



**Florida Academy of Family Physicians
2022 Legislative Session
February 11, 2022 – Week 5**

This week marked the halfway point of the 60-day legislative session. The House and Senate were hard at work ensuring that their budget and policy priorities were postured to be included in the negotiations that occur during the session's final weeks. The halfway point is also a signal that the vast majority of bills that have yet to receive a committee hearing are very unlikely to pass. Further, the legislative calendar is beginning to thin as policy committees wrap up their work for the session.

Many of the FAFP's "bills of interest" (highlighted in gray) have not experienced any meaningful movement through the committee process meaning these bills will most likely not be considered in 2022. These bills will be dropped out of the Capital Update in the coming weeks.

2022 Doctor of the Day Program | A physician is designated each day of the nine-week session and plays a significant role in the FAFP's advocacy efforts. For further information, please contact FAFP Executive Vice President Jay Millson at jmillson@fafp.org.

Legislation Moving This Week (alphabetically)

Abortion Rights | MONITOR

[HB 5](#) by Rep. Erin Grall (R-Vero Beach) and [SB 146](#) by Sen. Kelli Stargel (R-Lakeland) prohibit physicians from performing an abortion if the gestational age of fetus is determined to be more than 15 weeks. The bills also require certain physician and directors of certain medical facilities to submit a monthly report to the Agency for Health Care Administration (AHCA) regarding the number of abortions performed. They also require the Department of Health (DOH) to contract with local healthy start coalitions to create fetal and infant mortality review committees.

HB 5 was approved by House Health and Human Services on 2/10/22 and is scheduled to be heard on the House floor on 2/15/22.

COVID-19-Related Claims Against Health Care Providers | SUPPORT

[SB 7014](#) by the Senate Judiciary Committee and [HB 7021](#) by the House Health and Human Services Committee extend the duration of the liability protections provided to health care providers against COVID-19-related claims from March 29, 2022, to June 1, 2023.

SB 7014 was approved by the House. It will now head to the Governor

Emergency Medical Care & Treatment of Minors Without Parental Consent | SUPPORT

[HB 817](#) by Rep. Ralph Massullo (R-Lecanto) and [SB 1114](#) by Sen. Jennifer Bradley (R-Orange Park) allow physicians to render emergency medical care without parental consent.

SB 1114 was approved by Senate Health Policy on 2/10/22.

Free Speech of Health Care Practitioners | MONITOR

[HB 687](#) by Rep. Brad Drake (R-Defuniak Springs) and [SB 1184](#) by Sen. Doug Broxson (R-Pensacola) prohibit health care provider governing Boards from reprimanding, sanctioning or revoking a license, certificate, or registration due to their right of free speech. HB 687 also applies to recognizing agencies approved by the Board including the American Board of Medical Specialties, the American Osteopathic Association, the American Association of Physician Specialists, Inc., and the American Board of Interventional Pain Physicians.

SB 1184 is scheduled for consideration by Senate Judiciary on 2/7/22.

In-Hospital Medical Staff Committees/Public Records | SUPPORT

[HB 869](#) by Rep. Alex Rizo (Hialeah) and [SB 1350](#) by Sen. Manny Diaz (Hialeah Gardens) provide an exemption from public records requirements for certain confidential information held by in-hospital medical staff committees of public hospitals.

SB 1350 was approved by Health Policy on 2/10/22.

Medical Education Reimbursement and Loan Repayment Program | SUPPORT

[HB 657](#) by Rep. Kamia Brown (D-Ocoee) and [SB 1442](#) by Sen. Shevrin Jones (D-Miami Gardens) revises the purpose of Medical Education Reimbursement and Loan Repayment Program and expands the eligibility criteria for the program to include medical professional who provide primary care to racial and ethnic minority populations that experience health disparities due to quality health care.

SB 1442 was approved by Senate Health Policy on 2/10/22.

Medical Specialty Designations | MONITOR

[HB 861](#) by Rep. Ralph Massullo (R-Lecanto) and [SB 1192](#) by Sen. Anna Maria Rodriguez (R-Doral) provide that using a term that designates a medical specialty is grounds for disciplinary action.

HB 861 was approved by House Health and Human Services on 2/10/22.

