

2022 Session Priorities & Predictions

VIRTUAL LEGISLATIVE BRIEFING #1

January 19, 2022 | 2:00-3:30 pm

Agenda

- **Welcome & Introductions** by Dr. Russell Radtke, *Government Affairs Committee Co-Chair*
- **FMA's Priorities for 2022 Session** by Dr. Douglas Murphy, *Florida Medical Association President*
- **FCEP's Priorities for 2022 Session** by Toni Large, *FCEP Lobbyist*
- **How to Talk to Legislators** by Toni Large; *attendees invited to share success stories*
- **Q&A + Discussion**, moderated by Dr. Russell Radtke

Please hold questions until the end, unless they are for Dr. Murphy, FMA President.

FMA's Priorities for 2022 Session

By Douglas Murphy, Jr., MD

Florida Medical Association President



FCEP's Priorities for 2022 Session

- 1. Parental Consent for Emergency Care to Minors**
- 2. COVID-19 Liability Protections**
- 3. Personal Injury Protection (PIP) Repeal**
4. Scope of Practice Expansions
5. Medical Malpractice
6. Medical Specialty Designations
7. COVID-19 Workers Comp for EMS
8. Drug Overdose Prevention & Mental Health

SUPPORT

1. Parental Consent for Emergency Care to Minors

HB 817: Emergency Medical Care & Treatment to Minors Without Parental Consent by Rep. Massullo, Jr., MD

Deletes the requirement that emergency medical care or treatment by physicians and emergency medical personnel without parental consent be provided only in hospital or college health settings. Effective Date: 7/1/2022

Committee Stops:

1. Professions & Public Health Subcommittee 
2. Health & Human Services Committee

SB 1114: Emergency Medical Care & Treatment of Minors by Sen. Bradley

Committee Stops:

1. Judiciary 
2. Health Policy 
3. Rules

Section 1. Section 743.064, Florida Statutes, is amended to read:

743.064 Emergency medical care or treatment to minors without parental consent.—

(1) The absence of parental consent notwithstanding, a physician licensed under chapter 458 or an osteopathic physician licensed under chapter 459 may render emergency medical care or treatment to any minor who has been injured in an accident or who is suffering from an acute illness, disease, or condition if, within a reasonable degree of medical certainty, delay in initiation or provision of emergency medical care or treatment would endanger the health or physical well-being of the minor, ~~and provided such emergency medical care or treatment is administered in a hospital licensed by the state under chapter 395 or in a college health service.~~ Emergency medical care or treatment may also be rendered ~~in the prehospital setting~~ by paramedics, emergency medical technicians, and other emergency medical services personnel, provided that such care is rendered

~~consistent with the provisions of~~ chapter 401. These persons shall follow the general guidelines and notification provisions of this section.

(2) This section shall apply only when parental consent cannot be immediately obtained for one of the following reasons:

(a) The minor's condition has rendered him or her unable to reveal the identity of his or her parents, guardian, or legal custodian, and such information is unknown to any person who accompanied the minor ~~to the hospital.~~

(b) The parents, guardian, or legal custodian cannot be immediately located by telephone at their place of residence or business.

(3) Notification shall be accomplished as soon as possible after the emergency medical care or treatment is administered. The patient ~~hospital~~ records shall reflect the reason such consent was not initially obtained and shall contain a statement by the attending physician that immediate emergency medical care or treatment was necessary for the patient's health or physical well-being. The patient ~~hospital~~ records shall be open for inspection by the person legally responsible for the minor.

SUPPORT

2. Extension of COVID-19 Liability Protections

HB 7021: Covid-19-related Claims Against Health Care Providers by Health and Human Services Committee and Rep. Burton

Extends the duration of liability protections enacted during the 2021 Session for COVID-related claims through June 1, 2023. Effective upon becoming law.

