

1                   A bill to be entitled  
2       An act relating to physician assistants; amending ss.  
3       458.307 and 459.004, F.S.; revising the composition of  
4       the membership on the Board of Medicine and the Board  
5       of Osteopathic Medicine; providing for the appointment  
6       of new members as vacancies occur and allow; amending  
7       ss. 458.347 and 459.022, F.S.; deleting the  
8       requirement that the Department of Health issue a  
9       license to a physician assistant to prescribe  
10      medicinal drugs and requiring only a prescription  
11      number; requiring a physician assistant seeking to  
12      prescribe medicinal drugs to submit certain evidence  
13      at the time of initial licensure of completion of a  
14      course in pharmacotherapeutics from an accredited  
15      school; providing that a physician assistant wishing  
16      to apply for a prescriber number must submit course  
17      transcripts and a copy of the course description in  
18      addition to other licensure application requirements;  
19      requiring a physician assistant seeking to apply for a  
20      prescriber number upon biennial licensure renewal to  
21      submit evidence of completion of at least 3 classroom  
22      hours in an approved program that covers prescribing  
23      limitations, responsibilities, and privileges involved  
24      in prescribing medicinal drugs; conforming provisions  
25      to changes made by the act; providing an effective  
26      date.

27  
28   Be It Enacted by the Legislature of the State of Florida:

29  
 30 Section 1. Subsection (2) of section 458.307, Florida  
 31 Statutes, is amended to read:

32 458.307 Board of Medicine.—

33 (2) Twelve members of the board must be licensed  
 34 physicians in good standing in this state who are residents of  
 35 the state and who have been engaged in the active practice or  
 36 teaching of medicine for at least 4 years immediately preceding  
 37 their appointment. One of the physicians must be on the full-  
 38 time faculty of a medical school in this state, and one of the  
 39 physicians must be in private practice and on the full-time  
 40 staff of a statutory teaching hospital in this state as defined  
 41 in s. 408.07. At least one of the physicians must be a graduate  
 42 of a foreign medical school. One member must be a physician  
 43 assistant licensed under this chapter with prescribing authority  
 44 who has worked in the state for at least 4 years. The remaining  
 45 two ~~three~~ members must be residents of the state who are not,  
 46 and never have been, licensed health care practitioners. One  
 47 member must be a health care risk manager licensed under s.  
 48 395.10974. At least one member of the board must be 60 years of  
 49 age or older.

50 Section 2. Paragraphs (e) and (f) of subsection (4) and  
 51 paragraphs (a) and (c) of subsection (7) of section 458.347,  
 52 Florida Statutes, are amended to read:

53 458.347 Physician assistants.—

54 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

55 (e) A supervisory physician may delegate to a fully  
 56 licensed physician assistant the authority to prescribe or

57 dispense any medication used in the supervisory physician's  
58 practice unless such medication is listed on the formulary  
59 created pursuant to paragraph (f). A fully licensed physician  
60 assistant may only prescribe or dispense such medication under  
61 the following circumstances:

62 1. A physician assistant must clearly identify to the  
63 patient that he or she is a physician assistant. Furthermore,  
64 the physician assistant must inform the patient that the patient  
65 has the right to see the physician prior to any prescription  
66 being prescribed or dispensed by the physician assistant.

67 2. The supervisory physician must notify the department of  
68 his or her intent to delegate, on a department-approved form,  
69 before delegating such authority and notify the department of  
70 any change in prescriptive privileges of the physician  
71 assistant. Authority to dispense may be delegated only by a  
72 supervising physician who is registered as a dispensing  
73 practitioner in compliance with s. 465.0276.

