



**Florida Academy of Family Physicians
2020 Legislative Session
Capitol Update – WEEK THREE
January 31, 2020**

With the legislative session officially one-third complete, the policy focus of the legislature shrinks considerably, and the budget focus intensifies. One should consider the legislative process as a funnel, with the breadth of bills narrowing as legislative committees finish their agendas and some committees conclude their meetings as early as next week. Bills which have not received a hearing at this point have very little chance of passing. Of course, this funnel-like process is designed to focus legislative priorities and helps explain why roughly 10% of all bills filed actually pass.

Conversely, the only bill that must pass the legislature is the state budget which will likely end up being somewhere around \$92 billion, give or take a few millions. While the budget is the only must pass bill, family medicine remains focused on its most important issue – scope of practice legislation. The FAFP is busy working internally with legislators and externally with partners (e.g., the Florida Medical Association) to ensure independent practice legislation for ARNPs, PAs, pharmacists and more does not pass. More to come in the near future on the external support, in the meantime the following is a brief summary of the key issues impacting the FAFP.

2020 Doctor of the Day Program

Now is the time for FAFP members to volunteer to take part in the 2020 Doctor of the Day program during each of the nine-weeks of the 2020 Legislative Session which is early this year, running from January 14 through March 13. FAFP's membership has maintained strong representation in Tallahassee to advance our advocacy efforts! 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 – 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, but efforts to pass this legislation remain very fluid so the FAFP continues to work hard on explaining why a

physician-led, team-based care model is superior to fragmenting care via independent practice.

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 – No Action

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. **The House bill has one final hearing in the Health and Human Services Committee.**

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

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

✘ Wellness Examinations – No Action

SB 208 by Senator Perry Thurston (D-Fort Lauderdale) and **HB 1235** by Rep. Bobby DuBose (D-Fort Lauderdale) specify that physical examinations are provided to students as a part of the student support services team program. Mirroring the current childhood vaccination law, the bills also require proof of a well-care examination for school enrollment, but parents would be able to exempt the child from the well-care examination requirement on religious grounds.

Link to SB 208: <http://www.flsenate.gov/Session/Bill/2020/208>

Link to HB 1235: <http://www.flsenate.gov/Session/Bill/2020/1235>

✘ Psychologist Prescribing – Bill Clears First Committee

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.

On January 28th, HB 1443 passed the Health Quality Subcommittee by a vote of 14 to 0.

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 – No Movement This 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, and order and evaluate laboratory or clinical tests, conduct patient assessments. The House bill was amended to remove implementing medicinal drugs from the services that a consultant pharmacist may perform.

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 – *No Action*

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.

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 – *Amended House Bill Passes*

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 January 30th, HB 1103 was amended and passed by the Health & Human Services Committee by a vote of 10 to 4.**

As amended, HB 1103 requires medicinal drugs to be telephonically transmitted or electronically generated and transmitted to the pharmacist filling the prescription. The amended bill also provides for the following e-prescribing exceptions:

- Electronic prescribing is not available due to a temporary technological or electrical failure that is not reasonably within the control of the prescribing practitioner, and such failure is documented in the patient record;
- The prescription is issued to a patient receiving services in a free clinic as defined in s. 766.1115, or a patient receiving services for which the health care practitioner will not bill or accept payment; or
- The prescription is issued to a patient of a hospital emergency department.

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 Scheduled for First Hearing*

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.

HB 825 is scheduled to be heard in the Health Quality Subcommittee on February 3rd. 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 – *No Movement This Week*

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.

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

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

“Bait & Switch” – *No Action*

SB 696 by Senator Debbie Mayfield (R-Vero Beach) and **HB 561** by Rep. Thad Altman (R-Indianapolis) requires individual and group health insurers and HMOs to provide notice of prescription drug formulary changes to current and prospective insureds and the insureds’ or subscribers’ treating physicians and specifies the requirements for a notice of medical necessity submitted by the treating physician. The legislation also requires insurers to apply certain reductions in out-of-pocket expenses for prescription drugs toward an insured’s cost-sharing obligation.

Link to SB 696: <http://www.flsenate.gov/Session/Bill/2020/696>

Link to HB 561: <http://www.flsenate.gov/Session/Bill/2020/561>

Access to Treatment – *No Action*

SB 820 by Senator Gayle Harrell (R-Stuart) and **HB 373** by Rep. Ralph Massullo, MD (R-Beverly Hills) prohibit insurance companies from excluding coverage for certain cancer treatment drugs and provides additional requirements and procedures around step-therapy protocols. SB 820 also prohibits health insurers from retroactively denying a claim if the insurance company verified the subscriber’s eligibility at the time of treatment or provided an authorization number.

