

GRAYROBINSON

Florida Society of Oral and Maxillofacial Surgeons 2023 Legislative Session Final Report

May 22, 2023

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A large, faint, light blue watermark of the Gray Robinson logo is centered on the page. The logo consists of a stylized 'G' and 'R' intertwined, with the word 'GRAYROBINSON' written in a sans-serif font across the middle.

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2023 LEGISLATIVE SESSION

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GENERAL OVERVIEW

A legislative session most notable for its high profile "culture war" issues – from efforts to regulate bathroom use and drag shows to measures related to university curriculum related to diversity and racial justice history – and to Gov. Ron DeSantis' unprecedented battle with Disney, also over a disagreement related to a culture issue involving education, has ended. The Legislature adjourned Sine Die at 11:00 a.m. on Friday, May 5, 2023.

Lawmakers filed 1,873 bills for consideration and passed a record 356 of those during the 2023 legislative session. While a lot of the debate centered around immigration, firearms and education, several major health care-related measures made it past the finish line. In a couple of cases, health care and the high profile culture issues overlapped – among the most contested health care bills was a successful proposal (SB 254) that imposes criminal penalties for doctors who provide gender-related medical treatment to minors. The legislation also makes it easier for patients to sue physicians who performed such treatments, including puberty blockers, hormone therapy and sex reassignment surgery and prohibits state funding from paying for gender-related medical care. It also requires doctors to obtain informed written consent from adults while physically in the same room as the patient, essentially banning the use of telehealth. Another highly-watched measure (SB 300) bans abortions beyond six weeks of pregnancy, with exceptions in cases of rape, incest, human trafficking, fatal fetal abnormalities or if the mother is at risk of severe injury or death. The governor signed that bill last month, but the six-week ban may hinge on whether the state's current 15-week ban is upheld in an ongoing legal challenge.

Legislation aimed at lowering prescription drug costs by regulating pharmacy benefit managers, or PBMs, and promoting accountability and transparency in the pharmaceutical industry was also given the green light by Gov. Ron DeSantis. PBMs are third-party administrators that negotiate with drug companies and set up pharmacy networks for health plans. SB 1550 requires drug makers to notify the state of increases in drug prices, including when the cost of a \$100 drug increases by 15% or more in a year or by 30% or more over three years. Another bill (HB 121) expands eligibility for programs funded by the federal Children's Health Insurance Program, or CHIP, including Florida KidCare and Florida Healthy Kids, from 215% to 300% of the federal poverty level, or \$64,500 to \$90,000 worth of annual income for a family of four.

Other successful health care measures include a bill (SB 1352) establishing a statewide registry for people with sickle cell disease and requiring the Agency for Health Care Administration to examine and publish reports on sickle cell medications, treatments and services available for Medicaid recipients. Another proposal (HB 389) allows schools to provide free tampons and sanitary napkins in the school nurse's office and restrooms and notices to inform students where they can get the supplies. Other bills that passed include one that bans the sale of edible hemp products (SB 1676) and an Asian plant called kratom (HB 179) to anyone under 21, along with another piece of legislation (HB 825) that raises assault charges on hospital employees and volunteers to first-degree misdemeanors and battery charges to third-degree felonies.

Lawmakers also agreed to include a provision in the tax package (HB 7063) that makes baby diapers and adult incontinence products tax-free, and included another provision in an immigration reform

measure (SB 1718) requiring hospitals that accept Medicaid to include a question on intake forms about the patient's citizenship status and report that information to the state. Other new health care laws include one (SB 252) that codifies restrictions on face masks and COVID vaccine mandates, while also giving patients the right to have access to alternative treatments for the disease in consultation with a doctor, and another (HB 387) allowing physicians to prescribe medical marijuana virtually as long as the initial examination is in person. The Legislature also OK'd a bill (SB 230) clarifying health care titles and advertising rules for practitioners, along with a measure (HB 1471) that codifies standard of care guidelines for surgeons when performing Brazilian butt lifts, including an in-person examination of the patient the day before the procedure, use of an ultrasound device during the fat injection part of the procedure, and maintaining a one-to-one ratio of physicians to patients during all phases of the procedure.

