

**Florida Academy of Family Physicians  
2020 Legislative Session  
Capitol Update – WEEK FIVE  
February 14, 2020**

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The 2020 Legislative Session reached its halfway mark this past Wednesday, and the legislature is now hurtling into its last 30 days of session. With just two more weeks for House committees to hold hearings, and the Senate facing a similar deadline, legislators are juggling a tremendous number of policy issues. A few headlines from this week illustrate the breadth of issues the legislature is currently addressing:

- *“Controversial vacation rental proposal on the move”*
- *“House pitches wide-ranging tax package”*
- *“State asks court to continue blocking felons from voting”*
- *“Controversial bill would end permanent alimony in Florida, change child custody”*
- *“House continues to push scope expansion for nurses, PAs, and pharmacists”*
- *“Genetic information ban ready for Senate floor”*

The number of bills being considered by the legislature will narrow as many bills fail to move through their final committees due to time and process constraints. Over the next few weeks, the legislature will also turn its attention towards negotiating a budget. This dual track of managing both policy and budget priorities makes for many long days in the coming weeks.

Following is a brief summary of the key issues impacting the Florida Academy of Family Physicians (FAFP).

**2020 Doctor of the Day Program**



FAFP's 2020 Doctor of the Day program has reached the mid-session point and many of our members have volunteered to serve in the important program during each of the nine-weeks of the 2020 Legislative Session which runs through March 13. Special thank you this week to FAFP President Dr. Christie Alexander (far right) who, along with resident Dr. Meghan Lewis, served as Doctor of the Day in the House on “FSU Day” sponsored by Rep. Holly Raschein from Key West. Not to be left out is FSU College of Medicine Dean and FAFP member Dr.

John J. Fogarty who served on the Senate side. For further information about the program, please contact FAFP Executive Vice President Jay Millson at [jmillson@fafp.org](mailto:jmillson@fafp.org).

## Legislation of Importance to FAFP

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

### **APRN Scope of Practice Expansion – *No Action***

**HB 607** by Rep. Cary Pigman (R-Avon Park) allows advanced practice registered nurses (APRN) and physician assistants (PA) to engage in independent practice. The bill allows APRNs and PAs to act as a patient's primary care provider; provide a signature, certification, stamp, verification, affidavit, or other endorsement currently required to be provided by a physician; certify a cause of death and sign, correct, and file death certificates. A Senate companion measure has not been filed to-date.

A linked committee bill, **HB 7017** by the Health Quality Subcommittee, deals with the registration and biennial renewal fees for licensing advanced practice registered nurses. **Both bills have one final hearing remaining in the Health and Human Services Committee.**

Link to HB 607: <http://www.flsenate.gov/Session/Bill/2020/607>

Link to HB 7017: <http://www.flsenate.gov/Session/Bill/2020/7017>

### **Influenza & Strep Testing – *Senate Bill Up Next Week***

**HB 389** by Rep. Tyler Sirois (R-Cocoa) and **SB 714** by Senator Travis Hutson (R-Elkton) authorize pharmacists to test for and treat the influenza virus and streptococcal infections within the framework of an established written protocol between the pharmacist and a supervising physician. **Both the House and Senate bills will be heard next week on Tuesday Feb 18 in the House Health and Human Services Committee and Senate Health Policy Committee respectively. FAFP President Dr. Christie Alexander is schedule to testify against the bills.**

Link to HB 389: <http://www.flsenate.gov/Session/Bill/2020/389>

Link to SB 714: <http://www.flsenate.gov/Session/Bill/2020/714>

### **Psychologist Prescribing – *No Movement***

**SB 448** by Senator Jeff Brandes (R-St. Petersburg) and **HB 1443** by Rep. David Santiago (R-Deltona) allow certified, licensed psychologists to prescribe, administer, discontinue, and distribute prescription drugs, including controlled substances.

**Having cleared two committees, HB 1443 has one final committee reference, the Health and Human Services Committee.**

Link to SB 448: <http://www.flsenate.gov/Session/Bill/2020/448>

Link to HB 1443: <http://www.flsenate.gov/Session/Bill/2020/1443>

### **Consultant Pharmacists – *Senate Bill Passes/House Bill on Chamber Calendar***

**HB 599** by Rep. Ana Maria Rodriguez (R-Doral) and **SB 1094** by Senator Manny Diaz (R-Hialeah) allow consultant pharmacists to provide medication management services, order and evaluate laboratory or clinical tests, and conduct patient assessments under a collaborative practice agreement in a health care facility. The legislation authorizes a consultant pharmacist to enter into a written collaborative practice agreement (CPA) with

a health care facility, medical director, or Florida-licensed physician, podiatrist, or dentist, who is authorized to prescribe medication. The bill also defines a health care facility to include:

- Ambulatory surgery center;
- Inpatient hospice;
- Hospital;
- Alcohol or chemical dependency center;
- Ambulatory care center; or
- Nursing home component of a continuing care facility.