Link to SB 820: <http://www.flsenate.gov/Session/Bill/2020/820>

Link to HB 373: <http://www.flsenate.gov/Session/Bill/2020/373>

Keep Our Graduates Working Act – *Both Bills Scheduled on Chamber Floors*

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 January 29th, both HB 177 and SB 356 are on the Special Order Calendars of bills to be heard by the full House and Senate, respectively. HB 115 passed the House by a vote of 118 to 0 while SB 356 was retained on the Senate Special Order Calendar to wait for the House bill to arrive for 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>

Emergency Room Health Care Practitioners Public Records Exemption – *No Action*

HB 145 by Rep. Mike Grieco (D-Miami Beach) and **SB 878** by Senator Gayle Harrell (R-Stuart) provide a public records exemption for personal identifying and location information of current or former emergency room health care practitioners and their spouses and children.

Link to HB 145: <http://www.flsenate.gov/Session/Bill/2020/145>

Link to SB 878: <http://www.flsenate.gov/Session/Bill/2020/878>

 **Prescription Insulin Drugs – *No Action***

HB 109 by Reps. Nick Duran (D-Miami) and Joseph Casello (D-Boynton Beach) and **SB 116** by Senator Janet Cruz (D-Tampa) require individual and group health insurance policies and health maintenance contracts to cap an insured's monthly cost-sharing obligation for covered prescription insulin drugs at an amount not to exceed \$100 per 30-day supply of the insulin drug, regardless of the prescription's amount or type of insulin.

Link to HB 109: <http://www.flsenate.gov/Session/Bill/2020/109>

Link to SB 116: <http://www.flsenate.gov/Session/Bill/2020/116>

 **Nonopioid Alternatives – *Both Bills Pass Committees***

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.

On January 28th, HB 743 passed the Health Care Appropriations Subcommittee by a vote of 11 to 0 and it is in its last committee, the Health and Human Services Committee. Also on January 28th, SB 1080 passed the Judiciary Committee by a vote of 5 to 0 and it has one hearing left 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 – *Senate Bill Scheduled***

HB 59 by Rep. Matt Willhite (D-Wellington) and **SB 708** by Senator Travis Hutson (R-Elkton) authorize a community pharmacy to provide outpatient dispensing through the use of an automated pharmacy system (APS). The bills establish criteria for such systems and a community pharmacy's responsibilities when using this system. SB 708 was amended to:

- Eliminate the authorization for the use of an APS not located at the same location as the community pharmacy;
- Add the requirement that the automated pharmacy system be located either inside the community pharmacy's pharmacy department; or inside the same establishment as the community pharmacy; and
- Mandate that an APS may not contain or dispense any controlled substances.

SB 708 is scheduled to be heard in the Innovation, Industry, and Technology Committee on February 3rd.

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 – *No Movement This Week*

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 January 23rd, SB 100 was on the agenda of the Appropriations Committee; however the bill was temporarily postponed.

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 – *Senate Bill Passes*

Committee legislation by the House Health Market Reform Subcommittee (**HB 7045**) 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 requirements 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.

Once introduced, HB 7045 by the Health Market Reform Subcommittee was referred to the Appropriations and Health and Human Services Committees.

SB 1444 by Senator Gayle Harrell (R-Stuart) and **HB 961** by Reps. Jackie Toledo (R-Tampa) and Randy Fine (R-Palm Bay) prohibit PBMs from doing a variety of things including conducting spread pricing in this state, denying a pharmacy or pharmacist the opportunity to participate in a pharmacy network at the preferred participation status, charging a fee to a pharmacist for adjudicating a claim, imposing certain additional registration or permit requirements for a pharmacy, prohibiting a pharmacy or pharmacist from providing information regarding drug pricing, contract terms, or drug reimbursement rates to a member of the Legislature, and engaging in the practice of medicine, osteopathic medicine or pharmacy. The bills also prohibit any contract language between a PBM and a payor that would limit the fiduciary duty of a PBM to the covered individuals.

