



FSU College of Medicine Legislative Report

Week 7

February 24 – 28, 2020

Health Care Trains Move in House & Senate



Every legislative session about this time, a Health Care “train” of bills is linked together, and heads down the tracks. These bills are moving in both chambers **CS/CS/SB 230** (Harrell) and **CS/CS Exams**; **CS/CS/HB 713** (Rodriguez, AM).

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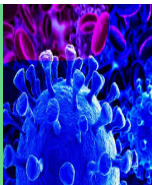
Bills Addressing Suicide Pass Committees



For more than two years legislative committees have held hearings with panels of experts on behavioral health and suicide. The House and Senate have included efforts to address the difficult public policy issue of suicide in legislation addressing mental health.

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COVID-19 Update Governor & Surgeon General Briefing



More than 83,000 people have become ill with the coronavirus, COVID-19. Governor DeSantis and Surgeon General Rivkees held a news conference to provide assurances that the state is doing everything it can to prepare for the virus.

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*Quote of the Week: “Choose to be optimistic. It feels better.”
~ The Dalai Lama*



Scope of Practice Update

“Come together, right now. Over me.” ~ John Lennon

One of Speaker Jose Oliva’s top health care priorities, expanding nurse and physician assistant independent practice, moved forward in various forms in the House and Senate. Unlike some other compromises that have worked out toward the end of session, versions of the bill(s) are proving unacceptable to differing stakeholders. Yet, the Speaker has remained optimistic in post-session press gaggles.

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Scope of Practice Update *continued*

Scope of Practice legislation concerning pharmacists, advanced practice registered nurses, physician assistants, certified nursing assistants, and home health aides have moved through the House and Senate committees. Differences remain in the bills, but they moved somewhat closer in the past two weeks.

CS/CS/HB 607 (Pigman) Health Care Practitioners passed the House Health & Human Services Committee 15-0. The bill allows certain advanced practice registered nurses (APRNs) to practice advanced or specialized nursing without physician supervision or a protocol and permits physician assistants (PAs) to practice primary care without physician supervision. Such APRNs and PAs may 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; as well as to certify a cause of death and sign, correct, and file death certificates. The bill also authorizes an autonomous PA, a PA, or an APRN to examine and report on a ward's medical and mental health conditions in the annual guardianship plan submitted to the court. The bill removes a requirement that a PA must notify a patient about their right to see a physician prior to prescribing or dispensing a prescription.

Supporters included the Florida Hospital Association, National Council of State Boards of Nursing, FI Association of Nurse Anesthetists, Associated Industries of Florida, Florida Chamber of Commerce, Florida Academy of Physician Assistants, Inc., Florida Nurse Practitioner Network, Inc., The James Madison Institute, Florida Association of Nurse Practitioners, AARP, and Americans for Prosperity. Opponents were Florida Medical Association, Florida Academy of Family Physicians, Florida Osteopathic Medical Association, Florida Chapter, and the American College of Physicians. The bill is now on the House Calendar. There is not really a Senate companion.

However, a proposed compromise was offered – leaving out PAs – last week on the Scope of Practice issue on **CS/CS/SB 1676** (Albritton) relating to Direct Care Workers, which passed the Senate Appropriations Subcommittee on Health & Human Services by a vote of 7-3. The bill generally addresses and expands the scope of practice and defines relevant terms for registered nurses (RNs), certified nursing assistants (CNAs), and home health aides (HHAs). The bill establishes a physician student loan repayment program within the Department of Health (DOH). Senator Albritton added an amendment to create the Patient Access to Primary Care Pilot Program within the DOH to provide primary health care services in “primary care health professional shortage areas” by allowing APRNs who meet certain criteria to engage in the autonomous practice of advanced or specialized

nursing without the supervision of a physician. The “advanced practice registered nurse -independent practitioner” (APRN-IP) is authorized to provide primary care health services without a protocol agreement or supervision in primary care health professional shortage areas. Nurses, nurses associations, supported the amendment while indicating that they prefer to see a statewide policy change rather than a limited pilot project. Also supporting the amendment and bill were nursing homes, assisted living associations, business associations and AARP. As might be expected, physicians and physician associations opposed the amendment, indicating that physicians received far more training. Senator Harrell shared this concern and voted against the amendment. The Florida Academy of Physician Assistants also opposed the amendment, saying that they should be included since the APRNs and PAs work side-by-side in the health care arena. For next week's Senate Appropriations Committee meeting there is a Proposed CS for **CS/SB 1676**, which encompasses all the amendments.