There were several education-related bills considered this Session, and Gov. Ron DeSantis has already signed a package of school-related bills into law, including bans on schools providing access to social media via their wi-fi, shorter school board term limits, and a measure making it more difficult for teachers unions to collect dues. The governor touted a budget increase of more than \$250 million for boosting teacher pay. Among the new laws is a measure (SB 256) that blocks the state's teacher's union from automatically deducting union dues from teachers' checks. It also requires the union to have at least 60% of teachers as dues paying union members to remain certified. A lawsuit challenging the new law has already been filed.

Another piece of legislation (HB 477) the governor signed will limit school board members to serving eight years total. The change comes just a year after lawmakers approved limiting school board terms to 12 years. Another bill signed by the governor (HB 379) will prohibit the use of certain social media platforms on school devices and block the platforms on school wi-fi. That measure also allows teachers to ban phones in classrooms, while designating an area for their use, and requires public schools to provide instruction on the social, emotional, and physical effects of social media. DeSantis also signed a catch-all education bill (HB 1537) that includes a pilot program for year-round schooling and a new requirement for instruction on Asian-American and Pacific Islander history. The governor also affixed his signature to a measure (SB 1035) aimed at making it easier for people to become teachers in different ways, establishing a new apprenticeship program, adding bonuses for first responders and military veterans who want to become teachers and making temporary teaching certificates valid for five years instead of three. Another part of that bill would require education officials to eliminate any classroom teacher training requirements not mandated by state or federal law, and says that state education officials "may investigate allegations or reports of suspected violations of a student's, parent's, or teacher's rights."

Every year, local governments battle legislative efforts to pass preemption measures, taking away "home rule." Most cities and counties want to be able to determine their own local laws, rather than having to abide by a one-size-fits-all state statute. This session, lawmakers again passed a slew of bills impacting local governments across Florida. Among some of the preemption measures was a \$711 million affordable housing bill (SB 102) that includes a provision banning local rent control laws; a proposal (SB 250) barring counties and municipalities from prohibiting temporary shelters on residential property for a specified timeframe under certain circumstances; and legislation (SB 262) prohibiting government employees from using state resources or time to try to influence a social media

platform on content moderation issues. Another measure (SB 258) – already signed by the governor – requires public employers, including public schools, local governments and state agencies, to block access to certain foreign-owned applications, including TikTok, on their networks and devices, along with a separate proposal (SB 752) that preempts local governments from regulating temporary commercial kitchens as it relates to licensing, permits and fees – similar to food truck laws.

Other bills include HB 1281, which bars local governments, with some exceptions, from enacting or enforcing any rule, code, policy or even resolution that restricts the use of certain appliances, such as gas stoves; legislation (SB 1068) preventing local governments from withholding development permits from drone delivery companies; and a proposal (HB 1417) that preempts to the state certain regulations relating to landlords and tenants. Also, a new law (SB 264) prohibits counties, cities and other governmental agencies from knowingly entering into contracts with entities of foreign countries of concern, including China, Russia, Cuba, and Venezuela, among others. Another bill (SB 252) prohibits businesses and governmental agencies from requiring COVID-19 testing or vaccination documentation from patrons. SB 942 repeals decades-long bans on pit bulls at public housing authority properties. Under SB 170, businesses could sue county and city governments over local ordinances they believe are "arbitrary or unreasonable." The new law also requires local governments to post a "business impact statement" before passing an ordinance. Also, a wide-ranging immigration reform bill (SB 1718) includes provisions prohibiting counties and municipalities from providing funds to any person, entity, or organization to issue identification documents to individuals who do not provide proof of lawful presence in the U.S.