SB 1682 by Senator Jose Javier Rodriguez (D-Miami) creates the “Prescription Drug Price Transparency Act,” and prohibits pharmacy benefit managers (PBMs) from doing a variety of things, including participating in spread pricing in this state, charging a pharmacist or pharmacy a fee related to adjudication of a claim, prohibiting a pharmacy or pharmacist from providing to a covered individual or a covered individual’s caregiver information regarding the pricing of a prescription drug, denying a pharmacy or pharmacist the

opportunity to participate in a pharmacy network at the preferred participation status and imposing certain additional registration or permit requirements for a pharmacy.

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 January 28th, SB 1338 passed the Banking and Insurance Committee by a vote of 6 to 0.

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>



Prescription Drug Affordability Commission – *No Action*

SB 1724 by Senator Janet Cruz (D-Tampa) and **HB 1293** by Rep. Margaret Good (D-Sarasota) create a Prescription Drug Affordability Commission, which would review increases in prescription drug prices. The bills also prohibit insurance companies from dropping coverage for people with pre-existing conditions.

Link to SB 1724: <http://www.flsenate.gov/Session/Bill/2020/1724>

Link to HB 1293: <http://www.flsenate.gov/Session/Bill/2020/1293>



Exemptions from School-entry Vaccinations – *No Action*

SB 64 by Senator Lauren Book (D-Plantation) removes the exemptions from school-entry health examinations and immunization requirements for religious reasons and requires the Board of Medicine and the Board of Osteopathic Medicine to jointly create a medical exemption review panel.

Link to SB 64: <http://www.flsenate.gov/Session/Bill/2020/64>



Insurance Coverage for Hearing Aids for Children – *No Movement This Week*

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.

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

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



DOH Legislative Package – *House Bill Taken Up in 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). Some of the specific provisions contained in the bills:

- Grants rulemaking authority to the DOH 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;
- Requires DOH to develop strategies to maximize federal-state partnerships that incentivize physicians to practice in medically underserved or rural areas;
- 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);
- Revises and updates the massage therapy licensure requirements, athletic trainer educational and internship requirements, as well as licensure requirements for Marriage and Family Therapists and Mental Health Counselors;
- Updates the name of the accreditation body for psychology programs and revises the requirements for psychology licensure;
- Replaces the term “acquired immune deficiency syndrome” with “human immunodeficiency virus” to broaden the purpose of the DOH’s regional patient care networks to include persons with HIV, who might not have developed AIDS, as well as patients with AIDS;
- Revises the DOH’s health care practitioner licensing provisions to permit the DOH 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; and
- Authorizes the DOH to issue medical faculty certificates to full-time faculty at Nova Southeastern University or Lake Erie College of Osteopathic Medicine.

On January 28th, HB 713 passed the Health Care Appropriations Subcommittee by a vote of 10 to 0. The bill was amended to remove a section of the bill related to radiation machine inspections and inspection fees and to make retroactive sections of the bill related to the health access dental licenses to January 1, 2020.

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).

On January 30th, HB 221 passed the Health and Human Services Committee by a vote of 17 to 0. 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 – *House Bill Clears Final Committee*

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.

On January 30th, HB 409 passed the Health and Human Services Committee by a vote of 15 to 0. The Senate bill has not been heard in committee yet.

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 – *Senate Bills Favorably Considered/House Bill Scheduled 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. The Senate bill also deletes a provision classifying that the failure to repay a student loan issued or guaranteed by the state or federal government in accordance with the terms of the loan as a failure to perform a statutory or legal obligation. **SB 928** also filed by Senator Harrell and **HB 1269** by Rep. Gregory are the accompanying public records exemption bills for this legislation.

On January 29th, SB 926 and SB 928 both passed the Health Policy Committee by unanimous votes. Both bills have two committee hearings remaining. HB 1143 will be heard by the Health Quality Subcommittee on February 3rd. The committee has proposed a rewrite of the bill which is linked below.

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

Link to SB 928: <http://www.flsenate.gov/Session/Bill/2020/928>

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

Link to PCS for HB 1143:

[https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=PCS%20for%20HB%201143.DOCX&DocumentType=Proposed%20Committee%20Bills%20\(PCBs\)&Session=2020&CommitteeId=3021](https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=PCS%20for%20HB%201143.DOCX&DocumentType=Proposed%20Committee%20Bills%20(PCBs)&Session=2020&CommitteeId=3021)

Link to HB 1269: <http://www.flsenate.gov/Session/Bill/2020/1269>