On February 11th, CS/SB 1094 passed the Health Policy Committee, its first committee of reference, by a vote of 10 to 0. HB 599 will be considered by the full House on February 19th.

Link to HB 599: <http://www.flsenate.gov/Session/Bill/2020/599>

Link to SB 1094: <http://www.flsenate.gov/Session/Bill/2020/1094>

### **✘ Legislative Review of Occupational Regulations – *Final House Committee***

#### **Reference Removed/Senate Bill Gets First Hearing**

**HB 707** by Rep. Paul Renner (R-Palm Coast) and **SB 1124** by Senator Manny Diaz (R-Hialeah) schedule the automatic repeal of state licensure for over one-hundred professions and occupations over four years, beginning July 1, 2021, and ending July 1, 2024, unless the Florida legislature renews each of those licensing laws. The legislation establishes that it is the intent of the legislature to complete a systematic review of the costs and benefits of certain occupational regulatory programs prior to the date set for repeal to determine whether the program should be allowed to expire, be fully renewed, or be renewed with modifications.

On February 10th, the Appropriations Committee was removed as a committee reference for HB 707, so the bill is now on the calendar of bills ready for House floor consideration. SB 1124 is scheduled to be heard in the Governmental Oversight and Accountability on February 17th.

Link to HB 707: <http://www.flsenate.gov/Session/Bill/2020/707>

Link to SB 1124: <http://www.flsenate.gov/Session/Bill/2020/1124>

### **✘ Electronic Prescribing – *House Bill Ready for Floor Consideration***

Beginning July 1, 2021, **HB 1103** by Rep. Amber Mariano (R-Hudson) and **SB 1830** by Senator Dennis Baxley (R-Ocala) eliminate current electronic prescribing exemptions and require prescribers to generate and transmit all prescriptions electronically, except when electronic prescribing is unavailable due to a temporary electrical or technological failure. **HB 1103 is on the calendar of bills ready for consideration by the full House. SB 1830 has not been heard by any Senate committees.**

Link to HB 1103: <http://www.flsenate.gov/Session/Bill/2020/1103>

Link to SB 1830: <http://www.flsenate.gov/Session/Bill/2020/1830>

 **Administration of Vaccines – *House Bill Clears Final Committee***

**HB 825** by Rep. Juan Fernandez-Barquin (R-Miami) allows pharmacists or registered interns under the supervision of a pharmacist to administer vaccines to children. FAFP worked on an amendment which was adopted, to limit the bill to only allow pharmacists to administer the influenza vaccine to individuals age 7 and older.

On February 12<sup>th</sup>, HB 825 passed the Health and Human Services Committee by a vote of 17 to 0 and is now on the calendar of bills ready for floor consideration. A Senate companion bill has not been filed to-date.

Link to HB 825: <http://www.flsenate.gov/Session/Bill/2020/825>

 **Prohibited Acts by Health Care Practitioners – *House Bill Passes***

**HB 309** by Rep. Ralph Massullo (R-Beverly Hills) and **SB 500** by Senator Gayle Harrell (R-Stuart) authorize disciplinary action to be enforced by DOH for the use of specified names or titles without a valid license or certification to practice as such and provides penalties. Both bills clarify that non-physicians are banned from using a long list of titles, including “physician,” “primary care physician,” “pediatrician,” and many other specialty titles. FAFP amended HB 309 to clarify that “family physician” is a protected name.

On February 12<sup>th</sup>, HB 309 passed the Health and Human Services Committee by a vote of 17 to 0. SB 500 has one committee hearing left in the Rules Committee.

