



**Florida Academy of Family Physicians**  
**2021 Legislative Session**  
**Capital Update – WEEK ONE**  
**March 5, 2021**

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The 2021 Legislative Session commenced on Tuesday, March 2<sup>nd</sup> and the Coronavirus pandemic and the pandemic's response will permeate all aspects of the session. Access to the Capitol is limited as the legislature tries to ensure a safe work environment and much, but not all, of the policy discussions will be related to pandemic response. During the opening day ceremonies, Florida Governor Ron DeSantis, Senate President Wilton Simpson and House Speaker Chris Sprowls addressed legislators and outlined their policy priorities.

In his State of the State address to the legislature, Governor DeSantis acknowledged the resilience and heroism of Florida's response to COVID-19 and reviewed the impacts that his policies had on mitigating the damage caused by the pandemic to Florida. The Governor reported that the state's current fiscal outlook is much better than the bleak forecasts from last spring. DeSantis vowed to protect personal data and fight "de-platforming" by technology companies, crackdown of ballot harvesting to improve the integrity of Florida's elections, push "anti-rioting" legislation, and continue with investments in flood protection projects and Everglades restoration. He also offered support for COVID liability legislation for business and health care providers, reforms to "improve the state's legal climate," reforms to the emergency powers of local governments, a crackdown on the Chinese Communist Party and other foreign influence, and support for investments in state infrastructure.

Florida Senate President Wilton Simpson (R-Trilby) addressed the budget and policy challenges by the COVID-19 pandemic and highlighted his priorities for the session. Simpson characterized the budget outlook as bleak but improving with the infusion of federal funds which will provide the legislature the opportunity to make nonrecurring, one-time investments in infrastructure and to replenish state trust funds. The Senate President's priorities include protecting businesses and health care providers from "frivolous" COVID-19-related lawsuits, addressing unfunded mandates in the Florida Retirement System, reforming Florida's child welfare system, streamlining and expanding school choice, expanding job incentives through vocational training, increasing the pay of the lowest paid state workers, and focusing Everglades restoration on areas north of Lake Okeechobee.

House Speaker Chris Sprowls (R-Palm Harbor) thanked members for their ongoing dialogue and spoke briefly on the COVID-19 pandemic, unemployment, health care, rising sea levels and "intolerance created by the rising Woke agenda." Sprowls told House members "We have much work to do to address the pandemic and to ensure our laws align with the real-world problems that we have encountered over the last year."

The FAFP will continue to keep you updated as these issues and hundreds more are addressed over the next two months.

### **Doctor of the Day**



FAFP Board member and Government Relations Committee Vice Chair Dr. Michael Swartzon served as the Doctor of the Day on Thursday March 4<sup>th</sup> being sponsored by Representative Michael Gottlieb (D- Davie, FL). They say a picture is worth 1,000 words which, as indicated by the picture, being Doctor of the Day during the 2021 legislative session is **no exception**. However, eight FAFP members have been confirmed already to serve this year during unprecedented times when the Capitol is a virtual ghost town with extremely limited access to the public. It is yet another reminder of the amazing, unselfish work FAFP members have been performing every day since the pandemic started one year ago – all of Florida appreciates your service, thank you!

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

#### **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.

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.

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** by Rep. Alex Rizo (R-Hialeah) expand the scope of practice for certified optometrists.

On March 3, SB 876 was scheduled to be heard in the Health Policy Committee. With 10 minutes left in the meeting, Senator Diaz presented the bill which was followed by brief public testimony; however, time ran out and the bill was temporarily postponed and rescheduled for March 10.

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.

On February 17, SB 768 passed the Health Policy Committee by a vote of 6-4.

**SB 898** by Senator Ana Maria Rodriguez (R-Doral) and **HB 1063** by Rep. Juan Fernandez-Barquin (R-Miami) authorize 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 bills prohibit 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.

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 – Monitor**

**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.

On March 3, HB 803 passed the Professions & Public Health Subcommittee by a vote of 15-1.

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.

On February 18, SB 530 passed the Rules Committee by a vote of 15-0 and the bill is now available for Senate floor consideration.

On March 9, HB 725 is scheduled to be heard in the Health & Human Services Committee – Its last committee reference.

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.

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

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

### **COVID-19 Liability Protections for Health Care Providers – Support**

**SB 74** by Senator Jeff Brandes (R-St. Petersburg) and **HB 7005** by the House Health & Human Services Committee offer protections from civil liability for health care providers when the provider substantially follows authoritative or applicable government-issued health standards or guidance related to COVID-19. The legislation would take effect upon becoming a law and applies retroactively, except to defendants named in lawsuits filed before the effective date of the bill. The liability protections will apply until one year after the termination or expiration of the state public health emergency relating to COVID-19, which was declared by the State Surgeon General, or any nationwide emergency declaration by the Federal Government, whichever is later.

On March 3, SB 74 passed the Health Policy Committee by a vote of 5-4.

