



**Florida Academy of Family Physicians  
2020 Legislative Session  
Capital Update – WEEK SIX  
February 21, 2020**

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There is always a point in the legislative session where the Speaker of the House and the President of the Senate must address each other's priorities. Logically, this spirit of compromise is the only way for the legislature to function effectively, especially a legislature that wishes to conclude on time. Compromise in the legislature is often multi-faceted – budget for policy for appointments for more budget – and is rarely linear. This legislative session is no different as budget allocations are being hammered out prior to the budget conference and committee agendas are designed to address mutual priorities. Perhaps the best example of the compromise point of the legislative session occurred this week as the Senate amended several bills to incorporate the Speaker's health care priorities regarding broadening the scope of practice for nurses and pharmacists. In fact, FAFP President Dr. Christie Alexander (right) testified against the Senates bill (SB714) this week but unfortunately it was moved through due to the aforementioned politics. What this action means in the multi-faceted legislative negotiations remains to be seen but is a sure sign of a glide path to an on-time conclusion of the legislative session.



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 continues to be an important part of FAFP's advocacy efforts during each of the nine-weeks of the 2020 Legislative Session which runs through March 13. Special thank you to (pictured left) Dr. Michelle Brandhorst, sponsored by Senator Doug Broxson from Pensacola, and Dr. Carrie Vey (right-middle), sponsored by Rep. Paul Renner from Palm Coast, who, along with resident Dr. Erin Hough, served as



Doctors of the Day in the Senate and House this week. 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 - *Scope Language Amended to Senate Bill***

**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, and certify a cause of death and sign, correct, and file death certificates.

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 House bills have one final hearing remaining in the Health and Human Services Committee.

This week, an amendment was adopted to **SB 1676** by Senator Ben Albritton (R-Wauchula), a bill dealing with direct care workers, such as certified nursing assistants (CNAs), home health aides (HHAs), and personal care assistants (PCAs) that allows for the independent practice for advanced practice registered nurses. As amended, SB 1676 establishes the Patient Access to Primary Care Pilot Program, a ten-year pilot program that would allow certain advanced practice registered nurses to engage in autonomous practice without supervision of a physician in primary care health professional shortage areas.

Additionally, the revised bill establishes a nine-member Council on Advanced Practice Registered Nurse Independent Practice to make recommendations on the registration of APRNs who can practice independently. To qualify for independent practice, nurses would need to show proof of experience as an APRN under the direct or indirect supervision of a physician for at least 10,000 hours within the last six years. Additionally, nurses who want to apply for independent practice certification would also have to show proof that they would maintain general and professional liability insurance coverage or proof of financial responsibility as required by statute. \*Special note, it is to be expected that the Senate bill will start to look much more like the House bill as the process proceeds the last three weeks of session.

The companion measure, **HB 7053** by the House Market Reform Subcommittee, expands the authority of registered nurses to delegate certain tasks to CNAs and HHAs, but does not contain the ARNP scope of practice issue.

On February 18<sup>th</sup>, HB 7053 was on the agenda of the Health and Human Services Committee, however, the bill was postponed. On February 18<sup>th</sup>, SB 1676, as amended, passed the Appropriations Subcommittee on Health and Human Services by a vote of 7 to 3. Speaker Jose Oliva's priority of ARNP independent practice is expected to be a part of negotiations between the House and Senate leadership as the legislative session progresses.

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

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

Link to SB 1676: <http://www.flsenate.gov/Session/Bill/2020/1676>

Link to HB 7053: <http://www.flsenate.gov/Session/Bill/2020/7053>

**✘ Influenza & Strep Testing – *Senate Bill Passes & Scheduled Again for Next Week/House Bill Postponed***

As filed, **HB 389** by Rep. Tyler Sirois (R-Cocoa) and **SB 714** by Senator Travis Hutson (R-Elkton) authorized 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.

This week, SB 714 was amended to allow a licensed pharmacist under a written protocol with a supervising physician to test and treat for the flu. The amendment calls for the use of FDA-approved testing devices. Pharmacists must complete 8 additional hours of training through a certified course through the Board of Medicine (BOM), in consultation with the Board of Pharmacy and the Board of Osteopathic Medicine and must maintain \$250,000 of liability insurance. Pharmacist must notify the patient's primary care physician within two days of the treatment and gives the BOM rulemaking authority to adopt rules. The amendment requires the BOM to adopt rules and approve the certification course within 90 days of the bill's effective date. The amendment also lists patients that a pharmacist cannot test or treat, including those patients who already have the flu, patients who are 18 or younger or patients who are 75 years of age or older or if the patients indicate in their medical history that they have a certain chronic illness.