Link to HB 309: <https://www.flsenate.gov/Session/Bill/2020/309>

Link to SB 500: <http://www.flsenate.gov/Session/Bill/2020/500>

 **Keep Our Graduates Working Act – *FINAL PASSAGE***

**SB 356** by Senator Travis Hutson (R-Elkton) and **HB 115** by Rep. Nick Duran (D-Miami) remove the state authority to take disciplinary action against a healthcare practitioner who defaults on a federal- or state-guaranteed student loan or who fails to comply with the terms of a service scholarship. Under the bills, a healthcare practitioner may not have a license, certificate or registration suspended or automatically revoked by the Department of Health solely because of a loan default or failure to complete service scholarship obligation.

On February 12<sup>th</sup>, the Senate took up HB 115 and voted 35 to 1 on final passage of the legislation.

Link to SB 356: <http://www.flsenate.gov/Session/Bill/2020/356>

Link to HB 115: <http://www.flsenate.gov/Session/Bill/2020/115>

 **Nonopioid Alternatives – *House Bill Ready for Floor***

**HB 743** by Rep. Scott Plakon (R-Longwood) and **SB 1080** by Senators Keith Perry (R-Gainesville) and Dennis Baxley (R-Ocala) amend last year’s enacted legislation. Beginning July 1, 2020, the legislation provides an exception to the requirement to provide nonopioid alternatives when treating a patient in an emergency room, a critical care unit, or when the patient is receiving hospice services. The legislation eliminates the requirement to provide such alternatives when dispensing or administering Schedule II opioid drugs and allows information on the nonopioid alternatives to be provided to the patient’s representative, in addition to the patient directly.

HB 743 is now on the calendar of bills ready for House chamber consideration. SB 1080 has one final committee hearing remaining in the Rules Committee.

Link to HB 743: <http://www.flsenate.gov/Session/Bill/2020/743>

Link to SB 1080: <http://www.flsenate.gov/Session/Bill/2020/1080>



### **Automated Pharmacy Systems – *No Movement***

**HB 59** by Rep. Matt Willhite (D-Wellington) and **SB 708** by Senator Travis Hutson (R-Elkton) permit a licensed community pharmacy to provide outpatient pharmacy services for the dispensing of medicinal drugs through the use of an automated pharmacy system (APS) located inside a community pharmacy or located inside the same establishment as the community pharmacy, if specific requirements are met. The bills also mandate that an APS may not contain or dispense any controlled substances.

**SB 708 is now in the Rules Committee, its final stop. The House bill has passed two committees and has one final hearing in the House Health & Human Services Committee.**

Link to HB 59: <http://www.flsenate.gov/Session/Bill/2020/59>

Link to SB 708: <http://www.flsenate.gov/Session/Bill/2020/708>



### **Dispensing Medicinal Drugs – *Senate & House Bills Ready for Floor***

**SB 100** by Senator Gayle Harrell (R-Stuart) and **HB 57** by Rep. Matt Willhite (D-Wellington) authorize individuals licensed to prescribe medicinal drugs in an institutional pharmacy to dispense a 48-hour supply, rather than a 24-hour supply. The legislation also authorizes these individuals to dispense a 72-hour supply of drugs if a state of emergency has been declared in the area.

**Having cleared all of committees, SB 100 and HB 57 are now on their respective calendars of bills ready to be heard by the full Senate and House.**

Link to SB 100: <http://www.flsenate.gov/Session/Bill/2020/100>

Link to HB 57: <http://www.flsenate.gov/Session/Bill/2020/57>



### **Pharmacy Benefit Managers – *House Committee Bill Passes***

**HB 7045** by the House Health Market Reform Subcommittee requires drug manufacturers to provide notification of upcoming price increases to every health insurer that covers the drug at least 60 days prior to the effective date of any manufacturer drug price increase. In addition, the drug manufacturer must submit a report to the Department of Business and Professional Regulation (DBPR) and the Office of Insurance Regulation (OIR) on each manufacturer drug price increase made during the previous calendar year. The committee bill also has several requirement around pharmacy audits and contracts between a health insurer and a pharmacy benefit manager (PBM). The committee bill requires a health insurer to submit a report to OIR information by its contracted PBM. Finally, the committee bill requires OIR to publish the reports on its internet website and publish an analysis of the reported information.