BUDGET

The budget for the coming fiscal year grows to \$117 billion, about \$5 billion larger than the current year and \$25 billion - or 27% - larger than the state spending plan was just three years ago. As recently as the 2015-2016 fiscal year, lawmakers spent less than \$80 billion, but the state has seen massive revenue growth spurred by increased tax collections and economic growth fed by increasing population in recent years. The state has also benefited from a huge influx of federal money in response to the COVID pandemic that made coffers flush. For perspective, ten years ago, in the 2013-2014 fiscal year, the budget was \$74.2 billion. Twenty years ago, in the 2003-2004 fiscal year, lawmakers spent just \$53.6 billion. And 30 years ago, the 1993-94 General Appropriations Act called for just \$35.5 billion in spending, including \$13.3 billion in general revenue.

The spending plan includes about \$46.5 billion in general revenue funding and more than \$70 billion in trust fund spending that's mostly earmarked for specific purposes. Lawmakers in both chambers touted the large amount of reserves that legislators were able to set aside - nearly \$11 billion that will be held back for future needs. Other highlights of the budget cited by lawmakers this year included a 5% pay increase for state workers, more than \$350 million for grants for recovery from Hurricanes Ian and Nicole, an expansion of eligibility for children's health insurance, more money for affordable housing and the environment, and higher spending on education, all without tax increases. SB 2500 provides \$2 billion for the new school choice expansion program (HB 1), which would allow nearly any student in the state to use taxpayer funds to pay private school tuition, plus an additional \$350 million in reserves in case the new private school voucher program costs more than anticipated.

Environmental and conservation efforts are getting a 17% boost in spending, including more than \$1 billion for land acquisition and hundreds of millions for water quality and supply initiatives.

The General Appropriations Act also included \$2 million for the Dental Student Loan Repayment Program, and language creating a permanent tax exemption for oral hygiene products, including electric and manual toothbrushes, toothpaste, dental floss and picks, oral irrigators, and mouthwash, was included in this year's tax package (HB 7063).

HIGH PRIORITY BILLS

SB 230 - HEALTH CARE PRACTITIONER TITLES AND DESIGNATIONS - PASSED

By Sen. Gayle Harrell, HB 583 by Rep. Ralph Massullo

This perineal piece of legislation resurfaced once again in 2023. There have been multiple iterations of the bill over the last 5 years, but this year, the legislation was earmarked as a top priority for Senate President Kathleen Passidomo. The GrayRobinson team worked closely with multiple FSOMS members to craft amendment language which would help address our concerns, but would still be palatable and acceptable to Senate Leadership and the goals they wished to accomplish.

The bill creates s. 456.0651, F.S., for health care practitioner titles and designations. The bill defines "advertisement," "educational degree," "misleading, deceptive, or fraudulent representation," and "profession" for the purposes of the new section. The bill also provides exceptions for certain professions and certain titles and provides that practitioners may use titles and specialty designations authorized under their respective practice acts. Specifically, the bill allows for the use of the following titles for practitioners licensed under Chapter 466, Florida Statutes:

- Doctor of medicine in dentistry;
- Doctor of dental medicine;
- D.M.D.;
- Doctor of dental surgery;
- D.D.S.;
- Oral surgeon;
- Maxillofacial surgeon;
- Oral and maxillofacial surgeon;
- O.M.S.;
- Oral radiologist;
- Dental anesthesiologist;
- Oral pathologist; and
- "any other titles or abbreviations authorized under his or her practice act."

The legislation also includes a provision which states that a practitioner's failure to wear a name tag, which must include his or her name and profession, when treating or consulting with a patient, is grounds for discipline unless he or she is providing services in his or her own office where the practitioner's license is prominently displayed in a conspicuous area and the practitioner verbally

identifies himself or herself to all new patients by name and profession in a manner that does not constitute the unlicensed practice of medicine. Any advertisement naming a practitioner must include the practitioner's profession and educational degree. The practitioner regulatory boards must adopt rules to determine how their practitioners must comply with the bill.

If approved by the Governor, the bill will take effect July 1, 2023.

