

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: SB 1456

INTRODUCER: Senator Jones

SUBJECT: Physician Assistants

DATE: March 22, 2010 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stovall	Wilson	HR	Favorable
2.	_____	_____	HA	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill deletes the requirement that a physician assistant (PA) have a minimum of three months of clinical experience in the specialty area of the supervising physician before commencing to prescribe or dispense medications.

This bill substantially amends the following sections of the Florida Statutes: 458.347, 458.348, 459.022, and 459.025.

II. Present Situation:

Section 458.347(7), F.S., related to the practice of medicine, and s. 459.022(7), F.S., related to the practice of osteopathic medicine, govern the licensure and practice of PAs in Florida. The Department of Health (Department) licenses PAs. The Florida Council on Physician Assistants¹ (Council) and the applicable boards, Board of Medicine or Board of Osteopathic Medicine, regulate PAs.

A PA must graduate from a board–approved educational program, pass a licensure proficiency examination, submit two letters of recommendation from physicians, and complete two hours of continuing medical education relating to prevention of medical errors in order to become licensed. A PA must practice under the supervision of a licensed physician or licensed osteopathic physician. Supervision of a PA requires the easy availability or physical presence of the licensed physician for consultation and direction of the actions of the PA. Easy availability includes the ability to communicate by way of telecommunication.

¹ The duties of the Florida Council on Physician Assistants are provided in ss. 458.347(9), and 459.022(9), F.S.

Each physician or group of physicians supervising a licensed PA must be qualified in the medical areas in which the PA is to perform, and is individually or collectively responsible and liable for the performance and the acts and omissions of the PA.² However, a physician supervising a PA is not required to review and cosign charts or medical records prepared by the PA.

A supervising physician may delegate to a fully licensed PA the authority to prescribe or dispense any medication used in the supervisory physician's practice unless such medication is listed on a formulary. Each board's formulary lists the following medicinal drugs which may not be prescribed: controlled substances; general, spinal or epidural anesthetics; and radiographic contrast materials.³

The PA must apply for licensure as a prescribing PA with the Department before commencing to prescribe or dispense.⁴ The supervising physician must jointly file the application with the PA. For licensure as a prescribing PA, the PA must document he or she:

- Completed a course of at least three classroom hours in prescription practice, which course covers the limitations, responsibilities, and privileges involved in prescribing medicinal drugs, and
- Has a minimum of three months of clinical experience in the specialty area of the supervising physician.

With each prescribing license renewal, the PA must file a signed affidavit that he or she has completed a minimum of 10 continuing medical education hours in the specialty practice in which the PA has prescriptive privileges.

Each supervising physician and prescribing PA must enter into and keep on file a written agreement outlining which medicinal drugs the supervising physician has specifically authorized the PA to prescribe. Each agreement must be signed and dated by all parties and maintained on file for at least five years. The agreement must be provided to the Department, the Council, or any agent of one of them upon request.⁵

The PA's authority to prescribe also authorizes the PA to dispense sample drugs to patients at no charge.⁶ The authority to dispense for remuneration may only be delegated by a supervising physician who is registered as a dispensing practitioner in compliance with s. 465.0276, F.S., related to the practice of pharmacy.⁷ A PA does not have to independently register as a dispensing practitioner under s. 465.0276, F.S.

² s. 458.347(3), F.S., and s. 459.022(3), F.S.

³ Rules 64B8-30.008, F.A.C., and 64B15-6.0038, F.A.C. In addition, the controlled substances act in s. 893.02(20), F.S., does not authorize a PA to prescribe or dispense controlled substances.

⁴ ss. 458.347(4)(e), and 459.022(4)(e), F.S.

⁵ Rules 64B8-30.007, F.A.C., and 64B15-6.0037, F.A.C.

⁶ Rules 64B8-30.006, F.A.C., and 64B15-6.00365, F.A.C.

⁷ ss. 458.347(4)(e)2., F.S., and 459.022(4)(e)2., F.S.

III. Effect of Proposed Changes:

Sections 1 and 2. Amend s. 458.347, F.S., related to physician assistants under the practice of medicine, and s. 459.022, F.S., related to physician assistants under the practice of osteopathic medicine, to delete the requirement that a physician assistant have a minimum of three months of clinical experience in the specialty area of the supervising physician prior to applying for a license to prescribe or dispense medications that are used in that practice.

Sections 3 and 4. Amend ss. 458.348, and 459.025, F.S., to conform cross-references to the deleted provisions in sections 1 and 2 of this bill.

Section 5. Provides an effective date of July 1, 2010.

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:

Physician assistants, who are authorized by their supervising physicians, will be able to apply for licensure to prescribe and dispense medications at least three months sooner.

C. Government Sector Impact:

None.

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.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
