

Florida Academy of Family Physicians
2023 Legislative Session Interim Legislative Update – Week 7
February 24, 2023

The Legislature met this week for their final set of interim committee meetings before the official start of the legislative session. Next week will be the calm before the storm in the Florida capitol as lawmakers will be in their districts preparing for the 60-day legislative session which will be held March 7-May 5.

Legislation of Interest to FAFP (alphabetically)

Autonomous Practice by Advanced Practice Registered Nurses- [SB 1058](#) by Sen. Ana Maria Rodriguez (R-Doral) and [HB 1067](#) by Rep. Mike Giallombardo (R-Cape Coral) allow autonomous APRNs to engage in autonomous practice beyond primary care, revise the requirements for certified nurse midwives registered to engage in autonomous practice and provide for the future expiration of the Council on Advanced Practice Registered Nurse Autonomous Practice.

Blood Clot and Pulmonary Embolism Policy Workgroup – [HB 483](#) by Rep. Dean Black (R-Jacksonville) and [SB 612](#) by Sen. Clay Yarborough (R-Jacksonville) require the Secretary of Health Care Administration, in conjunction with State Surgeon General, to establish a blood clot & pulmonary embolism policy workgroup.

Care of Students with Epilepsy or Seizure Disorders – [SB 466](#) by Sen. Ileana Garcia (R-Miami) requires school employees to receive regular training on the care of students with epilepsy and other seizure disorders.

Civil Remedies – [HB 837](#) by Rep. Tommy Gregory (R-Lakewood Ranch) and Rep. Tom Fabrico (R-Miami Lakes) changes Florida's comparative negligence system from a "pure" comparative negligence system to a "modified" comparative negligence system, so that a plaintiff who is more at fault for his or her own injuries than the defendant may not recover damages from the defendant. The bill also provides uniform standards to assist juries in calculating the value of medical damages in personal injury or wrongful death actions and modifies the Florida's "bad faith" framework. Finally, the bill provides that a contingency fee multiplier for an attorney fee award is appropriate only in rare circumstances and repeals Florida's one-way attorney fee provisions for insurance cases.

HB 837 was approved by the House Civil Justice Subcommittee on 2/24/23.

Damages Recoverable in Wrongful Death Actions – [SB 690](#) by Sen. Lauren Book (D-Plantation) removes a provision that prohibits adult children and parents of adult children from recovering certain damages in medical negligence suits.

Emergency Opioid Antagonists - [HB 39](#) by Rep. Tae Edmonds (D-West Palm Beach) and [SB 542](#) by Sen. Jim Boyd (R-Bradenton) require Florida College System institutions and state universities to have a supply of emergency opioid antagonists in residence halls and dormitories for use by specified employees. The bills also provide requirements for placement and accessibility of emergency opioid antagonists and training. The bills provide liability protections for certain

employees who administer an emergency opioid antagonist to a person believed to be experiencing an opioid overdose.

Employer Coverage of Gender Dysphoria Treatment – [SB 952](#) by Sen. Blaise Ingoglia (R-Springhill) named the "Reverse Woke Act", requires employers that provide coverage of gender dysphoria treatment to also cover the full costs associated with treatment that reverses such gender dysphoria treatment. The bill also prohibits employers from making coverage of the subsequent treatment contingent on whether the employee receives such treatment in this state and creates a right of action for aggrieved persons to recover actual total costs and damages from an employer or former employer.

Foreign-licensed Physicians – [SB 956](#) by Sen. Ana Maria Rodriguez (R-Doral) provides for provisional licenses by endorsement for certain foreign-licensed physicians and requires the Department of Health to issue a provisional license by endorsement to any applicant whom the Board of Medicine certifies as having met specified criteria.

Health Care Practitioner Titles and Abbreviations – [HB 583](#) by Rep. Dr. Ralph Massullo (R-Inverness) and [SB 230](#) by Sen. Gayle Harrell (R-Stuart) specify which titles and abbreviations health care practitioners may use in their advertisements, communications, and personal identification and require health care practitioners to disclose specified information & use only authorized titles & abbreviations in their advertisements.

SB 230 was approved by the Senate Health Policy Committee on 2/20/23.

Health Insurance Cost Sharing - [SB 46](#) by Sen. Tom Wright (R-Port Orange) and [HB 1063](#) by Rep. Lindsay Cross (D-St. Petersburg) require individual and group health insurers and their pharmacy benefit managers (PBMs) to apply payments by or on behalf of insureds toward the total contributions of the insureds' cost-sharing requirements.

Health Insurance Coverage for Biomarker Testing – [HB 805](#) by Rep. Karen Gonzalez Pittman (R-Tampa) requires health insurers, both commercial and Medicaid, to cover certain biomarker testing.

Medicaid Coverage of Continuous Glucose Monitors - [SB 988](#) by Sen. Colleen Burton (R-Lakeland) and [HB 967](#) by Rep. Melanie Bell (R-Fort Meade) require the Agency for Health Care Administration to provide coverage for continuous glucose monitors for certain Medicaid recipients and require AHCA to include the rate impact in their rate setting process.

Medicaid Coverage of Rapid Whole Genome Sequencing - [HB 1043](#) by Rep. Adam Anderson (R-Tarpon Springs) and [SB 616](#) by Sen. Clay Yarborough (R-Jacksonville) require AHCA, subject to federal approval, to include coverage of rapid whole genome sequencing as separately payable service for certain Medicaid recipients. The bills require that genetic data generated as result of rapid whole genome sequencing be used only for specified purposes, provide for use of such data in scientific research if patient or his or her legal guardian provides express consent for that use, provide for rescission of such consent and require entities conducting scientific research, upon receipt of written revocation of consent, to cease use of patient's data and expunge it from any data repositories where it is held. The bills also require AHCA to seek federal approval to amend current waivers, request new waivers, and amend contracts as necessary.

