

### **1. HB 33 - Psychology Interjurisdictional Compact**

The bill enacts the Psychology Interjurisdictional Compact (PSYPACT) and authorizes Florida to join as a member state. The bill requires the Florida Board of Psychology to appoint an individual to represent Florida on the Interstate Compact Commission. As a compact member state, eligible Florida-licensed psychologists can apply to PSYPACT for authorization to practice telepsychology or temporary in-person practice of psychology across state boundaries by obtaining an EPassport or an Interjurisdictional Practice Certificate.

Effective Date: July 1, 2023

Link: <https://www.flsenate.gov/Session/Bill/2023/33>

### **2. HB 35 - Public Records and Meetings/ Psychology Interjurisdictional Compact**

The bill, which is linked to the passage of HB 33, provides an exemption from public records requirements for a psychologist's personal identifying information, other than his or her name, licensure status, or licensure number, obtained from the coordinated licensure information system and held by the Florida Department of Health (DOH) or the Florida Board of Psychology relating to the Psychology Interjurisdictional Compact (PSYPACT). The bill also creates a public meeting exemption for Commission meetings, or portions of such meetings, at which matters specifically exempted from disclosure by federal or state law are discussed. The bill provides that any recordings, minutes, and records generated from such a meeting are also exempt.

Effective Date: On the same date that HB 33 takes effect – July 1, 2023

Link: <https://www.flsenate.gov/Session/Bill/2023/35>

### **3. HB 139 - Benefits, Training and Employment for Veterans and Their Spouses**

The bill establishes the Office of Veteran Licensure Services within the Florida Department of Health, Division of Medical Quality Assurance to provide information, guidance, direction, and assistance with health care licensure processes for all veterans and their spouses. Additionally, the bill requires Veterans Florida to assist veterans and their spouses with access, training, education, and employment in Florida's health care professions.

Effective Date: July 1, 2023

Link: <https://www.flsenate.gov/Session/Bill/2023/139>

### **4. SB 218 - Genetic Counselors Using Telehealth**

The bill amends the definition of a telehealth provider in s. 456.47, F.S., to allow licensed genetic counselors to provide health care and related services using telehealth.

Effective Date: July 1, 2023

Link: <https://www.flsenate.gov/Session/Bill/2023/218>

## **5. SB 238 - Public Records/Protection from Discrimination Based on Health Care Choices**

The bill provides an exemption from public records requirements for certain information held by the Florida Department of Legal Affairs or the Florida Department of Health relating to complaints or investigations regarding violations of provisions protecting from discrimination based on health care choices.

Effective Date: On the same date that SB 252 takes effect, June 1, 2023, except as otherwise provided

Link: <https://www.flsenate.gov/Session/Bill/2023/238>

## **6. SB 252 - Protection from Discrimination Based on Health Care Choices**

The bill prohibits business entities and governmental entities from requiring a person to provide certain documentation or requiring a COVID-19 test to gain access to, entry upon, or service from such entities or as a condition of contracting, hiring, promotion, or continued employment; prohibiting business and governmental entities from refusing to hire persons, discharging persons, depriving or attempting to deprive persons of employment opportunities, adversely affecting persons with respect to employment, or otherwise discriminating against any person based on knowledge or belief of a person's vaccination or COVID-19 post infection recovery status or failure to take a COVID-19 test. The bill requires such entities to provide exemptions and reasonable accommodations for religious and medical reasons.

The bill amends several statutes in order to prohibit mask mandates, mandates on emergency use authorizations (EUA) vaccinations, messenger ribonucleic acid (mRNA) vaccinations, and COVID-19 vaccinations, and COVID-19 testing mandates in educational institutions, business entities, and governmental entities. The bill prohibits these entities and institutions from requiring proof of a vaccination with one of the specified types of vaccinations, post infection recovery from COVID-19, or a COVID-19 test to gain access to, entry upon, or service from the entity or institution. The bill also prohibits business and governmental entities from certain employment practices based on an employee's, or a potential employee's, vaccination or post infection status or the refusal to take a COVID-19 test. The bill's provisions relating to mRNA vaccines are repealed on June 1, 2025.