SB 356/HB 503 – PRACTICE OF DENTISTRY – FAILED

By Sen. Jim Boyd and Rep. Kim Berfield

These bills would have required dentists and any individual, partnership, corporation, or other entity that provides dental services through telehealth to make available the dentist's name, telephone number, after-hours contact information for emergencies, and upon request, licensure information.

They also would have required the dentist of record to remain primarily responsible for all dental treatment for any patient who is treated through telehealth, whether care is rendered by the dentist of record, another dentist, dental hygienist, or dental assistant.

The bills created a definition for advertisement and required that if dental services are provided through telehealth, an advertisement must include a disclaimer for specific services, including taking of an impression or digital scanning, placement or adjustment of an appliance or structure in the mouth, or correction of malformations of teeth or jaws.

Although the Senate bill sailed through all three of its committees and passed the Senate floor unanimously, the legislation ultimately died in messages, as the House companion failed to receive a hearing in its final committee of reference.

SB 366/HB 635 – DENTAL SERVICES FOR INDIGENT VETERANS - PASSED

By Sen. Danny Burgess and Rep. Pat Maney

The bill establishes the Veterans Dental Care Grant Program within the Department of Veterans' Affairs to provide dental care to in-state veterans who have served in the Army, Navy, Air Force, Coast Guard, Marine Corps, Space Force, Florida National Guard, and the United States Reserve Forces. To further qualify, a veteran must have been honorably released from service or later received an upgraded discharge under honorable conditions.

The bill requires the department to contract with a statewide direct-support organization (DSO) to administer the program. The DSO must have proven experience in establishing and implementing veteran programs, including those that provide dental services. The DSO will distribute grants to eligible nonprofits that have experience in providing dental care to veterans.

While funding for the program is subject to legislative appropriation, no funding was provided for in the budget for the 2023-2024 fiscal year.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

SB 652/HB 1163 – DENTAL LICENSURE EXAMINATIONS AND REGULATIONS - FAILED

By Sen. Clay Yarborough and Rep. James Buchanan

This legislation would have removed the Board of Dentistry (BOD) and the Department of Health (DOH) from the dental examination administration process and deleted obsolete language relating to the process.

The bill revised the dental licensure requirements by:

- Deleting language requiring dental students who have completed the coursework necessary to prepare to pass the American Dental License Examination (ADLEX) to wait until their final year of dental school to apply for licensure;
- Deleting the National Board of Dental Examiners (NBDE) dental examination as obsolete, replacing it with the examination administered by the Joint Commission on National Dental Examinations (JCNDE), or its successor organization;
- Deleting an alternate pathway to dental licensure by having an active Florida health access dental license and meeting specific additional practice requirements;
- Deleting language relating to ADLEX scores for applicants only being valid for 365 days after the date the official examination results are published;
- Deleting the requirement that an out-of-state licensed dentist seeking licensure to relocate to Florida, must submit proof that he or she has never been reported to the National Practitioner Data Bank or the Healthcare Integrity and Protection Data Bank.

The bills also deleted the requirement that licensed dentists relocating to Florida who apply for and receive a Florida license, must engage in the full-time practice of dentistry inside the geographic boundaries of the state for one year after licensure, and deleted the provisions related to compliance and enforcement of that requirement.

Finally, the bills amended s. 466.009, F.S., to allow for reexamination and repeals s 466.0282, F.S., relating to dental specialties and advertising, because the latter statute was found to be unconstitutional.

The Senate bill only cleared one committee of reference, and the House companion never gained any traction.

LEGISLATION WHICH PASSED

SB 252/HB 1013 - PROTECTION FROM DISCRIMINATION BASED ON HEALTH CARE CHOICES

By Sen. Colleen Burton and Rep. Griff Griffiths

The bill amends several statutes in order to prohibit mask mandates; mandates on emergency use authorization (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 COVID-19 post-infection status or the refusal to take a COVID-19 test. The bill specifies that hospitals and ambulatory surgical centers may not discriminate in the provision of health care to a patient based solely on that patient's vaccination status with the COVID-19 vaccine. 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, as long as the provider or practitioner meets specific requirements established by the bill, and for circumstances in which a mask or facial covering is required safety equipment.