**On February 18<sup>th</sup>, HB 389 was postponed in the Health and Human Services Committee. On February 18<sup>th</sup>, SB 714, as amended passed the Health Policy Committee by a vote of 6 to 3. The bill has been scheduled for a hearing in the Appropriations Subcommittee on Health and Human Services for February 25<sup>th</sup>.**

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 This Week***

**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. SB 448 has not been heard in any committees**

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 – *House Bill Passes Full House/Senate Bill Scheduled***

**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 20<sup>th</sup>, HB 599 passed the full House by a vote of 115 to 2. SB 1094 is scheduled in the Appropriations Subcommittee on Health and Human Services on February 25<sup>th</sup> and has one committee hearing remaining after that.

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 – *Senate Bill Passes But Concerns Raised/House Bill Scheduled for Floor***

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. Senator Aaron Bean commented in committee that he intends to offer amendment to remove the licensure for health care professions, auctioneers and architects from the bill. Senator Diaz committed to work on the concerns raised at the Senate meeting during the bill's next committee hearing.

HB 707 is scheduled to be taken up by the full House on February 26<sup>th</sup>. On February 17<sup>th</sup>, SB 1124 passed the Governmental Oversight and Accountability Committee by a vote of 3 to 1. The Senate bill has two more committee stops – the Appropriations and Rules Committees.

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 Scheduled for Floor***

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 scheduled to be taken up by the full House on February 26<sup>th</sup>. 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 Ready for Floor***

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. **HB 825 is on the calendar of bills ready for the House chamber. 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 Ready for Floor***

**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.

**HB 309 is on the calendar of bills ready for House floor consideration. 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.

**The enrolled version of HB 115 will now be sent to the Governor for final action.**

Link to Enrolled Version of HB 115:

<http://www.flsenate.gov/Session/Bill/2020/115/BillText/er>



**Nonopioid Alternatives – *House Bill Ready for Floor/Senate Bill Passes Final Committee***

**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. The bills also allow the educational information to be provided electronically.

**HB 743 is now on the calendar of bills ready for House chamber consideration. On February 19<sup>th</sup>, SB 1080 passed its final committee, the Rules Committee, by a vote of 17 to 0 and is ready for consideration by the full House.**

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 – *House Bill Passes Final Committee***

**HB 59** by Rep. Matt Willhite (D-Wellington) and **SB 708** by Senator Travis Hutson (R-Elkton) expand current law to authorize a community pharmacy to provide outpatient dispensing through the use of an automated pharmacy system. The bill establishes criteria for such systems and a community pharmacy's responsibilities when employing such a system. This week, the House bill was amended to:

- Require that an automated pharmacy system be located in an easily accessible indoor environment;
- Require that an automated pharmacy system provide live, real-time patient counseling with a Florida-licensed pharmacist;
- Require a pharmacy to maintain written policies and procedures that address maintenance, security, sanitation, quality control, training, and compliance with state and federal law; and
- Authorize, rather than require, the Board of Pharmacy to adopt rules.

**SB 708 is now in the Rules Committee, its final stop. On February 18<sup>th</sup>, HB 59 passed it final committee, the Health & Human Services Committee, by a vote of 16 to 0.**

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 Scheduled 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.

**SB 100 will be taken up on the Senate floor on February 26<sup>th</sup>. HB 57 is on the calendar of bills ready to be heard by the full 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 – *Amended House Committee Bill Passes/Senate Bill Scheduled***

**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 bill was amended this week in committee to define a "drug price increase" to be a price increase equal to or greater than 15 percent of the price of a drug for a brand-name prescription drug with a wholesale acquisition cost of \$50 or more, or a manufacturer price increase equal to or greater than 25 percent of the price of a drug for a generic prescription drug or a biosimilar drug with a wholesale acquisition cost of \$25 or more, for a 30-day supply.

Other provisions contained in the amendment include pharmacy audit provisions and PBM reporting requirements. Additionally, the amendment requires AHCA to contract for an independent analysis by June 30, 2020, of pharmacy benefit management practices under the Statewide Medicaid Managed Care Program and to conduct an analysis by June 30, 2020 of managed care plan pharmacy networks to ensure that enrollees have sufficient choice of pharmacies within established geographic parameters.

**On February 18<sup>th</sup>, HB 7045, as amended, passed by the Health and Human Services Committee by a vote of 16 to 0.**

**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."

**On February 25<sup>th</sup>, SB 1338 is scheduled to be heard in the Appropriations Subcommittee on Health and Human Services.**

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

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



### **DOH Legislative Package – *House Bill Ready for Chamber Floor***

**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).

**SB 230 is now in the Rules Committee, its last committee stop. HB 713 is now on the calendar of bills ready for House floor consideration.**

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 – *Senate Bill Clears Another 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. On February 20<sup>th</sup>, SB 218 passed the Appropriations Committee by a vote of 20 to 0. The Senate bill is also referred to the Rules Committee.**

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

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



**Interstate Medical Licensure Compact – *Senate Bill Gets Hearing Next Week***

**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.

**HB 1143 is now in the Health and Human Services Committee. SB 926 will be heard in the Appropriations Subcommittee on Health and Human Services on February 25<sup>th</sup>.**

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

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