Additionally, the bill prohibits business entities, governmental entities, and educational institutions from requiring a person to wear a mask, a face shield, or any other facial covering that covers the nose and mouth or denying a person access to, entry upon, service from, or admission to such entity or institution or otherwise discriminating against any person based on his or her refusal to wear a mask, face shield, or other facial covering. The bill provides exceptions to these prohibitions for health care providers and practitioners, if the provider or practitioner meets specific requirements established by the bill, and for when a mask or facial covering is required safety equipment. Business entities and governmental entities that violate these provisions are subject to discipline by the Florida Department of Legal Affairs (DLA) while educational institutions are subject to discipline by the Florida Department of Health (DOH). Such discipline may include fines of up to \$5,000 for each violation.

The bill establishes requirements for mandating masks in health care settings. The bill requires the DOH and the Agency for Health Care Administration (AHCA) to jointly develop standards for the use of facial coverings in such settings by July 1, 2023, and requires each health care provider and health care practitioner who operates or manages an office to establish policies and procedures for facial coverings by August 1, 2023, that are consistent with the standards adopted by the DOH and the AHCA if they require any individual to wear a mask.

The bill prohibits governmental entities and educational institutions from adopting, implementing, or enforcing an international health organization guideline unless authorized by state law, rule, or executive order issued pursuant to a declared emergency.

The bill also creates and amends several statutes related to the provision of health care for COVID-19 including:

- Prohibiting a hospital from interfering with COVID-19 treatment alternatives that are recommended by a health care practitioner with privileges at the hospital.
- Requiring a health care practitioner to obtain specified informed consent from a patient before prescribing any medication for the treatment of COVID-19 to the patient.
- Prohibiting a pharmacist from being disciplined for properly dispensing medications prescribed for the treatment of COVID-19.

Effective Date: June 1, 2023, except as otherwise provided in the act

Link: <https://www.flsenate.gov/Session/Bill/2023/252>

## **7. SB 264 - Interests of Foreign Countries**

The bill amends certain electronic health record statutes to ensure that such records are physically stored in the continental United States, United States territories, or Canada.

Effective Date: July 1, 2023

Link: <https://www.flsenate.gov/Session/Bill/2023/264>

## **8. HB 267 - Telehealth Practice Standards**

The bill revises the definition of telehealth to include audio-only telephone call in the telehealth technology authorization statute.

Effective Date: July 1, 2023

Link: <https://www.flsenate.gov/Session/Bill/2023/267>

## **9. SB 274 - Nursing Education Pathway for Military Combat Medics**

The bill creates the “Pathway for Military Combat Medics Act.” The bill expands the award of postsecondary credit for military training and education courses to promote uniformity in the application of military combat medic training and education toward postsecondary credit (credit)

or career education clock hours (clock hours) by public postsecondary educational institutions. Specifically, the bill requires:

- The Department of Education's Articulation Coordinating Committee (ACC) to convene a workgroup to establish a process for prioritizing and determining postsecondary course equivalencies and the minimum credit or clock hours that must be awarded in an accredited nursing education program for military training and education required for service in specified positions. The process must be approved by the Board of Governors of the State University System (BOG) and the State Board of Education (SBE), with recommendations due to them by December 1, 2023.
- The ACC is to approve a list of postsecondary course equivalencies and credit and clock hours awarded for such courses and training, which must be approved by the BOG and SBE in the statewide articulation agreement.
- State universities, Florida College System (FCS) institutions, and career centers to award credit or clock hours based on the approved list.

Additionally, the bill revises a primary goal of the Florida Center for Nursing (Center) to provide that, under its strategic statewide plan for nursing manpower, the encouragement and coordination of the development of partnerships must include partnerships with hospitals that provide opportunities for nursing students to obtain clinical experience.