**On February 11<sup>th</sup>, HB 7045 by the Health Market Reform Subcommittee passed the Appropriations Committee by a vote of 27 to 0 and is now in the Health and Human Services Committee.**

**SB 1338** by Senator Tom Wright (R-New Smyrna Beach) revises provisions of the Florida Insurance Code relating to the oversight of pharmacy benefit managers by the Office of Insurance Regulation (OIR). Specifically the bill clarifies that OIR has the authority to conduct market conduct examinations of PBMs to determine compliance with the provisions of the code, requires insurers and their PBMs to comply with the pharmacy audit provisions, provides that a pharmacy may appeal audit findings, relating to the payment of a claim or the amount of a claim payment, through the Statewide Provider and Health Plan Claim dispute Resolution Program, clarifies that an insurer remains responsible for any violations of the prompt pay law by a PBM acting on its behalf, clarifies the OIR's authority to review contracts that an insurer has with a PBM, requires PBMs to pass through generic rebates to an insurer, requires the submission of an annual report to the OIR regarding rebates and other information, revises definition of the term, "maximum allowable cost;" and creates definitions of the terms, "brand drug," and "generic drug."

**SB 1338 passed the Banking and Insurance Committee and has two committee hearings remaining.**

Link to HB 7045: <http://www.flsenate.gov/Session/Bill/2020/7045>

Link to SB 1444: <http://www.flsenate.gov/Session/Bill/2020/1444>

Link to HB 961: <http://www.flsenate.gov/Session/Bill/2020/961>

Link to SB 1682: <http://www.flsenate.gov/Session/Bill/2020/1682>

Link to SB 1338: <http://www.flsenate.gov/Session/Bill/2020/1338>



### **DOH Legislative Package – *House Bill Passes***

**SB 230** by Senator Gayle Harrell (R-Stuart) and **HB 713** by Rep. Ana Maria Rodriguez (R-Doral) update numerous provisions relating to health care practitioners and facilities regulated by the Department of Health (DOH), Division of Medical Quality Assurance (MQA). Among the provision contained in the legislation:

- Provides that the Statewide Medical Director for Child Protection reports directly to the department's deputy secretary in charge of the state's Children's Medical Services Program and the medical director of each child protection teams reports directly to the statewide medical director.
- Substitutes the term "human immunodeficiency virus" (HIV) in place of "acquired immune deficiency syndrome" (AIDS) to broaden the scope of the department's regional patient care networks for persons with AIDS to also include persons with HIV;
- Grants rulemaking authority to the department for responsibilities relating to maximizing the use of existing programs and coordinating stakeholders and resources to develop a state strategic plan, including the process of selecting physicians under the Conrad 30 Waiver Program and to encourage qualified physicians to relocate to Florida and practice in medically underserved and rural areas;
- Modifies the department's rule-making authority pertaining to minimal standards governing ground ambulance and vehicle equipment, supplies, design, and construction;
- Requires the applicant's date of birth on health care professional licensure applications;

- Revises the department's health care practitioner licensing provisions to permit the department to issue a temporary license, that expires in 60 days, instead of 30 days, to a nonresident or non-citizen physician who has accepted a residency, internship, or fellowship in Florida and has not yet received a social security number;
- Exempts licensure applicants from disqualification from licensure based solely on a default or delinquency on a student loan;
- Authorizes DOH to issue medical faculty certificates, without examination, to fulltime faculty at Nova Southeastern University or Lake Erie College of Osteopathic Medicine;
- Repeals the requirement that the Board of Medicine (BOM) conduct a review of organizations that board-certify physicians in dermatology;
- Updates the osteopathic internship and residency accrediting agencies to include the Accreditation Council for Graduate Medical Education (ACGME) and repeals the Board of Osteopathic Medicine's (BOOM) authority to approve other internship programs upon showing of good cause;
- Extends the requirement for the Florida Center for Nursing (FCN) to provide an implementation study and annual report on the availability of nursing programs and production of quality nurses to the Governor, the President of the Senate, and the Speaker of the House of Representatives until January 30, 2025;
- Grants rulemaking authority to the Board of Nursing (BON) to establish standards of practice, including discipline and standards of practice for certified nursing assistants (CNA);
- Recognizes CNA certification in a U.S. territory or the District of Columbia for certification in Florida and eliminates the element of intent for violations of the practice act by CNAs;
- Updates the name of the accreditation body for psychology programs and revises the requirements for psychology licensure; and
- Limits the Board of Clinical Social Work, Marriage and Family Therapists, and Mental Health Counseling to the issuance of only one additional internship registration; and
- Revises the licensure requirements for Marriage and Family Therapists and Licensed Mental Health Counselors.