Business entities and governmental entities that violate the bill's mask or vaccine mandate prohibitions are subject to discipline by the Department of Legal Affairs (DLA) while educational institutions are subject to discipline by the 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. Effective upon the bill becoming a law, 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's guidelines 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; and
- Prohibiting a pharmacist from being disciplined for properly dispensing medications prescribed for the treatment of COVID-19.

SB 252 was approved by the Governor on May 11, 2023, and the provisions take effect June 1, 2023, except where otherwise provided within the bill.

SB 1506/HB 1387 – DEPARTMENT OF HEALTH

By Sen. Ana Maria Rodriguez and Rep. Juan Carlos Porras

This bill was the Department's annual legislative package, and revises statutes relating to the Department of Health (DOH). The bill:

- Creates s. 381.87, F.S., to prohibit research that is reasonably likely to create an enhanced potential pandemic pathogen (ePPP) or that has been determined by the U.S. Department of Health and Human Services, or other federal agency or state agency, to create such a pathogen. The bill defines terms and requires researchers applying for funding to disclose in the application if the research meets the definition of ePPP research.
- Makes several revisions to statutes governing the DOH medical marijuana program, including:
 - Defining the term "attractive to children" and expanding a requirement that edibles not be attractive to children; and
 - Amending background screening provisions related to medical marijuana and certified marijuana testing laboratories.
- Updates ch. 382, F.S., relating to DOH vital statistics, to make electronic filing mandatory, when possible.
- Updates statutes relating to the determination of brain death to account for cases in which a patient's treating practitioner is an autonomous advanced practice registered nurse.
- Amends s. 382.025, F.S., to increase the age at which birth records will remain confidential and exempt, from 100 years of age to 125 years of age.
- Makes several revisions to statutes governing emergency medical technicians (EMTs) and paramedics, including:
 - Removes a requirement for EMTs and paramedics applying to the DOH for licensure to do so "under oath," replaces that requirement with an attestation, and removes the obsolete National Standard Curriculum from the training materials;
 - Amends s. 401.34, F.S., to delete obsolete same-day grading of EMT and paramedic examinations, walk-in eligibility for determinations and examinations, and the fees for EMT and paramedic examination reviews;
 - Amends s. 401.272, F.S., to eliminate an EMT's or paramedic's ability to partner with local county health departments;
 - Requires EMTs and paramedics to practice under the medical direction of a physician through two-way voice communication or established standing orders or protocols when providing basic life support, advanced life support, and health promotion and wellness activities in a nonemergency environment;
 - Deletes the required supervision of an EMT and paramedic by a medical director in a nonemergency environment;
 - Eliminates blood pressure screening from the activities an EMT or paramedic may perform only under medical direction in a nonemergency environment; and
 - Amends s. 401.435, F.S., to remove the obsolete term "first responder" and replaces it with "emergency medical responder."
- Amends s. 464.203, F.S., to exempt certified nursing assistant applicants who have completed an approved training program from the licensure requirement of taking the skills-demonstration portion of the examination.

- Amends numerous sections of Part I, ch. 468 and Part II, ch. 484, F.S., to narrow the scope of regulated practice for audiologists and hearing aid specialists to the dispensing of prescription hearing aids, including:
- Redefines “hearing aid,” and defines “over-the-counter (OTC) hearing aid,” and “prescription hearing aid” for hearing aid specialists to align with new federal rules permitting the sale of certain OTC hearing aids;
 - Deletes regulation of the sale of OTC hearing aids to consumers with perceived mild to moderate hearing impairment through in-person transactions, by mail, or online;
 - Authorizes licensed hearing aid specialists to service, market, sell, dispense, provide customer support for, and distribute prescription and OTC hearing aids; and
 - Removes restrictions and criminal penalties for the sale or distribution of hearing aids through the mail.