Effective Date: Upon becoming law

Link: <https://www.flsenate.gov/Session/Bill/2023/274>

#### **10. HB 387 - Physician Certifications for Medical Use of Marijuana**

The bill authorizes a qualified physician who performs an in-person examination of a patient for the initial physician certification to use telehealth to conduct subsequent examinations of that patient for renewals. The bill also authorizes the Florida Department of Health to suspend the registration of a qualified physician for up to 2 years if the qualified physician violates the requirements of s. 381.986, F.S., or provides, advertises, or markets telehealth services before July 1, 2023.

Effective Date: 7/1/2023

Link: <https://www.flsenate.gov/Session/Bill/2023/387>

#### **11. HB 391 - Home Health Aides for Medically Fragile Children**

The bill creates the Home Health Aide for Medically Fragile Children Program for family caregivers to receive training and gainful employment. The bill allows a family caregiver to be reimbursed by Medicaid, as a home health aide for medically fragile children (HHAMFC), for care provided to a relative who is 21 years old or younger with an underlying physical, mental, or cognitive impairment, and is eligible to receive skilled care or respite care services under the Medicaid program. The bill requires AHCA to establish a fee schedule with a family caregiver reimbursement rate of \$25 per hour for up to 8 hours per day. The bill requires AHCA, in

consultation with the Florida Board of Nursing, to approve HHAMFC training programs developed by home health agencies which meet certain criteria.

Effective Date: June 2, 2023

Link: <https://www.flsenate.gov/Session/Bill/2023/391>

## **12. SB 558 - Certified Nursing Assistants**

The bill creates a new designation of “qualified medication aide” (QMA) for certified nursing assistants (CNA) who work in a nursing home and meet specified licensure and training requirements. The bill allows a nursing home to authorize a registered nurse (RN) working in the nursing home to delegate medication administration to a QMA who is working under the direct supervision of the RN.

In order to be designated as a QMA, a CNA must hold a clear and active certification as a CNA for at least one year preceding the delegation; complete 40 hours of training that consists of the six hour training course currently required for a CNA to administer medication in a home health setting and a 34-hour course developed by the Florida Board of Nursing specific to QMAs; and successfully complete a supervised clinical practice in medication administration conducted in the nursing home. The bill amends several sections of law related to the delegation of tasks to CNAs to conform to the changes made in the bill. The bill also specifies that CNAs performing the duties of a QMA may not be counted toward staffing requirements for nursing homes.

Effective Date: 7/1/2023

Link: <https://www.flsenate.gov/Session/Bill/2023/558>

## **13. SB 676 - Level 2 Background Screening**

The bill modifies current background screening standards and requirements for individuals who work with children and other vulnerable persons.

Effective Date: Section 11 of the bill, which contains the appropriations, takes effect July 1, 2023. Changes made to s. 435.12, F.S., in Section 3 of the bill must be implemented by January 1, 2025, or a later date as determined by the AHCA. Except as otherwise expressly provided in the bill and except for Section 13, the effective date section of the bill, which takes effect upon the bill becoming law, the bill takes effect July 1, 2024.

Link: <https://www.flsenate.gov/Session/Bill/2023/676>

## **14. SB 768 - Referral of Patients by Health Care Providers**

The bill amends s. 456.053, F.S., regulating financial arrangements between referring health care providers and health care service providers, to alter a safe harbor provision for permitted referrals from a health care provider to another provider for designated health services that solely serves patients of the referring health care provider. The bill removes the direct supervision requirement and the requirement that the physician be present in the office suite, allowing general supervision of such services from locations outside of the office where the services are provided. The bill allows self-referring health care providers to avoid the cost of

having a physician present while health care services are provided. The change in state law also aligns with federal Stark law provisions regarding self-referrals by a health care provider to another provider in which the referring physician has a financial or other pecuniary interest.

