



**Florida Academy of Family Physicians
2020 Legislative Session
Capital Update – WEEK SEVEN
February 28, 2020**

Certainly not panic, more like cautious optimism. These words do not describe the recent coronavirus threat, but instead describe the posture of the budget conference process. Here's some facts: the budget is the only bill the legislature must pass; the legislative session is scheduled to conclude on March 13th. Once negotiated and printed, the budget must sit for 72-hours prior to a final vote in the legislature. Capital observers still expect the conference process to be completed on time and the legislature to adjourn on time, but by the middle of next week their optimism may change. In the meantime, the policy committee process is winding down and House and Senate leaders are busily negotiating the final priorities which must also make it to the finish line before the legislative session concludes.

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. Next week, we look forward to having Dr. Dennis Saver, Dr. Maureen Padden and Dr. Karen Bartley in Tallahassee to serve in the program! For further information about the program, please contact FAFP Executive Vice President Jay Millson at jmillson@fafp.org.

Legislation of Importance to FAFP

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

APRN Scope of Practice Expansion – *Scope Expansion Advances*

HB 607 by the Health Quality Subcommittee, Health and Human Services Committee, and 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. The bill was amended to revise the timeframe in which a PA must acquire the supervised clinical hours to practice autonomously from 3 years to 5 years preceding the date of application

and to clarify that the supervising physician may hold a license in any state, including Florida, rather than another state.

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.

The underlying provisions of **SB 1676** by Senator Ben Albritton (R-Wauchula) dealt with direct care workers, such as certified nursing assistants (CNAs), home health aides (HHAs), and personal care assistants (PCAs). The bill was amended with provisions that allow for the independent practice for advanced practice registered nurses. SB 1676 now 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, SB 1676 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.

The companion measure, **HB 7053** by the House Market Reform Subcommittee and Rep. Josie Tomkow (R-Polk City) which also expands the authority of registered nurses to delegate certain tasks to CNAs and HHAs, was amended this week in the Health and Human Services Committee to include the substance of HB 607 authorizing APRNs who meet certain criteria to practice advanced or specialized nursing independently without physician supervision or a protocol and authorizing PAs to practice primary care without physician supervision.

HB 607 and HB 7053 could be considered by the full House at any time in the remaining two weeks of the session. On March 3rd, SB 1676 will be heard in its final committee, the Appropriations Committee. FAFP continues to actively oppose APRN and PA scope expansion and has multiple physicians lined up to testify against the bill on March 3.

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>

X Influenza & Strep Testing – *Senate & House Bills Moving Through Process*

SB 714 by Senator Travis Hutson (R-Elkton) allows a licensed pharmacist under a written protocol with a supervising physician to test and treat for the flu. The bill calls for the use of FDA-approved testing devices. Pharmacists must complete eight (8) additional hours of training via 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. The bill provides that a pharmacist must notify the patient's primary

care physician within two business days of the treatment and gives the BOM rulemaking authority to adopt rules. The bill requires the BOM to adopt rules and approve the certification course within 90 days of the bill's effective date. The bill also requires the pharmacist or their designee who tests and treats for the flu, to follow-up with the patients three days later to determine whether the patient's condition has improved, and if their condition has not improved, the pharmacist must inform the patient's primary care physician. The bill also lists those patients that a pharmacist cannot test or treat, including patients who already have the flu, patients who are 18 of age 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.

This week, **HB 389** by Rep. Tyler Sirois (R-Cocoa) was amended in the final committee to authorize a pharmacist to enter into a collaborative pharmacy practice agreement (CPPA) with a physician to manage chronic health conditions if the pharmacist meets certain qualifications. Specifically, the bill now:

- Authorizes a pharmacist to perform testing or screening for and testing of non-chronic health conditions.
- Requires the Board of Pharmacy to adopt, by rule, a formulary of medicinal drugs that an authorized pharmacist may prescribe to treat non-chronic health conditions.
- Authorizes a pharmacist to use any CLIA-waived test that guides diagnosis or clinical decision-making, as well as any established screening procedures for which no test is available.
- Authorizes qualified Florida-licensed pharmacists or registered pharmacy interns to administer any CDC-recommended vaccine or vaccine licensed for use in the United States by the FDA to an adult and authorizes pharmacists to provide influenza vaccines to individuals age 7 and older. (*Substance of HB 825*)
- Authorizes a qualified pharmacist to administer long-acting medications to treat substances abuse disorders.

HB 389 and SB 714 have now passed all committees and are now on the respective calendars ready to be scheduled by the full House and Senate chambers for consideration on the floor.

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 – *Senate Bill Passes & Scheduled Again Next Week*

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 medical director or a 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.