Committee Stops:

1. Judiciary Committee



SB 7014: COVID-19-related Claims Against Health Care Providers by Senate Judiciary

Committee Stops:

1. Rules



Special Order Calendar



12 768.381 COVID-19-related claims against health care
13 providers.—

14 (6) APPLICATION PERIOD.—This section applies to claims that
15 have accrued before the effective date of this act and before
16 June 1, 2023 ~~within 1 year after the effective date of this act.~~

3. PIP Repeal/Mandatory BI

HB 1525: Motor Vehicle Insurance by Rep. Grall

SB 150: Motor Vehicle Insurance by Sen. Burgess

Repeals Florida's PIP law and replaces it with mandatory BI insurance. Effective Date: 7/1/2023

Committee Stops:

1. Civil Justice & Property Rights Subcommittee ←
2. Judiciary Committee

Committee Stops:

1. Banking & Insurance ←
2. Judiciary
3. Rules

Both bills retain the language from the amendments we filed last Session:

2497 (2) Upon receiving notice of an accident that is
2498 potentially covered by medical payments coverage benefits, the
2499 insurer must reserve \$5,000 of medical payments coverage
2500 benefits for payment to physicians licensed under chapter 458 or
2501 chapter 459 or dentists licensed under chapter 466 who provide
2502 emergency services and care, as defined in s. 395.002(9), or who
2503 provide hospital inpatient care. The amount required to be held
2504 in reserve may be used only to pay claims from such physicians
2505 or dentists until 30 days after the date the insurer receives
2506 notice of the accident. After the 30-day period, any amount of
2507 the reserve for which the insurer has not received notice of
2508 such claims may be used by the insurer to pay other claims. This
2509 subsection does not require an insurer to establish a claim
2510 reserve for insurance accounting purposes.

OPPOSE

4. Scope of Practice Expansions

HB 437: Collaborative Practice of Certified Registered Nurse Anesthetists by Rep. Rommel

Grants independent practice for registered nurse anesthetists and removes medical staff protocols. Effective Date: 7/1/2022

Committee Stops:

1. Professions & Public Health Subcommittee
2. Health & Human Services Committee



SB 986: Collaborative Practice in Health Care by Sen. Diaz

Committee Stops:

1. Health Policy
2. Appropriations
3. Rules



OPPOSE

4. Scope of Practice Expansions

SB 1686: Autonomous Practice by Advanced Practice Registered Nurses by Sen. Rodriguez

Deletes the requirement that certified nurse midwives have a written patient transfer agreement with a hospital and a written referral agreement with a physician. Effective Date: 7/1/2022

Committee Stops:

1. Health Policy 
2. Judiciary
3. Rules

17 464.0123 Autonomous practice by an advanced practice
18 registered nurse.—

19 (3) PRACTICE REQUIREMENTS.—

20 (b) A certified nurse midwife providing out-of-hospital
21 birth services must have a written plan for the appropriate
22 delivery of emergency care. A copy of the plan must be
23 maintained on file and must include all of the following:

- 24 1. The name and address of the closest hospital.
- 25 2. Reasons for which an emergency transfer may be required.
- 26 3. Emergency medical services to be used in the event of an
27 emergency ~~patient transfer agreement with a hospital and a~~
28 ~~written referral agreement with a physician licensed under~~
29 ~~chapter 458 or chapter 459 to engage in nurse midwifery.~~

OPPOSE

5. Medical Malpractice

SB 262: Damages Recoverable by Parents of an Adult Child in Medical Negligence Actions by Sen. (A) Rodriguez

Authorizes parents of adult children to recover damages for mental pain and suffering in medical negligence suits. Effective Date: 7/1/2022

Committee Stops:

1. Judiciary 
2. Banking and Insurance
3. Rules

HB 6011: Recovery of Damages in Claims for Medical Negligence by Rep. Roach

Committee Stops:

1. Civil Justice & Property Rights Subcommittee 
2. Judiciary Committee

SUPPORT

6. Medical Specialty Designations

SB 1192: Medical Specialty Designations by Sen. (A) Rodriguez

Prohibits the use of an ACGME specialty title to be used by anyone other than a physician. Effective Date: 7/1/2022