Effective Date: 7/1/2023

Link: <https://www.flsenate.gov/Session/Bill/2023/768>

### **15. HB 783 - Opioid Abatement**

The bill expands caregiver authority to possess and administer emergency opioid antagonists by removing the criterion that a caregiver have recurring, rather than any, contact with a person at risk of overdose. The bill creates the Statewide Council on Opioid Abatement within the Department of Children and Families (DCF) to enhance the development and coordination of state and local efforts to abate the opioid epidemic and to support the victims of the opioid crisis. The bill requires each Florida College System institution and state university to have a supply of emergency opioid antagonists in clearly marked locations within residence halls and dormitory residences. The bill establishes guidance for such supplies, and provides civil and criminal immunity to campus law enforcement officers who administer or attempt to administer an emergency opioid antagonist.

Effective Date: 7/1/2023

Link: <https://www.flsenate.gov/Session/Bill/2023/783>

### **16. HB 1133 - Physician Assistant Licensure**

The bill revises the eligibility requirements for physician assistant (PA) licensure to applicants who matriculated into, rather than graduated from, an approved program on or before December 31, 2020. The bill also authorizes the Boards of Medicine and Osteopathic Medicine to grant a license to a PA applicant who does not meet the educational requirements in statute but passed the Physician Assistant National Certifying Examination.

Effective Date: Upon signing

Link: <https://www.flsenate.gov/Session/Bill/2023/1133>

### **17. HB 1387 - Department of Health**

The bill exempts individuals who have successfully completed a board-approved certified nursing assistant (CNA) training program within six months of applying for certification from the clinical skills portion of the licensure exam.

The bill conforms Florida law to the new FDA rule by eliminating now-preempted over the counter (OTC) hearing aid regulation. The bill distinguishes between OTC hearing aids and prescription hearing aids, retaining regulation of the latter. The bill amends the statute regulating distribution of hearing aids by hearing aid specialists and audiologists to limit its application exclusively to prescription hearing aids. The bill exempts individuals exclusively dispensing OTC

hearing aids from regulation. This aligns Florida law with the federal rule which specifies that states may not establish regulatory measures or require licensure for individuals who dispense OTC hearing aids. The bill makes conforming changes throughout Chapters 468 and 484, F.S., to specify that regulations apply only to prescription hearing aids. The bill limits the consumer protections in current law to only apply to prescription hearing aids, and not to OTC hearing aids. The bill also specifies that the prohibition on distributing of hearing aids by mail applies only to prescription hearing aids.

The bill authorizes autonomous advanced practice registered nurses and adds board-eligible or board-certified family medicine physicians as health care practitioners eligible to certify brain deaths under certain conditions.

Effective Date: July 1, 2023

Link: <https://www.flsenate.gov/Session/Bill/2023/1387>

### **18. HB 1471 - Health Care Provider Accountability**

The bill addresses health care provider accountability related to nursing home residents' rights, unlicensed facilities, and standards of care for certain office surgeries. Section 400.022, F.S., establishes an extensive list of resident rights that a nursing home must afford to its residents. The list includes, but is not limited to, the right to civil and religious liberties, the right to participate in social and other activities that do not impact other residents' rights, and the right to refuse medication and treatment. The bill adds to the list of nursing home residents' rights the right to be free from sexual abuse, neglect, and exploitation.

The bill authorizes the Agency for Health Care Administration (AHCA) to seek an ex parte temporary injunction to prevent continuing unlicensed activity by a provider who has been warned by the agency to cease such unlicensed activity. The bill establishes the temporary injunction process, including petition requirements, subsequent inspections to determine compliance, and a permanent injunction process if the provider is not complying with the ex parte temporary injunction. These changes apply to any entity licensed by AHCA.

