



Legislative Update - March 12, 2021

As we round out week 2 of the Legislative session, big issues continue to move. From COVID liability to PIP reform to online sales tax and Agency regulatory bills. Please see below for highlights.

Senate President Wilton Simpson wants to use the federal relief package to supplement the state's unemployment trust fund and to stimulate the economy with local projects. Of the more than \$17 billion in federal relief coming to Florida from the American Rescue Plan Act, upward of \$10 billion will go directly to the state's coffers. Unlike the CARES Act, which came when the Legislature was not in Session, Gov. Ron DeSantis has said he will defer to lawmakers to allocate spending.

Following the House passing COVID liability measures off the floor last week, the Senate is primed for its version of the COVID liability bills to be heard on the Floor next week. The House Civil Justice and Property Rights Subcommittee voted Wednesday unanimously to advance a proposal that would fundamentally alter

COVID Update:

By the Numbers: *as of 3/11/21*

Total numbers of cases since the pandemic started: 1,957,586

Deaths of Florida Residents: 31,948

Percentage of available hospital beds statewide. 21.44%

Percentage of available adult intensive-care unit beds statewide. 18.82%

Vaccine Update *as of 3/10/21*

Doses Administered: 5,791,074

Series Completed: 2,031,584

State Action:

- As previously noted, the Governor's executive order prioritizing seniors age 65+, and those healthcare providers with direct patient contact are the absolute priorities for vaccine distribution. While there are inconsistencies between the counties on allocations and the supply does not cover the demand.
 - For a comprehensive list of DOH vaccine information please visit:
 - <https://floridahealthcovid19.gov/covid-19-vaccines-in-florida/>
 - Essential Workers will be included in a later grouping. The Governor has spoken in the past that when there is a single dose vaccine available, the state will open to the next phase to include essential work force.

- The state has launched its solution for vaccination appointment. Please visit: www.myvaccine.fl.gov although some counties have opted out of using the site and will continue to use their system.
- If one is experiencing issues with getting vaccinated, please email: Provider.covid19@flhealth.gov
- On Monday, March 15, eligibility age for the vaccine will drop to 60, allowing nearly 2 million more residents to be vaccinated.
 - The governor announced the age for vaccine eligibility will drop to 55 and then open the vaccinations to all.
- Gov. DeSantis signed an executive order waives all fines issued to people and businesses found violating local governments' COVID-19 restrictions. The order cancels local fines imposed between March 1, 2020, and March 10 2021, but does not apply to those owed for violating state orders. It also does not apply to fines issued to hospitals, assisted living facilities or health care providers for similar violations. The text of the order states it was issued in response to "unprecedented" restrictions on individuals and businesses issued by local governments in response to the COVID-19 pandemic.

Legislative Actively Engaged:

- SB 1298 Nurse Registries (Brodeur)
Authorizing registered nurses to delegate to certified nursing assistants and home health aides the administration of certain medication to patients of nurse registries under certain circumstances; authorizing certified nursing assistants to administer certain medication to patients of nurse registries under certain circumstances, etc. Effective Date: 7/1/2021
- HB 1045 Delegation of the Administration of Prescription Medications (Snyder)
Authorizes registered nurse to delegate administration of certain duties for care of patient of nurse registry; authorizes certified nursing assistants to administer certain medication to patients of nurse registries. Effective Date: July 1, 2021

Legislation to Monitor:

COVID Liability:

- HB 007 Civil Liability for Damages Relating to COVID-19 (McClure)
Civil Liability for Damages Relating to COVID-19: Provides requirements for civil action based on COVID-19-related claim; provides that plaintiff has burden of proof in such action; provides statute of limitations; provides retroactive applicability. Effective Date: upon becoming a law
 - Passed 83-31
- HB 9 Protecting Consumers Against Fraud During a Pandemic (Zika)
Prohibits dissemination of false or misleading vaccine information with a specified intent; provides authority and criminal penalties, authorizes civil remedies. Effective Date: upon coming law
 - Passed House 113-0
- SB 0072 Civil Liability for Damages Relating to COVID (Brandes)
Civil Liability for Damages Relating to COVID-19; Providing requirements for a civil action based on a COVID-19-related claim; providing that the plaintiff has the burden of proof in such action; providing a statute of limitations; providing severability; providing retroactive applicability, etc. Effective Date: This act shall take effect upon becoming a law and shall apply retroactively. However, the provisions of this act shall not apply in a civil action against a particularly named defendant, which is commenced before the effective date of this act
 - Passed Rules 10-5, 3/11