Committee Stops:

1. Health Policy 
2. Education
3. Rules

HB 861: Medical Specialty Designations by Rep. Massullo, Jr., MD

Committee Stops:

1. Professions & Public Health Subcommittee 
2. Health & Human Services Committee

18 (tt) Using a term designating a medical specialty for
19 which the Accreditation Council for Graduate Medical Education
20 accredits or recognizes as a residency or fellowship program
21 unless the licensee has completed such residency or fellowship
22 program or unless otherwise expressly authorized by law. The
23 department shall enforce this paragraph and has the same
24 enforcement authority as an applicable board. The department may
25 adopt rules to implement this paragraph.

SUPPORT

7. COVID-19 Workers Comp for EMS

SB 774: Communicable and Infectious Diseases by Sen. Gruters

HB 117: Communicable and Infectious Diseases by Rep. Fetterhoff

Adds COVID-19 to the list of communicable and infectious diseases that first responders such as EMTs and paramedics are presumed to have caught in the line of duty. Effective upon becoming law

Committee Stops:

1. Governmental Oversight and Accountability
2. Appropriations Subcommittee on Agriculture, Environment, and General Government
3. Appropriations



Committee Stops:

1. Government Operations Subcommittee
2. Appropriations Committee
3. State Affairs Committee



SUPPORT

8. Drug-related Overdose Prevention

SB 544: Drug-related Overdose Prevention by Sen. Boyd

HB 731: Drug-related Overdose Prevention by Rep. Caruso

Requires public education of emergency opioid antagonists and provides certain authorized persons immunity from civil or criminal liability for administering them, etc. Effective Date: 7/1/2022

Committee Stops:

1. Health Policy 
2. Appropriations Subcommittee on Health and Human Services 
3. Appropriations

Committee Stops:

1. Professions & Public Health Subcommittee 
2. Health Care Appropriations Subcommittee
3. Health & Human Services Committee

91 395.1041 Access to emergency services and care.—

92 (8) REPORTING OF CONTROLLED SUBSTANCE OVERDOSES.—A hospital
93 emergency department or urgent care center that treats and
94 releases a person in response to a suspected or actual overdose
95 of a controlled substance must report such incident to the
96 department if the patient was not transported by a basic life
97 support service or an advanced life support service as those
98 terms are defined in s. 401.23. Such reports must be made using
99 an appropriate method with secure access, including, but not
100 limited to, the Washington/Baltimore High Intensity Drug
101 Trafficking Overdose Detection Mapping Application Program or
102 other program identified by department rule. Hospital emergency
103 departments and urgent care centers shall use best efforts to
104 make the report to the department within 120 hours after
105 discovering an incident.

SUPPORT

8. Mental Health & Substance Use Disorders

SB 282: Mental Health and Substance Use Disorders by Sen. Rouson

Revises background screening requirements for certain peer specialists and authorizes the Department of Children & Families to train and certify peer specialists, etc. Effective date: 7/1/2022

Committee Stops:

1. Children, Families, and Elder Affairs 
2. Appropriations Subcommittee on Health and Human Services 
3. Appropriations

HB 795: Peer Specialists by Rep. Fetterhoff

Committee Stops:

1. Children, Families & Seniors Subcommittee 
2. Health Care Appropriations Subcommittee 
3. Health & Human Services Committee

DEVELOPING ISSUE: SB 988 amended significantly; needs review

9. Patient Visitation Rights

CS/SB 988: Patient Visitation Rights By Sen. Garcia

HB 987: In-Person Visitation by Essential Caregivers by Rep. Shoaf

The "No Patient Left Alone Act": requiring providers to develop certain alternative visitation protocols if providers have to restrict public access to their facilities for health or safety concerns; authorizing providers to refuse visitation to a visitor who does not pass a health screening or refuses to comply with the provider's infection control protocols; etc. Effective Date: 7/1/2022

Committee Stops:

1. Health Policy
2. Appropriations Subcommittee on Health and Human Services
3. Appropriations



Committee Stops:

1. Finance & Facilities Subcommittee
2. Children, Families & Seniors Subcommittee
3. Health & Human Services Committee





Reapportionment & Redistricting

10 year priority

Redistricting Data

The U.S. Census Bureau announced last week that the redistricting data will be made available to all states on August 12, 2021. This detailed population dataset, formally known as the “P.L. 94-171 Redistricting Data,” is a result of the 2020 census and is required for the Legislature to begin the process of drawing new state legislative and congressional districts.

