



Duval County Medical Society **2022 Legislative Session Summary**

Bills Signed into Law by the Governor:

SB 7014 - COVID-19-related Claims Against Health Care Providers by Senator Burgess

SB 7014 extends the length of time that health care providers receive certain liability protections from COVID-19-related claims. According to legislation passed during the 2021 Legislative Session, liability protections from COVID-19-related claims apply to claims accruing within 1 year after the effective date of the act, which was March 29, 2022. The bill extends the application period of the liability protections, making them applicable to claims accruing before June 1, 2023. The net result of the bill is to extend the liability protections for about 14 months, from March 29, 2022, to June 1, 2023.

Loan Forgiveness for Physicians Practicing in Areas of Critical Need Budgetary Request

While the state pursues mechanisms to ensure access to care in underserved areas, the state already had the statutory framework to provide loan forgiveness for physicians to serve in those communities. The Legislature provided \$10 million in the budget to provide loan forgiveness for physicians, nurses, and dentists practicing in underserved communities.

Bills Waiting for the Governor's Signature:

HB 817 - Emergency Medical Care and Treatment to Minors Without Parental Consent by Rep Massullo

The bill authorizes physicians licensed under chapters 458 or 459, F.S., to provide emergency medical care or treatment to a minor without parental consent. This allows physicians to provide such care in prehospital settings, similar to EMTs and paramedics, or in hospital settings. This became more important due to the Parental Rights legislation passed in 2021 that made it a criminal offense for physicians to render care to minors without parental consent. Effective Date – July 1, 2022.

SB 312 - Telehealth by Senator Diaz

Allows a telehealth provider to issue a renewal prescription for a controlled substance listed in Schedule III, IV, or V of s. 893.03, F.S., through telehealth, within the scope of his or her practice, and in accordance with other state and federal laws. Currently, telehealth providers are prohibited from prescribing controlled substances through telehealth unless the prescription is for the treatment of a psychiatric disorder, inpatient treatment at a hospital, the treatment of a patient receiving hospice services, or the treatment of a resident in a nursing home facility.¹ The bill narrows this prohibition to the prescribing of only Schedule II controlled substances through telehealth, except under those specific circumstances. The final bill did not include a provision to add “Audio Only” services to the statutory definition of telehealth. Effective Date – July 1, 2022.

HB 459 - Step-therapy Protocols by Rep Willhite

The bill defines “step therapy protocol” as a protocol or program that establishes the specific sequence in which prescription drugs, medical procedures, or courses of treatment must be used to treat a health condition. The bill also requires a process to receive a “protocol exemption”, which is a determination by an insurer or HMO to exempt an insured patient from an existing step therapy protocol. The bill requires an

insurer or HMO to publish on its website, and provide to an insured in writing, a procedure for an insured patient and health care provider to request a protocol exemption. Effective Date – July 1, 2022.

The procedure must include:

- The manner in which an insured patient or health care provider may request a protocol exemption;
- The manner and timeframe in which the health insurer or HMO is required to authorize or deny a protocol exemption request; and,
- The manner and timeframe in which an insured patient may appeal the denial of a request. The bill requires an insurer or HMO granting a protocol exemption to specify the prescription drug, medical procedure, or course of treatment approved. Alternatively, an insurer or HMO denying a protocol exemption request must provide a written explanation of the denial, including the clinical rationale supporting the denial. The written explanation must also describe the procedure for appealing the determination by the insurer or HMO.

HB 1099 - Living Organ Donors in Insurance Policies by Rep Latvala

The bill prohibits insurers of life insurance policies, industrial life insurance policies, group life insurance policies, credit life and credit disability insurance policies, and long-term care insurance policies from discriminating against living organ donors, or prospective donors, in coverage or eligibility solely on their status as a living organ donor. The bill makes such discrimination a violation of the Unfair Insurance Trade Practices Act, subject to existing penalties within the Act. Effective Date – July 1, 2022.

Bills that Failed to Pass

Scope of Practice Expansions

Wrongful Death Liability Expansions

Restrictive Covenant Reform

Personal Injury Protection/Auto No-Fault Repeal

Freedom of Speech for Physicians (Prohibition on the Board of Medicine from disciplining physicians for expressing their medical opinion)

Recognizing Additional Athletic Associations