CS/CS/HB 7053 (Tomkow) - Direct Care Workers - passed the House Health and Human Services Committee 16-0 and is on the House Calendar. The bill expands the authority of registered nurses to delegate certain tasks to a certified nursing assistant or a home health aide, including medication administration. The bill also expands the scope of practice for CNAs and HHAs in home health agencies by authorizing CNAs and HHAs to assist with preventative skin care, applying and reapplying bandages for minor cuts and abrasions, and nebulizer treatments. Additionally, the bill authorizes APRNs who meet certain criteria to practice advanced or specialized nursing without physician supervision or a protocol and authorizes PAs to practice primary care without physician supervision. The bill revises the composition of the Council on PAs so that it has a PA majority. The bill also expands the scope of practice for all PAs by authorizing them to certify involuntary examination under the Baker Act, file death certificates, certify causes of death, and participate in guardianship plans. The bill is now on the House Calendar.

Finally, bills allowing pharmacists to test for the flu remain different but also continue to move forward. **CS/SB 714** (Hutson) passed the Senate Appropriations Committee by a vote of 15-4. The bill would allow pharmacists to test for and treat influenza under a written protocol with a primary care supervising physician that includes specific terms and conditions. As expected, the House version of the bill, **CS/HB 389** (Sirois), provides a broader scope of practice. The bill allows a pharmacist to perform testing or screening for and testing of minor, non-chronic health conditions if the pharmacist meets and maintains certain qualifications.



Health Care Trains Move

CS/CS/SB 230 (Harrell) passed the Senate Appropriations Committee and now moves to the Rules Committee where addition amendments (or “train cars”) are filed for consideration on March 2, 2020. So far the bill generally addresses these wide-ranging issues: 1) Child Protection Teams; 2) Human Immunodeficiency Virus; 3) the federal Conrad 30 Waiver Program; 4) the Florida Consortium of National Cancer Institute Centers Program; 5) emergency medical transportation services; 6) Radiation machines; 7) Department Of Health General Health Care Professional Licensing Provisions; 8) health care practitioner discipline; 9) medical faculty certificates to full-time faculty at Nova Southeastern University or Lake Erie College of Osteopathic Medicine; 10) Medical Specialists; 11) Osteopathic Internships and Residencies; 12) Registered Chiropractic Assistants; 13) Board of Nursing; 14) Dental and Hygiene Graduates Exams; 15) Health Access Dental Licensure; 16) Athletic Trainers; 17) Orthotics, Prosthetics, and Pedorthics; 18) Massage Therapy; 19) Psychology; and 20) Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling. The bill will be considered in the Senate Rules Committee next week.

CS/CS/CS/HB 713 (Rodriguez, AM) passed the House Health and Human Services Committee. The bill includes the same issues as the Senate bill and also authorizes DOH to issue a temporary license that expires 60 days after issuance, rather than 30 days, to certain applicants who have not yet been issued a social security number. The bill is on the House Calendar.

Suicide Prevention Legislation Progresses

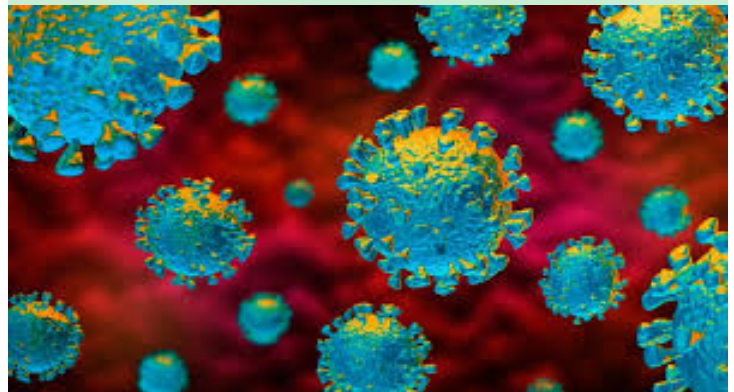
CS/SB 7012 (Book) addressing suicide passed the Senate Appropriations Committee. The bill: 1) expands the duties of the Statewide Office of Suicide Prevention in the DCF; 2) creates the First Responders Suicide Deterrence Task Force; 3) broadens the duties of the Suicide Prevention Coordinating Council and adds five new members to the Council; 4) adds new training and staffing requirements for instructional personnel at public and charter schools; 5) adds new continuing education requirements related to suicide prevention for various health care practitioners; 6) requires certain health insurance plans to comply with federal regulations relating to mental health and substance use disorder coverage to ensure that Floridians that are privately insured have adequate insurance coverage to help prevent suicides; 7) requires Baker Act facilities to provide suicide prevention information resources to minors being released; 8) provides civil immunity to persons who help or attempt to help others at imminent risk of suicide; and 9) requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to submit a report that looks at other states' suicide prevention programs. A similar bill, **CS/CS/HB 1081** (Stevenson), is on the House Calendar.