On March 2, HB 7005 passed Pandemics and Public Emergencies Committee by a vote of 12-6

Link to SB 74: <https://www.flsenate.gov/Session/Bill/2021/74>

Link to HB 7005: <https://www.flsenate.gov/Session/Bill/2021/7005>

### **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 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.

**On March 3, HB 29 passed the Professions and Public Health Subcommittee by a vote of 18-0. On March 9, HB 29 is scheduled to be heard in the Health & Human Services Committee. On March 10, SB 262 is scheduled to be heard in the Health Policy Committee.**

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), **SB 660** by Senator Manny Diaz (R-Hialeah), **SB 864** by Senator Jason Brodeur (R-Sanford), **SB 700** by Senator Ana Maria Rodriguez (R-Doral), **HB 831** by Rep. Anthony Rodriguez (R-Miami), **SB 1250** by Senator Loranne Ausley (D-Tallahassee), and **HB 6079** by Rep. Cyndi Stevenson (R-St. Johns) 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.

**On February 17, SB 700 is scheduled to be heard in the Health Policy Committee.**

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>

Link to HB 831: <https://www.flsenate.gov/Session/Bill/2021/831>

Link to SB 1250: <https://www.flsenate.gov/Session/Bill/2021/1250>

Link to HB 6079: <https://www.flsenate.gov/Session/Bill/2021/6079>

### **Health Insurance Prior Authorization – Support**

**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.

**HB 1439** by Rep. Kelly Skidmore (D-Boca Raton) and **SB 1846** by Senator Tina Polksy (D-Boca Raton) require health insurers and pharmacy benefit managers to establish an online prior authorization process beginning January 1, 2022 and to make certain information accessible on their websites.

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

Link to HB 1439: <https://www.flsenate.gov/Session/Bill/2021/1439>

Link to SB 1846: <https://www.flsenate.gov/Session/Bill/2021/1846>

### Retroactive Denial – **Support**

**HB 851** by Rep. Susan Valdés (D-Tampa) and **SB 1388** by Senator Gayle Harrell (R-Stuart) prohibit individual health insurers and HMOs from retroactively denying a claim because of the insured and subscriber's ineligibility at any time under certain circumstances.

Link to HB 851: <https://www.flsenate.gov/Session/Bill/2021/851>

Link to SB 1388: <https://www.flsenate.gov/Session/Bill/2021/1388>

### Step-therapy Protocol Exemptions – **Support**

**SB 1290** by Senator Ed Hooper (R-Clearwater) and **HB 1001** by Rep. Matt Willhite (D-Wellington) require health insurers to publish on their website, and provide in writing to the insurer, procedures to request step therapy protocol exemptions. The procedures must include the manner and timeframe in which the health insurer is required to authorize or deny the request. The legislation requires that the health insurer must authorize or deny the request within 72 hours for nonurgent care situations and 24 hours for urgent care situations.

Link to SB 1290: <https://www.flsenate.gov/Session/Bill/2021/1290>

Link to HB 1001: <https://www.flsenate.gov/Session/Bill/2021/1001>

### Health Insurance Cost Sharing – **Support**

**SB 1078** by Senator Jason Brodeur (R-Sanford) and **HB 1111** by Rep. Demi Busatta Cabrera (R-Coral Gables ) prohibit health insurance companies from picking and choosing which financial assistance they will apply to the patient's insurance deductible/maximum out-of-pocket limit. Specifically, the bills require insurers and their pharmacy benefits managers (PBMs) to apply payments by or on behalf of insureds toward the total contributions of the insureds' cost-sharing requirements.

Link to SB 1078: <https://www.flsenate.gov/Session/Bill/2021/1078>

Link to HB 1111: <https://www.flsenate.gov/Session/Bill/2021/1111>

### Access to Treatment – **Support**

**SB 1392** by Senator Gayle Harrell (R-Stuart) and **HB 1021** by Rep. Allison Tant (D-Tallahassee) prohibit health insurers from requiring insureds to have failed on a drug before providing prescription drug coverage for drugs prescribed for stage 4 metastatic cancer and associated conditions.

Link to SB 1392: <https://www.flsenate.gov/Session/Bill/2021/1392>

Link to HB 1021: <https://www.flsenate.gov/Session/Bill/2021/1021>

### Overpayment of Claims – **Support**

**SB 1386** by Senator Gayle Harrell (R-Stuart) and **HB 1109** by Rep. Mike Grieco (D-Miami Beach) revise the timeframe for submission of insurer and HMO claims, respectively, for overpayment to providers. All claims for overpayment must be submitted to a provider or HMO within 12 months, rather than 30 months, after the health insurer's or HMO's payment of the claim. The bills allow for claims for overpayment beyond the 12-month period from providers convicted of fraud.

Link to SB 1386: <https://www.flsenate.gov/Session/Bill/2021/1386>

Link to HB 1109: <https://www.flsenate.gov/Session/Bill/2021/1109>

### **Health Care Licensure Exemption – Support**

**HB 1097** by Rep. Andrew Learned (D-Brandon) and **SB 780** by Senator George Gainer (R-Panama City) exempt out-of-state allopathic or osteopathic physicians who are employed with the U.S. Department of Veterans Affairs from the licensure requirements for the treatment of veterans in Florida, and require DOH to notify them of their exemption within 15 days.

Link to HB 1097: <https://www.flsenate.gov/Session/Bill/2021/1097>

Link to SB 780: <https://www.flsenate.gov/Session/Bill/2021/780>

### **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.

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 1, Senator Book filed the legislation and issued a [press release](#) after learning that her children's own pediatrician had been charged with sex crimes against children.

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.

On February 15, SB 54 passed the Judiciary Committee by a vote of 7-2.

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 1, HB 9 passed the Judiciary Committee by a vote of 19-0. On March 4, HB 9 was debated by the full House and on March 5, the House passed the bill by a vote of 113-0.

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

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