

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Health Regulation Committee

BILL: CS/SB 720

INTRODUCER: Health Regulation Committee; Senator Peaden and others

SUBJECT: Physician Assistants

DATE: April 15, 2009 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Munroe	Wilson	HR	Fav/CS
2.			HA	
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

The bill provides that a supervising medical or osteopathic physician may not be required to review and cosign charts or medical records of a physician assistant under the physician’s supervision. The bill also deletes the requirement for a supervising medical or osteopathic physician to review and sign prescription and dispensing records created by a physician assistant that the physician supervises.

The bill clarifies an exemption to physician supervision requirements in offices where hair removal is being performed by advanced registered nurse practitioners and physician assistants. The bill exempts offices at which the exclusive service being performed is laser hair removal by an advanced registered nurse practitioner or physician assistant from the physician supervision requirements under s. 458.348(3) and (4), F.S.

This bill amends sections 458.347, 458.348, and 459.022, Florida Statutes.

II. Present Situation:

Regulation of Physician Assistants

Chapter 458, F.S., sets forth the provisions for the regulation of the practice of medicine by the Board of Medicine. Chapter 459, F.S., similarly sets forth the provisions for the regulation of the practice of osteopathic medicine by the Board of Osteopathic Medicine. Physician assistants are regulated by both boards. Physician assistants are trained to work under the supervision and control of medical physicians and osteopathic physicians. A physician may not supervise more than four currently licensed physician assistants at any one time. For purposes of the regulation of physician assistants, “supervision” requires the easy availability or physical presence of the licensed physician for consultation and direction of the actions of the physician assistant.¹ “Easy availability” is defined to include the ability to communicate by way of telecommunication.

Each physician or group of physicians supervising a licensed physician assistant must be qualified in the medical areas in which the physician assistant is to perform and must be individually or collectively responsible and liable for the performance and the acts and omissions of the physician assistant. Under ss. 458.347(4) and 459.022(4), F.S., the Board of Medicine and the Board of Osteopathic Medicine must, adopt by rule, general principles that supervising physicians must use in developing the scope of practice of the physician assistant under direct supervision and indirect supervision. The principles must recognize the diversity of both specialty and practice settings in which physician assistants are used. A supervising physician’s decision to permit a physician assistant to perform a task or procedure under direct or indirect supervision must be based on reasonable medical judgment regarding the probability of morbidity and mortality to the patient.² The supervising physician must be certain that the physician assistant is knowledgeable and skilled in performing tasks and procedures assigned.

Supervising Physician Review and Co-signing Requirements

All tasks and procedures performed by the physician assistant must be documented in the appropriate medical record.³ During the initial 6 months of supervision of each physician assistant all documentation by the physician assistant must be reviewed, signed, and dated by the supervising physician within 7 days.⁴ After 6 months, a supervising physician must review, sign, and date all documentation by a physician assistant in medical charts within 30 days.⁵

Supervisory physicians are required to cosign and review the medical records, including *prescriptions and records for the dispensing of medication* created by physician assistants that they supervise. Physician assistants must note the *prescription or dispensing of medication* in the appropriate medical record and the supervisory physician *must review and sign* each notation. For dispensing purposes only, the failure of the supervisory physician to comply with the requirement to review and sign each notation does not affect the validity of the prescription.

¹ See sections 458.347(2)(f) and 459.022(2)(f), F.S.

² See Rules 64B8-30.012 and 64B15-6.010, Florida Administrative Code.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

Physician Supervision Requirements and Hair Removal

Section 458.348(4), F.S., provides requirements for physician supervisory relationships in certain medical office settings. A physician who supervises an advanced registered nurse practitioner or physician assistant at a medical office other than the physician's primary practice location, where the advanced registered nurse practitioner or physician assistant is not under onsite supervision of a supervising physician, must comply with standards set forth in s. 458.348(4), F.S. The section exempts advanced registered nurse practitioners and physician assistants from its requirements under certain circumstances listed in the section, including offices where the only service being performed is hair removal by an advanced registered nurse practitioner or physician assistant. However, subsection 458.348(3), F.S., requires all protocols relating to electrolysis or electrology using laser or light-based hair removal or reduction by persons other than Florida-licensed medical physicians or osteopathic physicians to have the person performing that service to be appropriately trained and work only under the direct supervision and responsibility of a Florida-licensed medical or osteopathic physician.

III. Effect of Proposed Changes:

The bill provides that a supervising medical or osteopathic physician may not be required to review and cosign charts or medical records of a physician assistant under the physician's supervision. The bill also deletes the requirement for a supervising medical or osteopathic physician to review and sign prescription and dispensing records created by a physician assistant that the physician supervises.

The bill clarifies an exemption to physician supervision requirements in offices where hair removal is being performed by advanced registered nurse practitioners and physician assistants. The bill exempts offices at which the exclusive service being performed is laser hair removal by an advanced registered nurse practitioner or physician assistant from the physician supervision requirements under s. 458.348(3) and (4), F.S.

The effective date of the bill is July 1, 2009.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

To the extent that supervising physicians are no longer required to review and cosign charts or medical records of physician assistants that the physicians supervise, they save time and costs associated with such review and documentation.

C. Government Sector Impact:

The staff of the Department of Health has indicated that the bill will have a minimal fiscal impact on the department.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Health Regulation on April 15, 2009:

The CS clarifies an exemption to physician supervision requirements in offices where hair removal is being performed by advanced registered nurse practitioners and physician assistants. The CS exempts offices at which the exclusive service being performed is laser hair removal by an advanced registered nurse practitioner or physician assistant from the physician supervision requirements under s. 458.348(3) and (4), F.S.

B. Amendments:

None.