While the **data delay** is unique to this decade’s redistricting process, it must be emphasized that **Florida’s constitutional requirement is to approve redistricting maps during the 2022 Regular Session** (Art. III § 16(a), Fla. Const). Florida is still well within its required timeframe to complete the redistricting process, inclusive of committee stops, public input opportunities, and debate.

**Rep Tom Leek,
Chair**



**Senator Ray
Rodrigues,
Chair**



How to Talk to Legislators

Messaging that Works



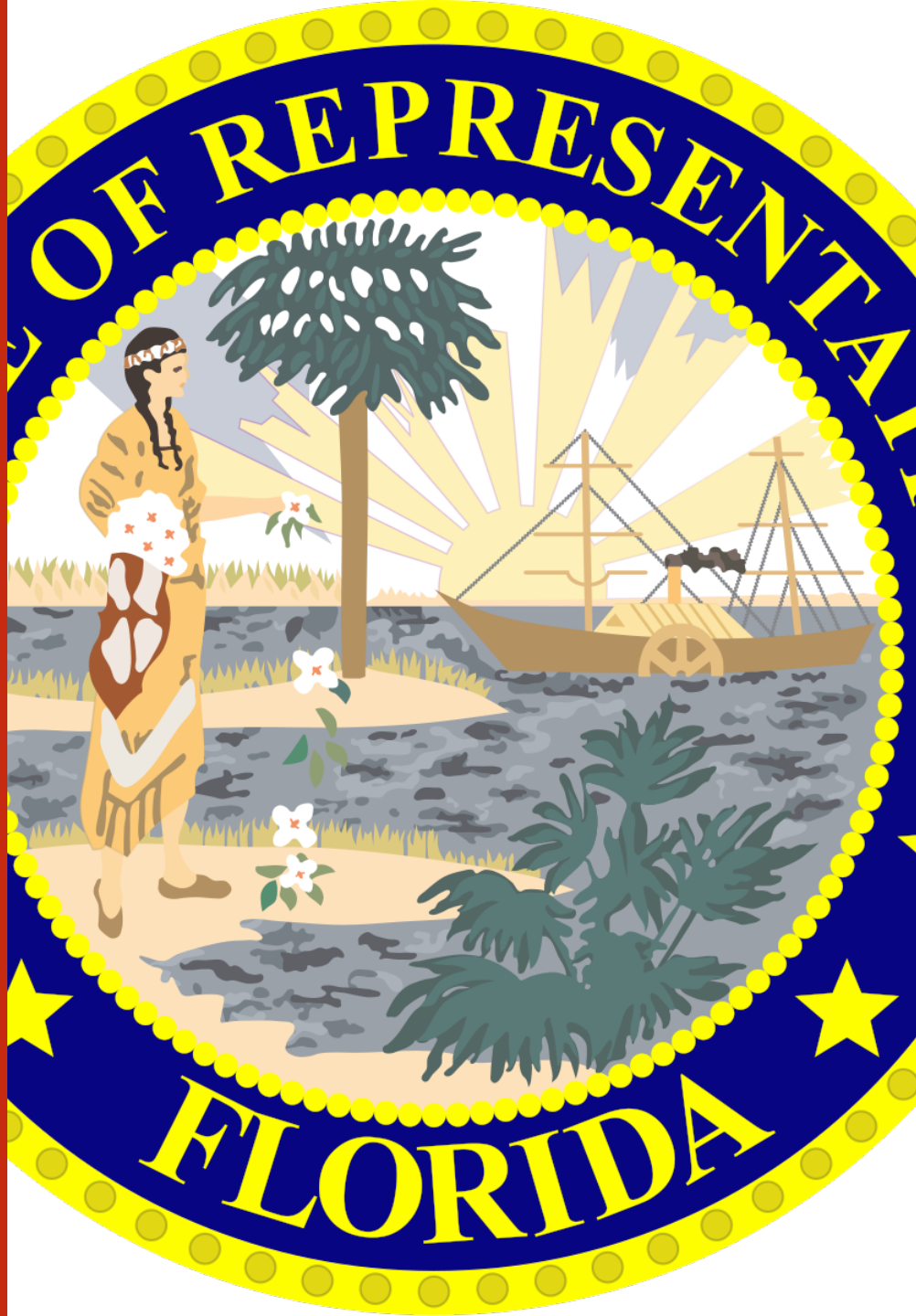
Senate Leadership



Current Senate President:
Wilton Simpson

Senate President Nov. 2022-2024:
Kathleen Passidomo

Senate President 2024-2026:
Ben Albritton



House Leadership



Current Speaker: Chris Sprowls

Speaker Nov 2022-2024: Paul Renner

Speaker 2024-2026: Danny Perez



Senator Debbie Mayfield
Senator Majority Leader



Senator Aaron Bean
Senate HHS
Appropriations



Senator Manny Diaz, Chair
Senate Health Policy

Senate Health Care Leadership



**Professions & Public
Health Subcommittee**
Rep Will Robinson, Chair



**Finance & Facilities
Subcommittee**
**Rep Clay Yarborough,
Chair**



**House Health & Human
Services Committee**
Rep Colleen Burton, Chair

House Health Care Leadership

Know YOUR Legislators

- Know the name of your State Representative or State Senator?
- Either of them know your name or understand what you do in caring for your patients?
- Does your Senator & Rep have your cell number? They should!
- Remember most elected officials have very little knowledge of professions outside their own.

In Florida, being a state representative or state senator is a PART TIME job, and most still have full-time careers.

- Florida has term limits: 8 years
 - Representatives serve 2 year terms (120)
 - Senators serve 4 year terms (40)
- Many have no background in HEALTH CARE

Our job as FCEP is to educate, inform and mitigate.

Find Your Elected Officials in Florida

Please supply your street address and your city to locate your elected officials:

Address

City

Zip Code

-

www.myfloridahouse.gov

Golden Rule:



- Don't let the first time you reach out to a politician be when YOU need something.
- Help when you don't need help. Assist with a personal or constituent issue.
- Remember sometimes it is just as important to connect the dots of an existing relationship than to only talk shop
Do your kids go to the same school? Did you go to the same college?
- Research before you show up and connect the dots for relationships they will remember.