With regard to office surgeries, the bill:

- Establishes standards of practice for physicians performing gluteal fat grafting procedures in office surgery settings.
- Requires that any duty delegated by a physician during a gluteal fat grafting procedure must be completed under the direct supervision of the physician.
- Provides that gluteal fat extractions and injections may not be delegated and that injections must be done under ultrasound guidance to ensure that fat is only injected into the subcutaneous space and not across the fascia covering gluteal muscle.
- Requires the Department to inspect any office where office surgeries will be done before the office is registered – if the office refuses such inspection, it will not be registered until the inspection can be completed.
- Provides that if an office that has already been registered with the Department refuses an inspection, its registration must be immediately suspended for 14 days and remain suspended until the inspection is completed.

Effective Date: July 1, 2023

Link: <https://www.flsenate.gov/Session/Bill/2023/1471>

## **19. SB 1550 Prescription Drugs**

The bill addresses the transparency of a manufacturer's prescription drug price increases above certain thresholds and the relationships between pharmacy benefit managers, pharmacy benefits plans and programs, and pharmacy providers for delivering pharmacy services to covered persons.

The bill requires prescription drug manufacturers and nonresident prescription drug manufacturers to disclose reportable prescription drug price increases. This information will be published on the Florida Health Finder website. A reportable prescription drug price increase refers to a prescription drug with a wholesale acquisition cost of at least \$100 for a course of therapy before the effective date of the increase, and the bill requires the following to be reported:

- Any increase of 15 percent or more of the wholesale acquisition cost during the preceding 12-month period; or
- Any increase of 30 percent or more of the wholesale acquisition cost during the preceding three calendar years.

The bill requires pharmacy benefit managers (PBMs) to obtain a certificate of authority for an administrator under the Florida Insurance Code (FIC) and makes them subject to existing and enhanced requirements as set forth in the bill under the FIC. The bill proscribes and prescribes certain disclosures and actions governing contractual relationships between PBMs and pharmacy benefits plans and programs and also between PBMs and pharmacy providers.

Effective Date: July 1, 2023

Link: <https://www.flsenate.gov/Session/Bill/2023/1550>

## **20. SB 1580 - Protections of Medical Conscience**

The bill establishes rights of conscience for health care providers and payors. The bill provides legislative intent and provides that a health care provider or payor has the right to opt out of participation in or payment for a health care service on the basis of a conscience-based objection (CBO). The bill establishes notification requirements for opting-out and prohibits a payor from opting-out of paying for a service it is contractually obligated to cover during a plan year. The bill also specifies that CBOs are limited to specific health care services, that the bill may not be construed to waive or modify any duty a provider or payor may have for other health care services that do not violate a provider's or payor's conscience, and that nothing in the bill allows a health care provider or payor to opt-out of providing health care services to any patient or potential patient because of that patient's or potential patient's race, color, religion, sex, or national origin.

The bill prohibits health care providers from being discriminated against or suffering adverse action for declining to participate in a health care service based on a CBO. The bill also provides whistle-blower protections for providers or payors in specific situations and specifies that the bill

may not be construed to override any requirement to provide emergency medical treatment in accordance with federal or state law.

The bill allows health care providers or payors to file complaints of violations to the Attorney General (AG) and authorizes the AG to bring a civil action for appropriate relief. The bill also provides civil immunity for health care providers and payors solely for declining to participate in a health care service on the basis of a conscience-based objection, with some exceptions.

Additionally, the bill prohibits a board, or the Florida Department of Health (DOH) if there is no board, from taking disciplinary action against a health care practitioner solely because he or she has spoken or written publicly about a health care service or public policy, including on a social media platform, as long as the speech or written communication does not provide advice or treatment to a specific patient or patients and does not separately violate any other applicable law or rule. The bill also authorizes a board within the DOH to revoke approval of any specialty board for revoking the certification of an individual for the same reason.

Effective Date: July 1, 2023

Link: <https://www.flsenate.gov/Session/Bill/2023/1580>