Medicaid Step Therapy/Mental Illness - [SB 112](#) by Sen. Gayle Harrel (R-Port St. Lucie) and [HB 183](#) by Rep. Karen Gonzalez Pittman (R-Tampa) require the Agency for Health Care Administration to approve drug products for Medicaid recipients for the treatment of serious mental illness without step-therapy prior authorization.

SB 112 was approved by the Senate Health Policy Committee on 2/20/23.

Medical Freedom Protection – [SB 222](#) by Sen. Joe Gruters (R-Sarasota) and [HB 305](#) by Rep. Webster Barnaby (R-Deland) prohibit the Department of Health (DOH) from requiring enrollment in the state’s immunization registry. The bills also extend the COVID-19 mandate restrictions to all vaccinations and prohibit discrimination on the basis of a person’s vaccination status. Additionally, the bills prohibit the DOH from requiring children to receive immunizations approved only for emergency use as a school-entry requirement.

Motor Vehicle Insurance – [SB 586](#) by Sen. Erin Grall (R-Fort Pierce) and [HB 429](#) by Rep. Danny Alvarez (R-Riverview) repeal the Florida Motor Vehicle No-Fault Law, revise the motor vehicle insurance coverages that an applicant must show to register certain vehicles with the Department of Highway Safety and Motor Vehicles, revises the minimum liability coverage requirements for motor vehicle owners or operators and revise requirements for the certificate of deposit that is required in proving financial responsibility.

Newborn Hearing Screenings – [SB 394](#) by Sen. Tina Polsky (D-Boca Raton) and [HB 435](#) by Rep. Lauren Melo (R-Naples) revise newborn hearing screening requirements to require that all newborns, rather than only those who fail the initial newborn hearing screening, be tested for congenital cytomegalovirus.

Pharmacy Benefit Managers (PBMs) - [HB 203](#) by Rep. Karen Gonzalez Pittman (R-Tampa) provides additional regulatory requirements on PBMs. The bill also requires PBMs to establish a reasonably adequate and accessible pharmacy benefit network to provide patients with convenient access to prescriptions drugs. Finally, the bill prohibits certain practices related to clinician-administered drugs.

Pharmacy Benefit Managers (PBMs) - [SB 420](#) by Sen. Tom Wright (R-Port Orange) requires the Office of Insurance Regulation (OIR) to conduct market conduct examinations of pharmacy benefit managers as often as OIR deems necessary and authorizes OIR to take certain disciplinary actions against a pharmacy benefit managers.

Physician Assistant Licensure – [SB 454](#) by Sen. Bryan Avila (R-Hialeah Gardens) revises requirements for an applicant for licensure as a physician assistant.

Physician Assistants’ Prescriptive Authority - [HB 481](#) by Rep. Lauren Melo (R-Naples) removes the requirement that physician assistants may only prescribe or dispense drugs under physician’s supervision. The bill also deletes the negative drug formulary and allows physician assistants to procure medical devices.

Prescription Drug Coverage – [SB 746](#) by Sen. Ana Maria Rodriguez (R-Doral) requires individual and group health insurers to provide notice of prescription drug formulary changes to current and prospective insureds and the insureds’ treating physicians. The bill specifies requirements for a notice of medical necessity submitted by the treating physician, provides for an exception to

requirements relating to changes in a health maintenance organization's group contract, and requires the office to annually compile data and prepare a report, make the report publicly accessible on its website, and submit the report to the Governor and the Legislature.

Referral of Patients by Health Care Providers – [HB 601](#) by Rep. Kevin Steele (R-Hudson) and [SB 768](#) by Sen. Jonathan Martin (R-Fort Myers) remove definition of the terms "direct supervision" & "present in office suite" and revise the definition of the term "referral" to remove direct physician supervision and require compliance with certain Medicare payments & rules.

Substance Abuse Prevention – [SB 704](#) by Sen. Jim Boyd (R-Bradenton) and [HB 783](#) by Rep. Mike Caruso (R-West Palm Beach) revises authorizations for prescribing and dispensing emergency opioid antagonists by authorized health care practitioners. The bill also creates the Statewide Council on Opioid Abatement within the Department of Children and Families and exempts certain pharmacies, pharmacists, and pharmacy technicians from liability for damages, penalties, fines, or costs as a result of certain actions relating to emergency opioid antagonists.

Telehealth - [HB 267](#) by Rep. Tom Fabricio (R-Hialeah) and [SB 298](#) by Sen. Jim Boyd (R-Bradenton) revise the definition of "telehealth" to include health care services provided through audio-only means.

[SB 298 was approved by the Senate Health Policy Committee on 2/20/23.](#)

Telehealth/Genetic Counselors - [SB 218](#) by Sen. Gayle Harrell (R-Port St. Lucie) and [HB 117](#) by Rep. David Silvers (D- Palm Beach) add genetic counselors to those medical providers authorized to be a telehealth provider.

[SB 218 was approved by the Senate Health Policy Committee on 2/20/23.](#)

[HB 117 was approved by the House Health Regulation Committee on 2/23/23.](#)

Use of Telehealth – [HB 997](#) by Rep. Karen Gonzalez Pittman (R-Tampa) authorizes telehealth providers to prescribe schedule II-controlled substances for the treatment of cancer or a terminal illness.