Newborn Screening | MONITOR

[SB 292](#) by Sen. Tina Polsky (D-Boca Raton) and [HB 1073](#) by Rep. Vance Aloupis (R-Miami) require a hospital or other state-licensed birthing facility to administer a test on a newborn to screen for congenital CMV should the newborn fail his or her screening for hearing loss. The congenital CMV test must be administered before the newborn becomes 21 days of age or before discharge, whichever occurs earlier. The bills also require licensed birth centers and the health care provider in attendance at-home births to refer newborns for hearing screenings within 7 days after discharge. If a health care provider is not in attendance at a home birth, the newborn's primary care physician is required to refer the newborn for a hearing screening. If the child fails the screening, their primary health care provider must refer them for congenital CMV testing. Lastly, the bills require the results of a newborn hearing screening and congenital CMV and any related diagnostic testing to be reported to DOH within 7 days after receipt of such results.

SB 292 was approved by Senate Appropriations on 2/9/22.

PIP Repeal | MONITOR

[HB 1525](#) by Rep. Erin Grall (R-Vero Beach) and [SB 150](#) by Sen. Danny Burgess (R-Zephyrhills) repeal Florida's Motor Vehicle No Fault Law. A similar measure was approved during the 2021 session; however, the Governor vetoed it citing concerns about higher auto premiums. The House bill contains the following provisions:

- Repeals PIP and replaces it with mandatory - \$25,000/\$50,000 Bodily Injury and \$10,000 property damage.
- Allows auto policies to exclude liability coverage for a vehicle not designated as an insured vehicle if not newly acquired or as a temporary substitute vehicle.
- Creates a Medical Payments program which requires insurers to offer to consumers with limits of \$5000 and \$10,000 with a zero of \$500 deductible.
- Requires insureds to reserve \$5,000 for physicians providing emergency medical services.
- Provides there is no cause of action unless a person commits fraud.
- Expands uninsured motorist (UM) to include disability, impairment, disfigurement, loss of capacity for the enjoyment of life and creates a mandatory death benefit of \$5000.
- Provides a \$10,000 set-off of noneconomic damages if a person suffers an injury while uninsured for more than 30 days. This would not apply if the accident were due to DUI, reckless driving, gross negligence, felony offense or wrongful death.

The Senate companion contains many of the same provisions in HB 1525. However, the Senate bill creates a third-party bad faith statute, s.624.156 which is similar to what was included in the 2021 Senate legislation.

HB 1525 was approved by House Civil Justice and Property Rights on 2/7/22.

Statewide Medicaid Managed Care Program | MONITOR

[SB 1950](#) by Sen. Jason Brodeur (R-Lake Mary) and [HB 7047](#) by House Finance and Facilities amend the Statewide Medicaid Managed Care Program (SMMC). The current managed care contracts under the SMMC are scheduled to expire December 2024. The Agency for Health Care Administration will conduct a procurement in 2022-23 for new contracts that commence at the end of 2024.

HB 7047 was approved by House Health Care Appropriations on 2/7/22.

Step-therapy Protocols | SUPPORT

[HB 459](#) by Rep. Matt Willhite (D-Wellington) and [SB 730](#) by Sen. Gayle Harrell (R-Stuart) require health insurers to publish on their websites and provide to their insureds step-therapy protocol exemption procedures.

SB 730 was approved by Senate Health Policy on 2/10/22.

Telehealth Expansion | SUPPORT

[SB 312](#) by Sen. Manny Diaz (R-Hialeah) and [HB 17](#) by Rep. Tom Fabricio (R-Miramar) allow a telehealth provider to issue a renewal prescription for a Schedule III, IV or V controlled substance through telehealth, within the scope of their practice. However, the Senate

measure also removes a provision in the definition of telehealth that excludes audio-only telephone calls.

Action on HB 17 and SB 312 was postponed by the full House on 2/9/22. Rep. Fabricio is drafting an amendment to remove the audio-only provision in the Senate bill.

Other Bills of Interest to Family Physicians *(alphabetically)*

Many of the FAFP's "other bills of interest" (highlighted in gray) have not experienced any meaningful movement through the committee process meaning these bills will most likely not be considered in 2022. These bills will be dropped out of the Capital Update in the coming weeks.

ARNPs Autonomous Practice | OPPOSE

[SB 1686](#) by Sen. Anna Maria Rodriguez (R-Doral) requires certified nurse midwives providing out-of-hospital birth services to have a written plan for the appropriate delivery of emergency care. The bill also deletes the requirement that certified nurse midwives have a written patient transfer agreement with a hospital and a written referral agreement with a licensed physician.

Cardiac Screening for Newborns | MONITOR

[SB 1254](#) by Sen. Joe Gruters (R-Sarasota) revises components of the postpartum evaluation and follow-up care that birth centers must provide to include a cardiac screening of newborns.