**SB 230 is now in the Rules Committee, its last committee stop. On February 12<sup>th</sup>, HB 713 passed the Health and Human Services Committee by a vote of 16-0.**

Link to SB 230: <http://www.flsenate.gov/Session/Bill/2020/230>

Link to HB 713: <http://www.flsenate.gov/Session/Bill/2020/713>



### **Osteopathic Physician Licensure Requirements – *House Bill Clears Final Committee***

**SB 218** by Senator Gayle Harrell (R-Stuart) and **HB 221** by Rep. Spencer Roach (R-North Fort Myers) update the osteopathic internship and residency accrediting agencies to include the Accreditation Council for Graduate Medical Education (ACGME).

**HB 221 is on the calendar of bill ready for consideration by the full House. SB 218 has two committee hearing left – Appropriations and Rules Committees.**

Link to SB 218: <http://www.flsenate.gov/Session/Bill/2020/218>

Link to HB 221: <http://www.flsenate.gov/Session/Bill/2020/221>



### **Health Care Licensing Requirements for Veterans – *Senate Bill on Deck Next Week***

**HB 409** by Rep. Cary Pigman (Avon Park) and **SB 780** by Senator George Gainer (R-Panama City) exempt allopathic and osteopathic physicians from specified licensing requirements when providing certain services to veterans in this state.

**SB 780 is on the Health Policy Committee's agenda for February 18<sup>th</sup>. The House bill has cleared all of its committee references.**

Link to HB 409: <http://www.flsenate.gov/Session/Bill/2020/409>

Link to SB 780: <http://www.flsenate.gov/Session/Bill/2020/780>



### **Interstate Medical Licensure Compact – *House Bill Clears Committee***

**SB 926** by Senator Gayle Harrell (R-Stuart) and **HB 1143** by Rep. Tommy Gregory (R-Sarasota) implement the Interstate Medical Licensure Compact in Florida and establish that physicians and osteopaths licensed under the Interstate Medical Licensure Compact are deemed to be licensed under chapters 458 and 459, respectively.

**On February 11<sup>th</sup>, HB 1143 passed the Health Care Appropriations Subcommittee by a vote of 10 to 0 and is now in the Health and Human Services Committee. SB 926 has two committee hearings remaining.**

Link to SB 926: <http://www.flsenate.gov/Session/Bill/2020/926>

Link to HB 1143: <http://www.flsenate.gov/Session/Bill/2020/1143>



### **Insurance Coverage for Hearing Aids for Children – *Amended Senate Bill Passes***

**HB 125** by Rep. Chuck Brannan (D-Lake City) and **SB 1006** by Senator Dennis Baxley (R-Ocala) require certain health insurance policies to provide hearing aid coverage for insured children and provide coverage requirements, including a minimum coverage amount of \$3,500 per ear within a 24-month period for the child. The bills require that the provisions apply to a health insurance policy that is issued or renewed on or after January 1, 2021.

The Senate bill was amended to:

- Define the term “hearing aids” as that term is defined in 21 C.F.R. s. 801.420(a)(1).
- Specify that coverage must be provided to children who are diagnosed with hearing loss by a licensed physician or a licensed audiologist
- Specify that the coverage of hearing aids for children younger than 18 years of age must require the hearing aid to be prescribed, fitted, and dispensed by a licensed physician or a licensed audiologist.

**On February 11<sup>th</sup>, SB 1006 passed the Health Policy Committee by a vote of 9 to 0 and the bill is now in the Appropriations Committee, its last committee reference.**

Link to HB 125: <http://www.flsenate.gov/Session/Bill/2020/125>

Link to SB 1006: <http://www.flsenate.gov/Session/Bill/2020/1006>



### **Health Insurance and Prescription Drug Coverage – *Senate Bill Scheduled for Hearing***

**SB 1836** by Senator Aaron Bean (R-Fernandina Beach) requires the state group insurance program to allow enrollees to obtain health care services and prescription drugs from out-of-network providers and pharmacies if certain conditions are met, revises the provider

organizations included in the benefit packages for the state group insurance program, requires the state employees' prescription drug program to allow members and members' dependents to obtain prescription drugs from out-of-network pharmacies if certain conditions are met, and requires health insurers to apply certain payments toward deductibles and out-of-pocket maximums within a specified timeframe under certain circumstances.

**On February 17<sup>th</sup>, SB 1836 is scheduled for its first hearing in the Governmental Oversight and Accountability Committee.**

Link to SB 1836: <http://www.flsenate.gov/Session/Bill/2020/1836>