

**Florida Academy of Family Physicians
2020 Legislative Session
Capital Update – WEEK EIGHT
March 6, 2020**

Extended Session. What a difference a week can make in the Florida legislature. A legislative session noted for collegiality hit a bump earlier this week as legislative leaders acknowledged that the 2020 Legislative Session may not conclude by its scheduled deadline of March 13th. Disagreements over budget priorities and a spate of policy issues – scope of practice, E-Verify, gaming, to name a few – stood in the way of an on-time finish. As the week progressed, legislators became more optimistic that the extension may be just a day or two as negotiations between the chambers continued negotiating. Long days and nights will be the norm next week as the legislature works to keep the session extension to a minimum.

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. This week, we had phenomenal FAFP participation with Drs. Dennis Saver* (sponsor Senator Mayfield), David El Hassan (sponsor Senator Bradley), Maureen Padden (sponsor Rep. Andrade) and Karen Bartley (Rep. Shoaf) all serving as Doctors of the Day (left to right below). Family medicine's presence in Tallahassee has been strong this session and will continue in the final days next week! For further information about the program, please contact FAFP Executive Vice President Jay Millson at

jmillson@fafp.org. *FAFP Past President



Legislation of Importance to FAFP

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

APRN & Physician Assistant Scope of Practice Expansion – *Scope Expansion* *Continues to Advance*

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.

HB 7053 by Rep. Josie Tomkow (R-Polk City) contains the same independent practice provisions in HB 607 but also expands the authority of registered nurses to delegate certain tasks to CNAs and HHAs.

This week a similar bill, **SB 1676** by Senator Ben Albritton (R-Wauchula) passed its final committee. The Senate bill allows APRN-to practice primary care independently in primary care shortage areas for the first three years of independent practice, and thereafter, SB 1676 authorizes an APRN to practice primary care statewide. The bill defines primary care shortage area to a geographic area, an area having a special population, or a facility with a score of at least 18, as designated and calculated by the Federal Health Resources and Services Administration or a rural area as defined by the Federal Office of Rural Health Policy.

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. **On March 3rd, SB 1676, as amended, passed the Appropriations Committee, its final reference, by a vote of 16 to 4. The Senate bill is now on the calendar of bills ready to be heard on the Senate floor. On March 6th, HB 7053 passed the full House by a vote of 96 to 10. Also on March 6th, HB 607 passed the full House chamber by a vote of 94 to 12. The associated APRN registration fee bill, HB 7017, is on the calendar of bills ready for the House floor. FAFP continues to actively oppose APRN and PA scope expansion.**

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

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

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

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

Influenza & Strep Testing – *Senate Bill Ready for Floor*

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 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. 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.

SB 714 is now on the calendar of bills ready for Senate floor consideration.

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

✘ Pharmacist Scope of Practice Expansion – *House Bill Passes House Chamber*

HB 389 by Rep. Tyler Sirois (R-Cocoa) and **SB 1094** by Senator Manny Diaz (R-Hialeah) authorize a pharmacist to enter into a collaborative pharmacy practice agreement (CPPA) with a physician to manage chronic health conditions. SB 1094 defines chronic health to include:

- Arthritis;
- Asthma;
- Chronic obstructive pulmonary diseases;
- Type 2 diabetes;
- Human immunodeficiency virus or acquired immune deficiency syndrome; or
- Obesity.

HB 389 expands the definition of chronic health conditions to also include congestive heart failure, emphysema, hypertension, renal disease or any other condition or comorbidity identified by the collaborating physician.

These pharmacy practice bills are the subject of negotiations between the House and the Senate.

On March 6th, HB 389 passed the full House by a vote of 88 to 18. On March 3rd, SB 1094 passed the Appropriations Committee by a vote of 12 to 8 and the bill is now ready to be scheduled for Senate floor consideration. The companion measure, HB 599, has passed the full House and is now awaiting action in the Senate.

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

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

✘ 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>

 Legislative Review of Occupational Regulations – *No Movement This Week*

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.

HB 707 passed the full House by a vote of 85 to 29 and is awaiting action in the Senate. 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 – *No Movement This Week = Dead*

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 passed the full House by a vote of 75 to 40 and is now in the Senate. SB 1830 has not been heard by any Senate committees this session.

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 Bills in Senate Awaiting Action*

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 4th, HB 825 passed the full House by a vote of 114 to 1 and the bill is now in the Senate awaiting action. The substance of HB 825 is also contained in HB 389 which passed the full House by a vote of 88 to 18 on March 6th.

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 Scheduled 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. The Senate bill was amended to make the use of the terms “anesthesiologist” or “dermatologist”

prohibited, and grounds for professional discipline, unless the practitioner is licensed as a physician under Chapters 458 or 459, F.S., or as a dentist under Chapter 466, F.S.

HB 309 is on the calendar of bills ready for House floor consideration. On March 2nd, SB 500 passed the Rules Committee by a vote of 16 to 0 and the bill is scheduled for the Senate floor calendar on March 9th.

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 – FINAL PASSAGE

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 4th, HB 743 passed the House by a vote of 115 to 0. On March 6th, the Senate substituted HB 743 for the Senate bill and passed the bill by a vote of 39 to 0. The bill will now be sent to the Governor for final action.

Link to Enrolled Version of HB 743:

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



Automated Pharmacy Systems – Senate & House Bills Ready for Chamber Consideration

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.

SB 708 is now on the calendar of bills ready for Senate floor consideration. HB 59 is on the calendar of bills to be heard on the House floor on March 6th.

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 Clears Senate Chamber*

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 March 3rd, SB 100 passed the full Senate by a vote of 40 to 0. 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 - *House Bill Scheduled for Chamber Floor*

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. 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.

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.

SB 1338 has one hearing remaining in the Appropriations Committee. HB 7045 is on the calendar of bills scheduled for the full House on March 6th.

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 Passes Last Committee/House Bill Passes House Chamber*

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 passed the Rules Committee, its final committee, by a vote of 17 to 0 and the bill is now on the calendar of bills ready for the Senate floor. On March 6th, HB 713 passed the full House by a vote of 79 to 31.

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 Passes Final Committee & Placed on Floor Calendar*

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 passed its final stop, the Rules Committee, by a vote of 15 to 0. On March 6th, the Senate bill was heard on the Senate floor. A final vote on the bill will be taken on March 9th.

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 – *House Bill Passes Final 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 also amends health care professions and programs regulated by the Department of Health, including:

- Authorizing a person living with HIV to donate blood, organs, and other human tissue to a recipient who has HIV and who knows the donor has HIV.
- Authorizing a psychiatric nurse to authorize the release of an individual from a nationally-accredited community mental health center. Currently, a psychiatric nurse, performing within a protocol with a psychiatrist, may only authorize a release of a person involuntarily admitted under the Baker Act from a receiving facility, if owned or operated by hospital.
- Making battery on a vulnerable adult or a patient or resident of certain health care facilities a disqualifying offense for employment and certain health care practitioner licenses.
- Authorizing DOH to issue medical faculty certificates to full-time faculty members of additional Florida medical schools.
- Authorizing qualified pharmacists to administer long-acting medications to treat substance abuse disorders.
- Establishing a scope of practice for a certified master social worker and aligns the application process that of other licensed mental health professionals.

On March 2nd, HB 1143, as amended, passed the Health and Human Services Committee by a vote of 18 to 0 and is scheduled for the House floor on March 6th. SB 926 is now in the last committee, 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>