



**ACP**  
American College of Physicians  
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Florida Services  
Chapter

**FL Advocate Newsletter**



Manning Hanline, Jr, MD FACP FACEP, President/Governor ❖ George Everett, MD MACP, Governor

## LEGISLATIVE SESSION SUMMARY— MARCH 15, 2022

Manning Hanline, Jr., MD, FACP, FACEP, President/Governor



In what was supposed to be a “slow” year for Medicine in 2022, we enjoyed a surprisingly productive Legislative Session.

**Scope of Practice:** Neither the Physician Assistants nor the APRNs were able to move their scope of practice initiatives this year, and optometrists and pharmacist likewise were stymied in their bids to substantially amend their respective practice acts.

As a counterweight to not expanding the Scope of Practice, the Senate unfortunately did not pass our Specialty Designation Bill. The bill, which would have prevented the use of physician designations such as “surgeon” or “gastroenterologist” unless the practitioner had completed an ACGME residency in that specialty, passed the House, as well as the Senate, but a Senate amendment required the concurrence of the House, which ran out of time. Fortunately, our House sponsor, Ralph Massullo, M.D., is running for the Florida Senate, so we likely will have enhanced support in the Senate next year.

### **Notable Bills Passed:**

Unlike recent years, we had considerable success passing some positive legislation that will enable our physicians to better treat our patients.

**Pharmacy Benefit Managers:** After three years of lobbying, we passed a bill that makes insurers liable for the actions of their contracted PBMs, thus requiring these PBMs to comply with Florida Insurance Code. The bill also imposed financial penalties for PBMs that neglect to register with the Office of Insurance Regulation.

**Step Therapy:** The Bill was passed on the 57<sup>th</sup> day. While Step Therapy is still allowed, patients and physicians must be notified of the appeal system, and the appeal process has been both simplified and standardized.

**Covid Liability Protection:** This bill protects physicians from liability claims that a person contracted Covid in a physician’s office or suffered because a physician abided by Covid protocols. The liability protections were to expire soon, but are now extended through June of 2023.

**Emergency Care to Minors:** Legislation passed last year promoting Parental Rights unintentionally made it a criminal offense for a physician to touch a minor without the consent of a parent, even in an emergency or acute injury situation. This year's legislation rectifies that "glitch," so that physicians may now render care to minors in the event of acute injury or illness.

**Telehealth:** This bill, which was passed on the 60<sup>th</sup> day, allows physicians to prescribe Schedule III-V controlled substances through telehealth. It should be noted, however, that "telephone-only" communications are not included in the definition of telehealth.

### **Bills that Almost Passed:**

**Physician Free Speech:** Despite pressure from Governor Desantis to pass it, House Bill died in the House Health and Human Services Committee. The Senate Bill advanced to the Appropriations Committee, but was not considered. Expect some version of this bill to be back next Session, as the Governor is committed to it.

**Wrongful Death Actions Against Physicians.** A bill to allow such actions by adult children of malpractice victims passed the House this week but was not taken up by the Senate. The Trial Bar will be pushing this Bill again next year.

### **Bills Defeated Early**

Every year over 1,500 bills are filed, and while many of them do not make substantial advances, it should be noted that we were able to defeat some very bad proposals, including:

- **PIP:** The proposal would have eliminated the current \$10,000 "set-aside" for physician services. The sponsors are dedicated, however, and this proposal will be back next year.
- **Physician Mergers:** A bill to require Attorney General approval of many physician practice mergers died fairly early.
- **Drug Price Disclosure:** While we support patients understanding how much prescribed drugs will cost them, this proposal would have placed the disclosure onus on the prescribing physician, who usually does not even have this information.

### **What's Next:**

All 160 legislators are now up for re-election this year, so they will be focused on their upcoming races. As a result, it is unlikely that there will be significant legislative activity until after Election Day in November.

I would like to take a moment to thank all of the physicians who contacted their legislators or me during the 2022 Legislative session. Your input is vital to ensuring that your interests are heard, and I want to assure you that your voices are being heard.

## ADVOCATES FOR INTERNAL MEDICINE NETWORK

Join more than 15,000 colleagues in the Advocates for Internal Medicine Network (AIMn) in advocating for the interests of internal medicine in Washington, D.C. The AIMn program is for ACP members interested in participating in federal advocacy. It is designed to help members engage with their federal lawmakers on policy issues important to ACP and internal medicine.

**Enroll now:** <https://cqrcengage.com/acplac/app/register?0&m=13815>

## LEGISLATIVE ACTION CENTER

As key issues approach the decision-making stage on Capitol Hill, the College emails or faxes legislative alerts to AIMn members through our Legislative Action Center (LAC). Legislative alerts include all of the necessary information (including sample messages that can be easily personalized) to make informative contacts with members of Congress, and ACP staff is always available to provide support and answer legislative questions.

Once enrolled as an Advocate you can use the College's LAC to respond easily to current ACP legislative alerts, identify your federal legislators, monitor important legislation, and e-mail or call your members of Congress.

**Legislative Action Center:** <https://cqrcengage.com/acplac/home?0>