These provisions were approved by the Governor on May 11, 2023 and, except as otherwise expressly provided in the act, take effect July 1, 2023.

SB 1580/HB 1403 – PROTECTIONS OF MEDICAL CONSCIENCE

By Sen. Jay Trumbull and Rep. Joel Rudman

This legislation 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 healthcare 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 whistleblower 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 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.

The bill provides that its provisions are severable and provides an effective date of July 1, 2023. The Governor signed this legislation into law on May 11, 2023.

SB 1550/HB 1509 – PRESCRIPTION DRUGS

By Sen. Jason Brodeur and Rep. Linda Chaney

A top priority of Governor Ron DeSantis, this legislation creates the “Prescription Drug Reform Act,” which provides comprehensive reforms to how Pharmacy Benefit Managers (PBMs) operate in Florida. This legislation will:

- Fully-regulate PBMs as insurance administrators under the Office of Insurance Regulation, rather than the current simple registration requirement.
- Require PBMs to submit to examinations and investigations, make available certain documents and records, and comply with recordkeeping requirements.
- Regulate PBM contracts with pharmacy benefit plans and programs (insurers, HMOs, self-insured employers, etc.).
- Regulate PBM contracts with pharmacies, including claims payment requirements, and prohibit many current practices.
- Impose specific pharmacy network standards on PBMs.
- Require drug manufacturers to notify the Department of Business and Professional Regulation and the Agency for Health Care Administration of planned drug price increases, and makes that information available to the public.

The legislation was approved by the Governor on May 3, 2023 – the same day he received it. The legislation will take effect July 1, 2023.

SB 298/HB 267 – TELEHEALTH PRACTICE STANDARDS

By Sen. Jim Boyd and Rep. Tom Fabricio

This legislation revised the definition of telehealth to no longer exclude audio-only telephone calls. The legislation was approved by the Governor on May 11, 2023, and will take effect July 1, 2023.

SB 768/HB 601 – REFERRAL OF PATIENTS BY HEALTH CARE PROVIDERS

By Sen. Jonathan Martin and Rep. Kevin Steele

The bill amends s. 456.053, F.S., relating to an exemption from a prohibition against patient referrals for health care services when a referring provider has an investment or other financial interest in the entity providing the referred services, such as a group practice. The bill removes the requirement for the services to be provided under direct supervision and instead requires the supervision level to comply with all applicable Medicare payment coverage rules. The bill deletes the definitions of “direct supervision” and “present in the office suite” since the bill renders those definitions unnecessary.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2023.

LEGISLATION WHICH FAILED

SB 1000/HB 1177 – DENTAL CARE

By Sen. Alexis Calatayud and Rep. Melonie Bell

The Florida Medicaid program provides state- and federally-funded health coverage, including dental services, to low-income and disabled Floridians. Generally, the program operates under a comprehensive, integrated managed care model, except for dental services, which are provided through separate dental-only managed care plans. Medicaid plans may choose to contract with any provider meeting standard Medicaid requirements, except as directed by law.

Mobile dental units are used to expand access to dental care to individuals without dental coverage who may also live in rural areas. Current law limits the use of mobile dental units in Medicaid. Medicaid reimbursement is only available for dental services provided by mobile dental units owned or operated by, or under contract with, a county health department, Federally Qualified Health Center FQHC, state-approved dental educational institution, or a mobile dental unit providing adult dental services at a nursing home.

The Head Start program is a federally funded, income-based program that provides free educational and comprehensive services, including dental care, to pregnant mothers and children through age 5.

The bill authorizes Medicaid reimbursement for dental services provided by other types of mobile dental units, including a mobile dental unit who contracts with a nonprofit community health center or a federally approved Head Start center.

Although the House bill cleared all committees, the Senate companion never received a committee hearing.

