

**Florida Academy of Family Physicians
2022 Legislative Session
Interim Legislative Update
October 22, 2021**

Legislators have now completed their third week of interim committee meetings from October 18-22 in Tallahassee. The legislative committee agendas contained presentations on state agency legislative budget requests for FY 2022-23, as well as status reports on recently enacted health care legislation, including automated pharmacy systems, pharmacy practices, and programs under the Infectious Disease Elimination Act (IDEA).

There are three weeks of interim legislative committee meetings remaining in advance of the upcoming legislative session:

- Monday, November 1 – Friday, November 5, 2021
- Monday, November 15 – Friday, November 19, 2021
- Monday, November 29 – Friday, December 3, 2021

Designation Ceremony Held for Senator Passidomo

The Senate Republican Caucus met on October 19 to formally designate Senator Kathleen Passidomo (R-Naples) as the next Senate President after the 2022 elections for the 2022-2024 Legislative Term. Senator Passidomo was elected to the Florida Senate in November 2016 after serving in the Florida House of Representatives since 2010. She becomes the third woman to serve as President of the Senate, following the terms of former Presidents Senator Gwen Margolis (D-Miami) who served from 1990-1992 and Senator Toni Jennings (R-Orlando) who served two consecutive terms as Senate President from 1996–2000.

Governor to Call Special Session on Vaccine Mandates

Governor Ron DeSantis announced on October 21 that he will call legislators into a special session to pass laws prohibiting Florida businesses from requiring employees to be vaccinated to continue their employment. Attorney General Ashley Moody also spoke at the press conference with the Governor and said she will exhaust all legal avenues to protect citizens' freedoms.

Following the announcement, Senate President Wilton Simpson (R-Trilby) and House Speaker Chris Sprowls (R-Palm Harbor) issued a [joint statement](#) which included "In the coming days, we will review the Governor's specific proposals as well as discuss our own ideas for legislative action, including whether now is the time for Florida to withdraw from the Occupational Safety and Health Administration and establish our own state program. We believe that by doing so, Florida will have the ability to alleviate onerous federal regulations placed on employers and employees."

State Budget Outlook

For the past two interim committee weeks, the House and Senate Appropriations Committees and Finance and Tax Committees heard updates on the state budget outlook and state revenue projections. Highlights from these presentations include:

- The latest Revenue Estimating Conference (REC) projections show an increase of 4.5 percent for Fiscal Year 2021-22.
- Between April 2019 and February 2020, Florida's unemployment rate hovered at 3.3% with a spike to 14.2% in May 2020 during the pandemic. Given the 1.27 million jobs Florida lost in the pandemic, the state has regained and restored 77% of those jobs through August. Florida is now at about 5% unemployment.
- During the first quarter of 2021, tourism recovered to 68% of the last full pre-COVID quarter, helped by the increased number of domestic visitors travelling to Florida by car.
- The projected General Revenue budget surplus is almost \$7 billion, but 70.8 percent of this amount is nonrecurring dollars.

Rare Disease Advisory Council Holds Inaugural Meeting

The inaugural meeting of the [Rare Disease Advisory Council](#) was held on September 29. The Council is chaired by Melissa Jordan, Director of the Department of Health's Division of Community Health Promotion. Currently, 15 of the 20 members of the Council have been appointed. Beginning in July 2022, the Council will submit an annual report to the Governor and the Surgeon General which describes the activities of the advisory council in the past year and its findings and recommendations regarding rare disease research and care.

Florida's Prescription Drug Importation Program

The House Finance and Facilities Subcommittee met on October 20 to discuss Florida's Prescription Drug Importation Program enacted into [law](#) in 2019. Agency for Health Care Administration Secretary Simone Marstiller gave a [presentation](#) on how the Agency anticipates Florida's program will work. In 2003, Congress passed the Medicare Modernization Act which authorizes a wholesaler or pharmacist to import prescription drugs from Canada with conditions and HHS approval. In 2020, Florida became the first state in the nation to submit a Section 804 Importation Program (SIP) request to the FDA for approval.

Legislation Important to Florida's Family Physicians

Psychologist Prescribing – OPPOSE

[HB 319](#) by Rep. Ramon Alexander (D-Tallahassee) and [SB 540](#) by Senator Jeff Brandes (R-St. Petersburg) allow certified, licensed psychologists to prescribe, administer, discontinue, and distribute prescription drugs, including controlled substances. The legislation is identical to legislation filed during the 2021 Legislative Session.