Effective Tricks

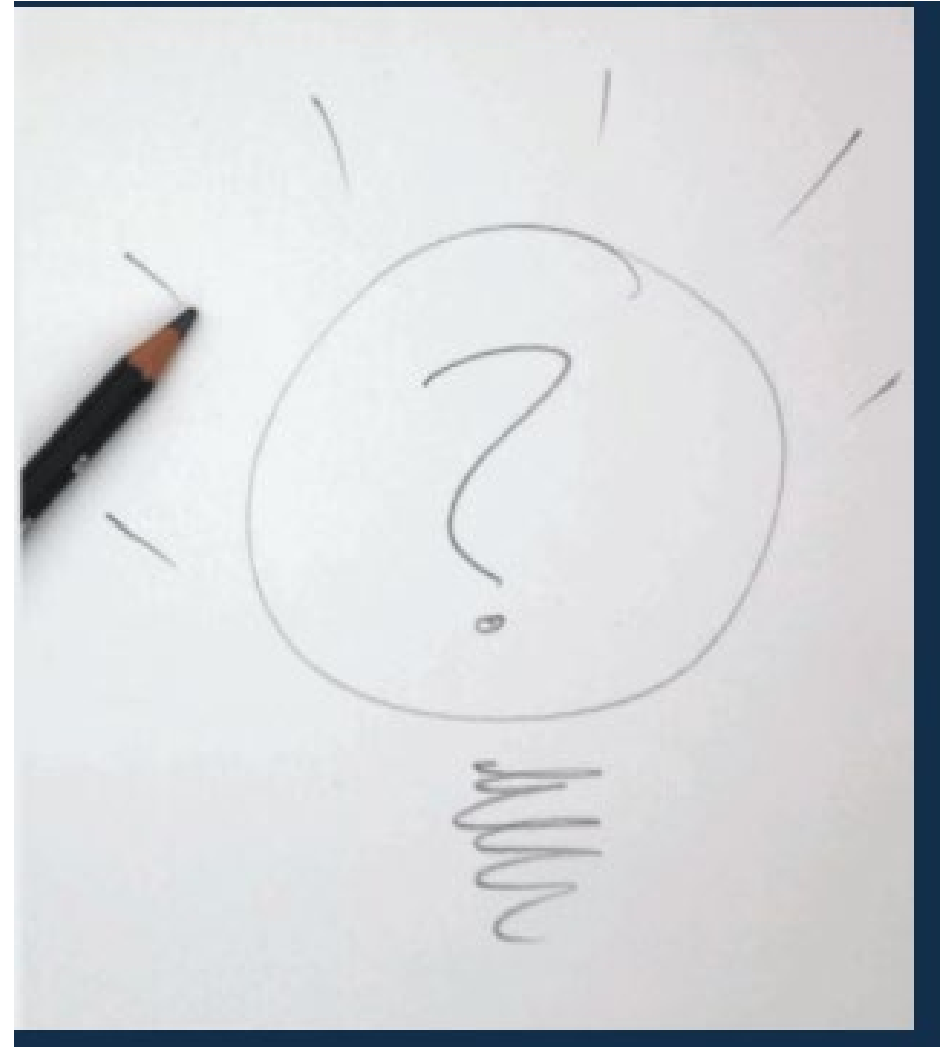
- Tell YOUR STORY right at the start
 - 3 sentences branding on what you do... before jumping into the issue
 - What is your expertise?
 - What do you bring to the table?
- Do your homework
 - What party are they (R or D)?
 - What is their background?
 - What Committee do they serve on?
 - Are they a bill sponsor already?
- Be likeable and understanding
- Make a connection



"My name is Toni Large. I am an emergency physician that provides life-saving care to patients that range in age from birth to seniors. Though I am not an employee of the hospital, I work at a level one trauma center and many of my patients arrive via an ambulance or life flight."

Additional Tips:

- Be on time & know you might have to wait
 - Realize that gatekeeper decides if you get a future appointment.
 - Do not speak over the Legislator.
 - Let them speak. Don't do all the talking.
 - Make the “ask” to hold them accountable.
 - Will you co-sponsor this bill?
 - Will you oppose this legislation?
 - Can I text you when there is legislation to be voted on that will affect our community?
 - Thank them.
 - Remember there will be other fights...
- not everyone can be a YES vote every time



What Not to Do:

- Never link campaign support to issue advocacy.
- Never threaten future support.
- Never discuss fundraising in the Capitol or other Government property.
- Never comment on an issue that you don't have first-hand info.

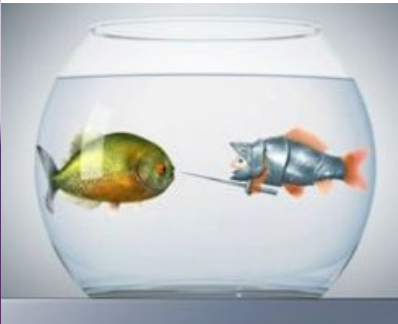
Better to say you don't know and get back to them.

- Never disparage another organization or belittle another's concerns.

(Difficult in Scope of Practice Battles)

- Remember state issues are not the same as federal issues.
- Don't discuss so many issues it makes their head spin!
- **Pick your issue and pick your battle.**

You don't have enough ammunition for them all!