SB 1364/HB 1333 - INTERSTATE-MOBILITY AND UNIVERSAL-RECOGNITION OCCUPATIONAL LICENSING ACT

By Sen. Jay Collins and Rep. Traci Koster

These bills addressed occupational license portability in the United States by requiring Florida licensing boards that issue occupational licenses or government certifications to individuals under ch. 455, F.S., relating to the regulations of professions by the Department of Business and Professional Regulation (DBPR), or ch. 456, F.S., relating to the regulation of professions by the Department of Health (DOH), to issue an occupational license or government certification (universal license) to eligible applicants, under certain circumstances (universal licensing requirement). The legislation did not apply to occupations regulated by the Florida Supreme Court or certified public accountants.

Certain contractors would have to successfully complete a licensure examination, continuing education courses, or both, and certain occupations regulated by the DOH were required to meet certain licensure requirements in current law.

Applicants could seek a universal license through one of three pathways authorized in the bill:

- Universal licensing if licensed by another licensing entity that issues licenses for a lawful occupation for a scope of practice similar to one in Florida and requires specified examinations, education, or work experience;
- Universal licensing based on work experience in another state or the military; or
- Universal licensing based on a DBPR- or DOH-recognized private certification with work experience in a non-licensing state or the military.

Under the bill, an applicant with a valid occupational license or certification in good standing, or who otherwise met the requirements for an occupational license for a lawful occupation, would be presumed to be qualified for the license and must be issued an occupational license or government certification by the appropriate Florida licensing board, subject to review of the applicant's criminal records and disciplinary records in any jurisdiction and, for health professions, all applicable mandatory background requirements.

The bill provided that during a declared state of emergency, the Governor could order the recognition of occupational licenses from other licensing entities, expand any occupation license scope of practice, and could authorize licensees to provide services in Florida in person, telephonically, or by other means for the duration of the emergency.

Although both bills gained a lot of traction through the committee process, neither measure was taken up on the House or Senate floor.

SB 380/HB 587 – PROTECTION FROM SURGICAL SMOKE

By Sen. Ileana Garcia and Rep. Marie Woodson

This legislation would have required hospitals and ambulatory surgical centers to, by January 1, 2024, adopt and implement policies that require the use of a smoke evacuation system during any surgical procedure that is likely to generate surgical smoke. The bills also provided definitions for "surgical smoke" and "smoke evacuation systems."

Surgical smoke is produced by the thermal destruction of tissue by use of lasers or electrosurgical devices.¹ Surgical smoke has been shown to contain toxic gases, vapors and particulates, viable and non-viable cellular material, viruses, and bacteria. There are potential known health effects from the exposure, but little is known about the effects of long-term exposure.

The Joint Commission, a major accrediting organization for hospitals and ambulatory surgical centers, addressed the issue of surgical smoke in its newsletter entitled "Quick Safety Issue 56: Alleviating the Dangers of Surgical Smoke." In the newsletter the Commission recommends that health care organizations that conduct surgery and other procedures using lasers and other devices that produce surgical smoke should take the multiple prescribed actions to help protect patients and especially staff from the dangers of surgical smoke.

Although SB 380 passed unanimously out of two of its three assigned committees, it was never taken up by the last committee of reference, likely due to the fact that HB 587 never received a single committee hearing.

SB 268/HB 1413 – HEALTH CARE EXPENSES

By Sen. Jason Brodeur and Rep. Chase Tramont

These bills amended and created multiple sections of law to limit how hospitals and ambulatory surgical centers (ASC) may collect medical debt and to exclude certain property from being collected through legal action on such debt. The bills prohibited certain billing and debt collection practices and limited legal actions on medical debt to three years after the debt had been referred to a collection service.

The bills also required a hospital or ASC to post standard charges for specified services on its website and establish a process for reviewing and responding to grievances from patients. Additionally, the bill amended a provision of current law that requires hospitals and ASCs to provide estimates of anticipated charges for nonemergency services, to require that facilities also must provide such estimates to the patient's health insurer. The health insurer, in turn, would have been required to prepare an "advance explanation of benefits" for the patient within a specified time frame prior to the service being provided, based on the facility's estimate.