COVID 19 Update Legislative and Governor's Briefings

“Medicine is a science of uncertainty and an art of probability”
~ Sir William Osler

This week Governor Ron DeSantis Surgeon and General Scott Rivkees stressed that Florida had not had any confirmed coronavirus or COVID-19 cases. Dr. Rivkees said the Department of Health is not authorized under statute to publish the number of people in the state being tested for the virus out of privacy concerns. DOH has put an incident management team in place and has several hundred members of his department in the state's 67 counties ready to respond quickly. Dr. Rivkees said he also has asked health care practitioners and providers to take stock of their supplies such as ventilatory support equipment because the virus usually includes an upper respiratory infection. The DOH planned to begin testing people for COVID-19 by now at state laboratories in Miami, Jacksonville and Tampa. HOWEVER, the Centers for Disease Control and Prevention (CDC) said the test kits sent to states and intended to provide quick results were faulty, and the manufacturer needs to reproduce them. While Florida's health officials await the new kits, they will continue to send samples to the CDC lab in Atlanta, with results taking 4-5 days to process. The Governor and Dr. Rivkees also discussed protocols for addressing the virus that included tracking and urging individuals that may have been exposed to undergo a 14-day self-quarantine. Dr. Rivkees also said that multiple unlinked cases indicating widespread COVID-19, then community-based strategies involving avoidance of group activities and meetings may be recommended.

Last week, John T. Sinnott, a Tampa General Hospital physician and University of South Florida chair of the Department of Medicine, told the Senate Health Policy Committee that three years ago the CDC closed its Office of Pandemic Response and reduced its international presence from 49 countries to 10 because of budget cuts. Dr. Sinnott indicated that he believes the virus also could be airborne, similar to tuberculosis. He also said that the flu remains a far deadlier illness to worry about in Florida than the coronavirus. Dr. Sinnott said one person infected with the coronavirus could spread it to an average of 2.2 people. Additionally, about 1.8 percent of the people infected with the coronavirus will die. A vaccine for the virus isn't expected to be ready for at least 18 months





Dorothy B. Oven Park & House

The Dorothy B. Oven Park was part of the Lafayette Land Grant awarded to General Marquis de Lafayette in 1824 by the United States Congress. The Park is located in the heart of more than six acres of lush North Florida garden filled with azaleas, camellias, palms and other local flora giving the park an ambience not found elsewhere.

On page 1 Rep. Ana Maria Rodriguez from Floridapolitics.com; capitol photo by the author; and other photos from the web; also on page 3. On page 4 Dorothy Oven photo from the City of Tallahassee website and Ruth Bunny Ginsberg photo courtesy of Kathy Mears. Sources included articles from Christine Jordan Sexton, A.G. Gancarski, Renzo Downey, Jacob Ogles, Sarah Mueller, Jim Turner, as well as the

Additional Resources:

Advocate for Florida State:

<http://www.advocateforfloridastate.fsu.edu/site/PageServer?pagename=deploymenthome>

FSU Governmental Relations:

<http://govrel.fsu.edu/>

The Florida Channel:

<http://thefloridachannel.org/>

Florida Senate: <http://www.flsenate.gov/>

Florida House of Representatives:

<http://www.myfloridahouse.gov/>

Florida Governor's Office: <http://www.flgov.com/>

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**Ruth
Bunny
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*Senator
Lauren
Book's
Office
Rabbit,
(being held
by Kathy
Mears)*