HB 599 passed the full House and is now in the Senate awaiting action. On February 25th, SB 1094 passed the Appropriations Subcommittee on Health and Human Services by a vote of 10 to 0. On March 3rd, the bill is scheduled to be heard in its final committee, the full Appropriations Committee.

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 – *House Bill Passes House Chamber*

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 26th, HB 707 passed the full House by a vote of 85 to 29. SB 1124 has two committee hearings remaining – 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 Heard on 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.

On February 26th, HB 1103 passed the full House by a vote of 75 to 40. 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 on Floor Calendar & Amended to HB 389***

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 March 3rd, HB 825 is on the calendar of bills to be taken up by the full House. On February 26th, the substance of HB 825 was amended to HB 389 in the House Health and Human Services Committee.

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

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

 **Prohibited Acts by Health Care Practitioners – *Senate Bill Postponed & Rescheduled by Final Committee***

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. On February 26th, SB 500 was on the Rules Committee’s agenda, but time ran out and the bill has been rescheduled for March 2nd.

Link to Delete-All Amendment by Rules:

<http://www.flsenate.gov/Session/Bill/2020/00500/Amendment/180070>

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 Scheduled 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 allows information on the nonopioid alternatives to be provided to the patient's representative, in addition to the patient directly.

On March 3rd, HB 743 is slated to be taken up on the House floor. SB 1080 is ready for consideration by the full Senate.

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 – *Senate Bill Passes Final Committee*

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 dispensing of medicinal drugs through the use of an automated pharmacy system (APS) if certain requirements are met.

SB 708 was amended this week to eliminate the underlying bill's restriction that APSs must be located inside a community pharmacy department or inside the same establishment and instead allows an APS to be located outside the community pharmacies at:

- Medical facilities;
- Places of business where essential goods and commodities are sold;
- Rural areas of the state;
- Large employer workplaces; and
- Locations where access to a community pharmacy is limited.
- Requires the community pharmacy to maintain written policies and procedures to ensure the proper, safe, and secure functioning of its APS.
- Authorizes, rather than requires, the Board of Pharmacy to adopt rules governing a community pharmacy's use of an APS.

On February 26th, SB 708 passed the Rules Committee, its final stop, by a vote of 13 to 4. HB 59 is now on the calendar of bills ready for floor consideration.

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 Bill Close to Passage*

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.

On February 26th, SB 100 was taken up on the Senate floor and a final vote on the bill will take place on March 3rd. 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 Senate 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 bill defines 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 HB 7045 include pharmacy audit provisions and PBM reporting requirements. Additionally, the bill 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.

HB 7045 is now on the calendar of bills ready to be scheduled for the House floor.

SB 1338 by the Banking and Insurance Committee and Senator Tom Wright (R-New Smyrna Beach) was heard this week in the Senate Health and Human Services Subcommittee and was amended to mitigate the estimated \$8.8 million financial impact that the original bill would have had on Florida’s State Group Health Insurance Program for state employees. The amended bill gives the Florida Office of Insurance Regulation (OIR) the authority to examine and audit Pharmacy Benefit Management companies (PBMs) to provide more accountability and transparency in the manner in which drugs are priced and dispensed in Florida. The legislature had previously granted this authority to OIR; however, the bill clarifies the authority and imposes the cost of the examination on the PBM consistent with other regulated entities. SB 1338 also requires health insurers and health maintenance organizations (HMOs) to annually report specified pricing information to OIR. The legislature previously imposed pharmacy audit guidelines to provide fairness in the audit process. The bill moves the audit authority from the Board of Pharmacy to OIR for consistency and clarifies that managed care organizations and HMOs contracting with PBMs must ensure that the statutory provisions imposed are followed by the PBM. The amended bill eliminates the definitions for brand name and generic drugs and changes the definition of “maximum allowable cost” and “pharmacy reimbursement requirements” which were projected to substantially increase drug costs in Florida’s State Group Health Insurance Program.

On February 25th, the proposed committee substitute version of SB 1338 passed the Appropriations Subcommittee on Health and Human Services by a vote of 10 to 0. It has one hearing remaining in the Appropriations Committee. HB 7045 is now on the calendar of bills ready to be scheduled for the House floor.

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 – *Senate Bill Scheduled in Last Committee*

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).

On March 2nd, SB 230 is scheduled 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 Scheduled in 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. On March 2nd, SB 218 is scheduled in the final stop, 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 Clears Another 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.

HB 1143 is now in the Health and Human Services Committee. On February 25th, SB 926 passed the Appropriations Subcommittee on Health and Human Services by a vote of 9 to 0 and is now in the last stop, the full Appropriations Committee.

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

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