plan network adequacy.

SB 1950 was approved by Senate Health Policy on 1/26/22 and FFS 22-01 was approved by House Finance and Facilities on 1/27/22.

Step-therapy Protocols | SUPPORT

[HB 459](#) by Rep. Matt Willhite (D-Wellington) and [SB 730](#) by Sen. Gayle Harrell (R-Stuart) require health insurers to publish on their websites and provide to their insureds with step-therapy protocol exemption procedures.

HB 459 will be considered by House Health & Human Services on 1/24/22.

Telehealth Expansion | SUPPORT

[SB 312](#) by Sen. Manny Diaz (R-Hialeah) and [HB 17](#) by Rep. Tom Fabricio (R-Miramar) allow a telehealth provider to issue a renewal prescription for a Schedule III, IV or V controlled substance through telehealth, within the scope of their practice. However, the Senate measure also removes a provision in the definition of telehealth that excludes audio-only telephone calls.

HB 17 was approved by House Health & Human Services on 1/24/22. SB 312 was considered by the full Senate on 1/27/22.

Other Bills of Interest to Family Physicians *(alphabetically)*

ARNPs Autonomous Practice | OPPOSE

[SB 1686](#) by Sen. Anna Maria Rodriguez (R-Doral) requires certified nurse midwives providing out-of-hospital birth services to have a written plan for the appropriate delivery of emergency care. The bill also deletes the requirement that certified nurse midwives have a written patient transfer agreement with a hospital and a written referral agreement with a licensed physician.

Cardiac Screening for Newborns | MONITOR

[SB 1254](#) by Sen. Joe Gruters (R-Sarasota) revises components of the postpartum evaluation and follow-up care that birth centers must provide to include a cardiac screening of newborns.

Clinician-Administered Drugs | SUPPORT

[SB 748](#) by Sen. Manny Diaz (R-Hialeah) prohibits specified insurer practices related to reimbursements, payment, access, dispensing, or coverage of clinician-administered drugs.

Collaborative Practice in Health Care | OPPOSE

[SB 986](#) by Sen. Manny Diaz (R-Hialeah) and [HB 437](#) by Rep. Bob Rommel (R-Naples) allows certified registered nurse anesthetists (CRNAs) to work in collaboration with, rather than under the direction of, a health care practitioner.

Electrocardiograms for Student Athletes | OPPOSE

[HB 59](#) by Rep. Fred Hawkins (R-St. Cloud) and [SB 1590](#) by Sen. Dennis Baxley (R-Lady Lake) require students to receive electrocardiogram to participate in interscholastic athletic competitions.

Emergency Medical Care & Treatment of Minors Without Parental Consent | SUPPORT

[HB 817](#) by Rep. Ralph Massullo (R-Lecanto) and [SB 1114](#) by Sen. Jennifer Bradley (R-Orange Park) allow physicians to render emergency medical care without parental consent.

Florida Birth-Related Neurological Injury Compensation Fund | SUPPORT

[SB 1050](#) by Sen. Lauren Book (D-Plantation) prohibits the Florida Birth-Related Neurological Injury Compensation Association from holding itself out the payor of last resort.

Health Insurance Prior Authorization | SUPPORT

[HB 564](#) by Sen. Gayle Harrell (R-Stuart) and [HB 633](#) by Rep. Allison Tant (D-Tallahassee) prohibit HMOs from excluding coverage for cancer treatment drugs used for the treatment of stage 4 metastatic cancer and its associated conditions, prohibits health insurers from mandating home infusion of cancer medications.

Impaired Practitioner Program | SUPPORT

[SB 1946](#) by Sen. Aaron Bean (R-Jacksonville) creates a student evaluation program within the Department of Health (DOH) fund evaluations for students preparing for licensure who

have or are suspected of having an impairment that could affect their ability to practice. The bill also requires a monthly report to the DOH on the evaluations.

In-Hospital Medical Staff Committees/Public Records | SUPPORT

[HB 869](#) by Rep. Alex Rizo (Hialeah) and [SB 1350](#) by Sen. Manny Diaz (Hialeah Gardens) provide an exemption from public records requirements for certain confidential information held by in-hospital medical staff committees of public hospitals.

Medicaid Modernization | SUPPORT

[SB 330](#) by Sen. Jason Brodeur (R-Lake Mary) authorizes the Agency for Health Care Administration (AHCA) to reimburse for remote patient monitoring and store-and-forward services as optional services in the Florida Medicaid program.

Medical Education Reimbursement and Loan Repayment Program | SUPPORT

[HB 657](#) by Rep. Kamia Brown (D-Ocoee) and [SB 1442](#) by Sen. Shevrin Jones (D-Miami Gardens) revises the purpose of Medical Education Reimbursement and Loan Repayment Program and expands the eligibility criteria for the program to include medical professional who provide primary care to racial and ethnic minority populations that experience health disparities due to quality health care.

Newborn Screening | MONITOR

[SB 292](#) by Sen. Tina Polsky (D-Boca Raton) and [HB 1073](#) by Rep. Vance Aloupis (R-Miami) require certain newborns be tested for cytomegalovirus before three weeks of age. The bill also adds physicians to the list of providers a parent is referred to obtain the newborn hearing screening after a home birth. As amended, the bill also requires that primary care providers ensure newborns are screened within 21 days after birth.

Overpayment of Claims | SUPPORT

[SB 440](#) by Sen. Gayle Harrell (R-Stuart) and [HB 805](#) by Rep. David Smith (R-Winter Springs) shorten the timeframe for when a health insurer can claim an overpayment by a provider.

Patient Specific Prescription Drug Coverage Transparency | OPPOSE

[HB 947](#) by Rep. Alex Andrade (R-Pensacola) and [SB 1290](#) by Sen. Joe Gruters (R-Sarasota) provide patients are entitled to receive, upon request, information from a prescribing or ordering health care provider and specifies information insurers must provide to health care providers. The bills also authorize health care providers to designate third party to facilitate the exchange of information.

Prescription Drug Formularies | SUPPORT

[SB 1100](#) by Sen. Ana Maria Rodriguez (R-Doral) requires insurers and HMOs to provide a notice of prescription drug formulary changes to current and prospective insureds and treating physicians.

Psychologist Prescribing | OPPOSE

[HB 319](#) by Rep. Ramon Alexander (D-Tallahassee) and [SB 540](#) by Sen. Jeff Brandes (R-St. Petersburg) allow certified, licensed psychologists to prescribe, administer, discontinue, and distribute prescription drugs, including controlled substances.

Telehealth Payment | SUPPORT

[SB 726](#) by Sen. Lorraine Ausley (D-Tallahassee) and [HB 1087](#) by Rep. Anthony Rodriguez (R-Miami) require health insurers to reimburse a telehealth provider for the diagnosis, consultation, or treatment of any insured person provided through telehealth on the same basis and at least at the same rate that the health insurer would reimburse if the covered service were delivered through an in-person encounter. It also prohibits health insurers from imposing copayments, coinsurance, deductibles as well as policy year, calendar year or lifetime limits for benefits provided through telehealth. Insurers also may not require a covered benefit to be provided through telehealth.