Telehealth Practice Standards –

[HB 17](#) by Rep. Tom Fabricio (R-Miramar) and [SB 312](#) by Senator Manny Diaz (R-Hialeah) allow Schedule III, IV, and V controlled substances to be prescribed via telehealth. In addition, SB 312 allows for audio-only telehealth.

Overpayment of Claims –

[SB 440](#) by Senator Gayle Harrell (R-Stuart) shortens the timeframe for when a health insurer can claim an overpayment by a provider.

Health Insurance Prior Authorization –

[HB 564](#) by Senator Gayle Harrell (R-Stuart) prohibits HMOs from excluding coverage for cancer treatment drugs used for the treatment of stage 4 metastatic cancer and its associated conditions, prohibits health insurers from mandating home infusion of cancer medications. The bill also provides that prior authorization forms may only contain information that is necessary for the determination of medical necessity or coverage for the requested medical procedure, course of treatment, or prescription drug benefit. Lastly, the bill requires insurers to publish on their website and provide insureds in writing protocol exception procedures.

Physician Certifications for Medical Marijuana –

[SB 164](#) by Senator Jeff Brandes (R-St. Petersburg) authorizes qualified physicians to perform patient examinations and evaluations through telehealth for renewals of physician certifications for the medical use of marijuana. [SB 326](#) also by Senator Brandes deletes the requirement that qualified physicians be physically present in the same room as their patients when conducting an examination for physician certification for the medical use of marijuana and authorizes qualified physicians to conduct the examinations through telehealth.

Electrocardiograms for Student Athletes –

[HB 59](#) by Rep. Fred Hawkins (R-St. Cloud) requires certain high school students to receive an electrocardiogram in order to participate in interscholastic athletic competitions.

Recovery of Damages in Medical Negligence Claims –

[HB 6011](#) by Rep. Spencer Roach (R-North Fort Myers) and [SB 262](#) by Senator Ana Maria Rodriguez (R-Doral) authorize parents of adult children to recover damages for mental pain and suffering in medical negligence suits.

[HB 6039](#) by Rep. Yvonne Hinson (D-Gainesville) and [SB 560](#) by Senator Ana Maria Rodriguez (R-Doral) delete the current prohibition on adult children of decedents recovering damages in medical negligence claims.

Abortion Rights –

[HB 167](#) by Rep. Webster Barnaby (R-Deltona) requires physicians to conduct a test for, and inform women seeking abortions of, the presence of a detectable fetal heartbeat. The bill also prohibits physicians from performing or inducing an abortion if a fetal heartbeat is detected and authorizes a private civil cause of action for violations of the statutory requirement.

Medicaid Eligibility –

[HB 27](#) by Rep. Geraldine Thompson (D-Windermere) expands Medicaid eligibility and coverage to adults who are under 65 who have an income equal to or below 133 percent of the federal poverty level.

Medicaid Modernization –

[SB 330](#) by Senator Jason Brodeur (R-Sanford) authorizes Medicaid to reimburse providers for remote evaluation and patient monitoring services.

Medicaid Proposed Constitutional Amendment –

[SJR 412](#) by Senator Annette Taddeo (D-Miami) and [HJR 239](#) by Rep. Felicia Robinson (D-Miami Gardens) propose an amendment to the State Constitution to require amending the state Medicaid plan to provide Medicaid coverage to persons under age 65 with income equal to or below 138 percent of the federal poverty level, matching the maximum allowed under the American Healthcare Act (ACA).

Alternative Treatments for Mental Health Treatment –

[SB 348](#) by Senator Lauren Book (D-Plantation) and [HB 193](#) by Rep. Michael Grieco (D-Miami Beach) require the Department of Health, in collaboration with the Board of Medicine, to conduct a study regarding the use of alternative therapies, including the use of 3,4-methylenedioxymethamphetamine, psilocybin, and ketamine, in treating mental health.

Pharmacies & Pharmacy Benefit Managers –

The Florida Pharmacy Act establishes a set of protections for licensed pharmacies regarding audits by Pharmacy Benefits Managers (PBMs) and other payers. [HB 357](#) by Rep. Jackie Toledo (R-Tampa) transfers the audit provisions of the Florida Pharmacy Act to the Florida Insurance Code, giving the Office of Insurance Regulation (OIR) the authority to enforce these provisions and respond to potential violations.

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We hope this summary is helpful. We look forward to working with you in preparation for the 2022 Legislative Session. Please contact us if you have any questions.