

**Florida Academy of Family Physicians
2020 Legislative Session
Capitol Update – WEEK FOUR
February 7, 2020**

Despite national politics serving as the focus this week, the Legislature quietly and swiftly completed week four of the nine-week legislative session. The House subcommittee process wound down, the respective Appropriations Committees passed budgets, scores of interest groups held their “Days at the Capitol” and the legislature completed its work for the week just ahead of bad weather moving through Tallahassee.

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 is in full-swing already and many of our members have volunteered to serve in the important program during the nine-weeks of the 2020 Legislative Session which runs through March 13. FAFP’s membership has maintained strong representation in Tallahassee to continue to advance our advocacy efforts! Special thank you this week to Dr. Julia Jenkins (left) sponsored as Doctor of the Day by Senator Ed Hooper from Clearwater. Resident Dr. Nallely Barron-Garcia

(right) accompanied Dr. Jenkins, participating in a full-day of committee meetings, as well as direct interaction with several Senate members during the Senate session held on February 4th. 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.

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 Movement*

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>

✘ Psychologist Prescribing – *House Bill Clears Second 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 February 4th, HB 1443 passed the Health Care Appropriations Subcommittee by a vote of 6 to 2 and the bill is now in its final committee, 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 – *Amended House Bill Passes/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. FAFP worked on an amendment which was adopted, to ensure the protocol is a written protocol and the services can only be provided in a health care facility.

On February 6th, HB 599 passed the Health and Human Services Committee by a vote of 18 to 0. SB 1094 is slated to be heard in the Health Policy Committee on February 11th.

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*

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 6th, HB 707 passed the Health and Human Services Committee by a vote of 12 to 4. The House bill has one final hearing in the Appropriations Committee.

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 – *Amended House Bill Passes*

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 3rd, HB 825 passed the Health Quality Subcommittee by a vote of 11 to 0. The House bill has one committee hearing remaining in the Health and Human Services Committee. 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 – *Senate 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 is working on an amendment to clarify that “family physician” is a protected name.

On February 5th, SB 500 passed the Appropriations Committee by a vote of 19 to 0 and 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 – *Poised for 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 6th, the Senate took up HB 115 in lieu of the Senate bill and a final vote on the legislation is likely during the Senate session on February 12th.

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 Passes Last 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.

On February 6th, HB 743 passed the Health and Human Services Committee by a vote of 16 to 0 and 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 – Senate Bill Passes

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.

On February 3rd, SB 708 passed the Innovation, Industry, and Technology Committee by a vote of 10 to 0. The bill 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 – Both Bills Advance in Committees

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 5th, SB 100 passed the Appropriations Committee passed the bill by a vote of 20 to 0. On February 6th, HB 57 passed by a vote of 18 to 0 in the Health and Human Services Committee.

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 – *No Movement This Week*

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.

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." **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 – *Senate Bill Amended 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 February 5th, SB 230 passed the final committee, the Appropriations Committee, with several amendments by a vote of 18 to 0. HB 713 has one committee hearing remaining in the Health and Human Services Committee.

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 – *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 – *House Bill Clears Committee/SB 928 Scheduled*

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 February 3rd, HB 1143 passed the Health Quality Subcommittee by a vote of 11 to 0. SB 926 has two committee hearings remaining. SB 928 is scheduled for a hearing in the Governmental Oversight and Accountability Committee on February 10th.

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



Insurance Coverage for Hearing Aids for Children – *Senate Bill Scheduled*

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.

SB 1006 is scheduled to be heard in the Health Policy Committee on February 11th.

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

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