- Language relating to health care providers as the subject to SB 74 was amended into SB 72, merging the 2 bills. SB 72 will be the vehicle.
- SB 74 COVID-19 Related Claims Against Health Care Providers (Brandes)

Providing preliminary procedures for civil actions based on COVID-19-related claims; providing the standard of proof required at trial for such claims; providing immunity from liability for COVID-19-related claims under certain circumstances; requiring COVID-19-related claims to commence within a specified timeframe, etc. Effective Date: Upon becoming a law

 - Not considered by Rules
- HB 7005 Health Care Civil Liability for COVID-19 Related Claims

An act relating to civil liability for COVID-19- 3 related claims against certain healthcare entities; requirements for a civil action based on a COVID-19- related medical claim; providing requirements for a civil action based on a COVID-19-related negligence claim; providing severability; providing retroactive application.

 - Passed Judiciary 15-5 on 3/10
- SB 1132 Personal Care Attendants (Bean)/ HB 485 (Garrison)

Authorizing nursing home facilities to employ personal care attendants if they complete a certain training program developed by the Agency for Health Care Administration, in consultation with the Board of Nursing; authorizing certain persons to be employed by a nursing home facility as personal care attendants for a specified period if a certain training requirement is met, etc. Effective Date: Upon becoming a law
- HB 309 Dementia related Staff Training (Byrd)

Dementia-related Staff Training: Requires certain entities, as condition of licensure, to provide dementia-related training for new employees; provides requirements for training; requires employees to receive additional training developed or approved by DOEA under certain circumstances; authorizes department to develop curriculum for training; encourages DOEA to consult certain nationally recognized organizations to develop registration process for training providers & assessments. Effective Date: July 1, 2021

 - Passed Finance and Facilities on 3/2 15-1
- SB 634 Dementia related Staff training (Gibson)

Dementia-related Staff Training: Requires certain entities, as condition of licensure, to provide dementia-related training for new employees; provides requirements for training; requires employees to receive additional training developed or approved by DOEA under certain circumstances; authorizes department to develop curriculum for training; encourages DOEA to consult certain nationally recognized organizations to develop registration process for training providers & assessments. Effective Date: July 1, 2021

 - Passed Health Policy 9-0, 3/10
- SB 700 Telehealth (Rodriguez, A)

Requiring AHCA to reimburse the use of telehealth in certain limitation; revising the term telehealth; authorizing nonphysician health care 15 practitioners to satisfy a certain supervision 16 requirement through telehealth; authorizing out-of-17 state physician telehealth providers to engage in 18 formal supervisory relationships with certain 19 nonphysician health care practitioners in this state; revising the 23 definition of the term "pharmacy"; authorizing registered 26 pharmacy technicians to compound and dispense 27 medicinal drugs under certain circumstances
- SB 831 Telehealth (Rodriguez, Ant)

Revises definition of "telehealth" to remove exclusion of audio-only telephone calls from telehealth services; authorizes use of telehealth for prescription renewals; provides that telehealth may be

substituted only for physical examinations; authorizes qualified physicians to issue physician certifications to existing qualified patients to receive marijuana & marijuana delivery devices under specified circumstance; prohibits certain health insurance policies, small employer health benefit plans, & health maintenance contracts from denying coverage for covered services provided through telehealth; provides that health insurers, small employer health benefit plans, & HMOs are not required to reimburse providers for originating fees or costs for telehealth services; provides cost-sharing limitations for health insurers, small employer health benefit plans, & HMOs relating to telehealth services. Effective Date: July 1, 2021

- **HB 247 Telehealth Practice Standard (Fabricio)**
Revises definition of "telehealth"; deletes prohibition on prescribing controlled substances through telehealth. Effective Date: July 1, 2021
- **SB 864 Telehealth (Brodeur)**
Revising the definition of the term "telehealth"; revising an exemption from telehealth registration requirements, etc. Effective Date: 7/1/2021