Clinician-Administered Drugs | SUPPORT

[SB 748](#) by Sen. Manny Diaz (R-Hialeah) prohibits specified insurer practices related to reimbursements, payment, access, dispensing, or coverage of clinician-administered drugs.

Collaborative Practice in Health Care | OPPOSE

[SB 986](#) by Sen. Manny Diaz (R-Hialeah) and [HB 437](#) by Rep. Bob Rommel (R-Naples) allows certified registered nurse anesthetists (CRNAs) to work in collaboration with, rather than under the direction of, a health care practitioner.

Electrocardiograms for Student Athletes | OPPOSE

[HB 59](#) by Rep. Fred Hawkins (R-St. Cloud) and [SB 1590](#) by Sen. Dennis Baxley (R-Lady Lake) require students to receive electrocardiogram to participate in interscholastic athletic competitions.

Florida Birth-Related Neurological Injury Compensation Fund | SUPPORT

[SB 1050](#) by Sen. Lauren Book (D-Plantation) prohibits the Florida Birth-Related Neurological Injury Compensation Association from holding itself out the payor of last resort.

Health Insurance Prior Authorization | SUPPORT

[HB 564](#) by Sen. Gayle Harrell (R-Stuart) and [HB 633](#) by Rep. Allison Tant (D-Tallahassee) prohibit 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.

Impaired Practitioner Program | SUPPORT

[SB 1946](#) by Sen. Aaron Bean (R-Jacksonville) creates a student evaluation program within the Department of Health (DOH) fund evaluations for students preparing for licensure who have or are suspected of having an impairment that could affect their ability to practice. The bill also requires a monthly report to the DOH on the evaluations.

Invalid Restrictive Covenants in Health Care| SUPPORT

[SB 842](#) by Sen. Jason Brodeur (R-Lake Mary) specifies that certain restrictive covenants in employment agreements between physicians and hospitals do not support a legitimate business interest.

Medicaid Modernization | SUPPORT

[SB 330](#) by Sen. Jason Brodeur (R-Lake Mary) authorizes the Agency for Health Care Administration (AHCA) to reimburse for remote patient monitoring and store-and-forward services as optional services in the Florida Medicaid program.

Overpayment of Claims | SUPPORT

[SB 440](#) by Sen. Gayle Harrell (R-Stuart) and [HB 805](#) by Rep. David Smith (R-Winter Springs) shorten the timeframe for when a health insurer can claim an overpayment by a provider.

Patient Specific Prescription Drug Coverage Transparency | OPPOSE

[HB 947](#) by Rep. Alex Andrade (R-Pensacola) and [SB 1290](#) by Sen. Joe Gruters (R-Sarasota) provide patients are entitled to receive, upon request, information from a prescribing or ordering health care provider and specifies information insurers must provide to health care providers. The bills also authorize health care providers to designate third party to facilitate the exchange of information.

Prescription Drug Formularies | SUPPORT

[SB 1100](#) by Sen. Ana Maria Rodriguez (R-Doral) requires insurers and HMOs to provide a notice of prescription drug formulary changes to current and prospective insureds and treating physicians.

Protections of Medical Conscience | MONITOR

[HB 747](#) by Rep. John Snyder (R-Stuart) and [SB 1820](#) by Sen. Dennis Baxley (R-Lady Lake) create the Healthcare Ethics and Liberty Protection Act. The bill provides that health care providers and health care payers should not be compelled to participate in or pay for any health care that they object to on the basis of conscience.

Psychologist Prescribing | OPPOSE

[HB 319](#) by Rep. Ramon Alexander (D-Tallahassee) and [SB 540](#) by Sen. Jeff Brandes (R-St. Petersburg) allow certified, licensed psychologists to prescribe, administer, discontinue, and distribute prescription drugs, including controlled substances.

Recovery of Damages in Medical Negligence Claims | OPPOSE

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

Telehealth Payment | SUPPORT

[SB 726](#) by Sen. Loranne Ausley (D-Tallahassee) and [HB 1087](#) by Rep. Anthony Rodriguez (R-Miami) require health insurers to reimburse a telehealth provider for the diagnosis, consultation, or treatment of any insured person provided through telehealth on the same basis and at least at the same rate that the health insurer would reimburse if the covered service were delivered through an in-person encounter. It also prohibits health insurers from imposing copayments, coinsurance, deductibles as well as policy year, calendar year or lifetime limits for benefits provided through telehealth. Insurers also may not require a covered benefit to be provided through telehealth.