Early Support Matters

- Early support of politicians has the most risk but also the most reward.
- A lot cheaper to get involved early
- Elected officials never forget early supporters.
- Hedging your bets can be an effective tool because the future Senate President & Speaker of the House are in that freshman class.



How to Develop a Local Relationship & Watch that GROW

- **New Politicians** - Easiest relationship to develop, they are eager for your knowledge, your connections and your financial support.

A little money and sweat equity goes a long way.

Remember your opposition is trying to connect at the same time, beat them there but be sincere

- **Established Politicians** - Much more difficult to establish a relationship if you weren't there from the beginning.

Advocates/adversaries have already established relationships and entrenched positions. Show them what you bring to the table. Better to be honest about both sides.

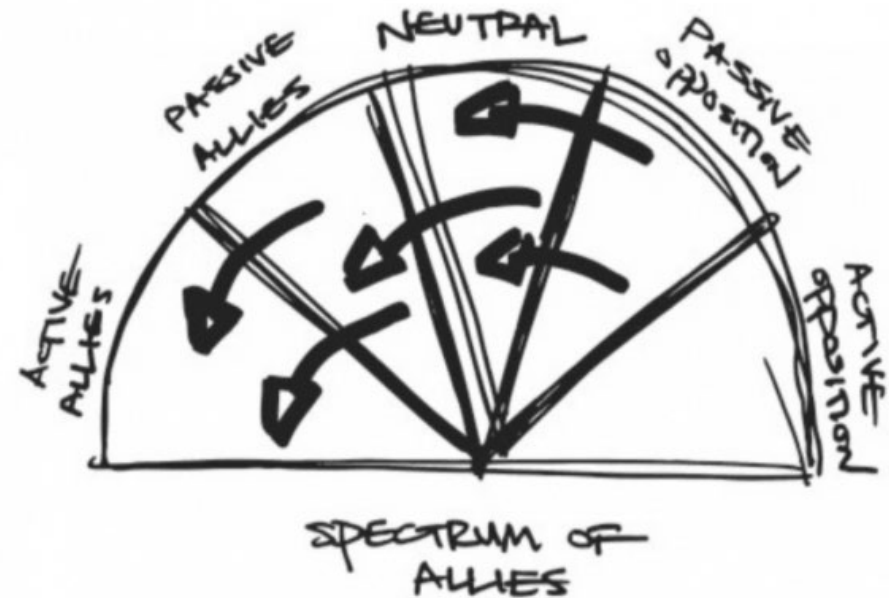
- **With TERM LIMITS-** Leadership calls the shots during a legislative session.

Professional Benefits in becoming an active FCEP Legislative Advocate

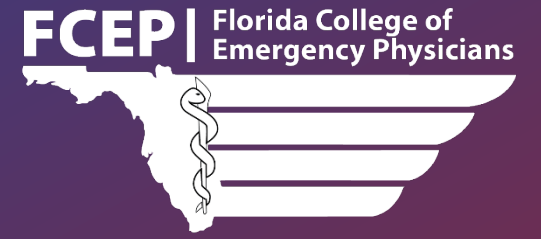
- No one can advocate for your profession better than YOU!
- Networking with State & Community Leaders
- Recognition as a local resource with expertise
- Seen as a TEAM PLAYER- you don't work in a vacuum
- Understand and be INFORMED of statutory language, rules, proposed legislation
- Opportunity to shape public policy
- Potential political appointments
(Governor makes most Board appointments)

Personal Benefits

- Many physicians find it personally rewarding.
- Stepping out of your comfort zone.
- Sense of achievement (over time).
- Remember many times you are not only advocating for yourself, but your PATIENTS too!



Open Discussion



Thank You for Attending!

VIRTUAL LEGISLATIVE BRIEFING #2:

Debrief from Tallahassee

January 27, 2022 | 2:00-3:00 pm

Register at fcep.org/emdays