Although the House bill passed all committees of reference and made it to the House floor, the Senate companion only cleared one committee and the legislation died on the calendar.

SB 984/HB 1461 – DENTAL SERVICES UNDER THE MEDICAID PROGRAM

By Sen. Rosalind Osgood and Rep. Dottie Joseph

This legislation sought to revise adult dental services as optional Medicaid services for which AHCA may pay. The bills would have extended the date by which the agency could seek state plan amendments & federal waivers to commence enrollment in Medicaid prepaid dental health program, and would have extended the term of existing program contracts with dental managed care providers.

Neither bill ever received a committee hearing.

SB 1160/HB 1335 – PAYMENT OF HEALTH INSURANCE CLAIMS

By Sen. Ed Hooper and Rep. Ralph Massullo

These bills would have prohibited a health insurer or HMO from retroactively denying a claim at any time based on a patient's eligibility for coverage for services rendered during an applicable grace period if the insurer or HMO verified the patient's eligibility and provided an authorization number, with one exception – a health insurer or HMO could retroactively deny a claim within one year of payment if the provider was convicted of insurance fraud. The prohibition applied to plans providing individual and group health insurance policies, but did not apply to federally-subsidized plans purchased on the federal health exchange. The bill required information regarding the patient's grace period status to be readily available at the time that authorization is given to the provider.

The bills also permitted an insurer or HMO to recoup payment of an improperly adjudicated claim if the provider was given accurate information regarding the patient's grace period status at the time of authorization. To perfect the recoupment, the insurer or HMO must have requested the return payment within 30 days of the expiration of the patient's grace period.

Although HB 1335 made it all the way to the House floor calendar, the Senate companion never moved, and the legislation ultimately failed.

NEXT SESSION

With the legislative session over, Gov. Ron DeSantis is expected to announce his candidacy and campaign for the presidency. DeSantis raised the most money of any governor in U.S. history during his 2022 re-election and is set to have more outside money behind him for a presidential bid than any other primary candidate ever. Meanwhile, the Legislature is setting its sights on the 2024 Legislative Session, which begins January 9, 2024, and have already scheduled the interim committee weeks to begin as early as September 2023. House and Senate memorandums announcing the dates are included below.

We sincerely appreciate the opportunity to represent the Florida Society of Oral and Maxillofacial Surgeons and commend you for your tireless commitment to the legislative process each and every Session. Should you have any questions concerning the information provided in this report, please do not hesitate to contact us.

HOUSE MEMO**Florida House of Representatives**
Office of the Speaker**MEMORANDUM**

TO: Members of the Florida House of Representatives
FROM: Paul Renner, Speaker
SUBJECT: Interim Committee Meeting Schedule
DATE: May 10, 2023

To allow for advanced planning, we have worked together to identify weeks for Fall 2023 Interim Committee Meetings. Dates are as follows:

- Week of September 18 – 22, 2023
- Week of October 16 – 20, 2023
- Week of November 6 – 9, 2023 (Veterans Day observed on Friday, November 10)
- Week of November 13 – 17, 2023
- Week of December 4 – 7, 2023 (Chanukah begins on Thursday, December 7)
- Week of December 11 – 15, 2023

The 2024 Regular Session will convene on Tuesday, January 9, 2024.

SENATE MEMO



THE FLORIDA SENATE
SENATOR KATHLEEN PASSIDOMO
President

MEMORANDUM

TO: All Senators
FROM: Kathleen Passidomo
SUBJECT: Interim Committee Meeting Schedule
DATE: May 10, 2023

To allow for advanced planning, dates for Fall 2023 Interim Committee Meetings are as follows:

- Week of October 9 – 13, 2023
- Week of October 16 – 20, 2023
- Week of November 6 – 9, 2023 (Veterans Day observed on Friday, November 10)
- Week of November 13 – 17, 2023
- Week of December 4 – 7, 2023 (Chanukah begins on Thursday, December 7)
- Week of December 11 – 15, 2023

The 2024 Regular Session will convene on Tuesday, January 9, 2024.