74 3. The physician assistant must file with the department,  
75 at the time of initial application ~~before commencing to~~  
76 ~~prescribe or dispense~~, evidence that he or she has completed a  
77 ~~continuing medical education~~ course in pharmacotherapeutics, to  
78 include the initiation, selection, and modification of selected  
79 medications, and the limitations, responsibilities, and  
80 privileges involved in prescribing medicinal drugs. The course  
81 must have been ~~of at least 3 classroom hours in prescriptive~~  
82 ~~practice~~, conducted by a an accredited program accredited by the  
83 Commission on Accreditation of Allied Health Programs or its  
84 successor organization. The department shall issue a prescriber

85 number if the evidence submitted meets the requirements. The  
86 physician assistant must receive a prescriber number prior to  
87 commencing to prescribe or dispense medicinal drugs ~~approved by~~  
88 ~~the boards, which course covers the limitations,~~  
89 ~~responsibilities, and privileges involved in prescribing~~  
90 ~~medicinal drugs, or evidence that he or she has received~~  
91 ~~education comparable to the continuing education course as part~~  
92 ~~of an accredited physician assistant training program.~~

93 4. The physician assistant must file with the department a  
94 signed affidavit that he or she has completed a minimum of 10  
95 continuing medical education hours in the specialty practice in  
96 which the physician assistant has prescriptive privileges with  
97 each licensure renewal application.

98 5. The department shall issue ~~a license and~~ a prescriber  
99 number to the physician assistant granting authority for the  
100 prescribing of medicinal drugs authorized within this paragraph  
101 upon completion of the foregoing requirements. The physician  
102 assistant shall not be required to independently register  
103 pursuant to s. 465.0276.

104 6. The prescription must be written in a form that  
105 complies with chapter 499 and must contain, in addition to the  
106 supervisory physician's name, address, and telephone number, the  
107 physician assistant's prescriber number. Unless it is a drug or  
108 drug sample dispensed by the physician assistant, the  
109 prescription must be filled in a pharmacy permitted under  
110 chapter 465 and must be dispensed in that pharmacy by a  
111 pharmacist licensed under chapter 465. The appearance of the  
112 prescriber number creates a presumption that the physician

113 assistant is authorized to prescribe the medicinal drug and the  
114 prescription is valid.

115 7. The physician assistant must note the prescription or  
116 dispensing of medication in the appropriate medical record.

117 8. This paragraph does not prohibit a supervisory  
118 physician from delegating to a physician assistant the authority  
119 to order medication for a hospitalized patient of the  
120 supervisory physician.

121  
122 This paragraph does not apply to facilities licensed pursuant to  
123 chapter 395.

124 (f)1. The council shall establish a formulary of medicinal  
125 drugs that a fully licensed physician assistant having  
126 prescribing authority, ~~licensed~~ under this section or s.  
127 459.022~~7~~ may not prescribe. The formulary must include  
128 controlled substances as defined in chapter 893, general  
129 anesthetics, and radiographic contrast materials.

130 2. In establishing the formulary, the council shall  
131 consult with a pharmacist licensed under chapter 465, but not  
132 licensed under this chapter or chapter 459, who shall be  
133 selected by the State Surgeon General.

134 3. Only the council shall add to, delete from, or modify  
135 the formulary. Any person who requests an addition, deletion, or  
136 modification of a medicinal drug listed on such formulary has  
137 the burden of proof to show cause why such addition, deletion,  
138 or modification should be made.

139 4. The boards shall adopt the formulary required by this  
140 paragraph, and each addition, deletion, or modification to the

141 formulary, by rule. Notwithstanding any provision of chapter 120  
 142 to the contrary, the formulary rule shall be effective 60 days  
 143 after the date it is filed with the Secretary of State. Upon  
 144 adoption of the formulary, the department shall mail a copy of  
 145 such formulary to each fully licensed physician assistant having  
 146 prescribing authority, ~~licensed~~ under this section or s.  
 147 459.022, and to each pharmacy licensed by the state. ~~The boards~~  
 148 ~~shall establish, by rule, a fee not to exceed \$200 to fund the~~  
 149 ~~provisions of this paragraph and paragraph (c).~~

150 (7) PHYSICIAN ASSISTANT LICENSURE.—

151 (a) Any person desiring to be licensed as a physician  
 152 assistant must apply to the department. The department shall  
 153 issue a license to any person certified by the council as having  
 154 met the following requirements:

155 1. Is at least 18 years of age.

156 2. Has satisfactorily passed a proficiency examination by  
 157 an acceptable score established by the National Commission on  
 158 Certification of Physician Assistants. If an applicant does not  
 159 hold a current certificate issued by the National Commission on  
 160 Certification of Physician Assistants and has not actively  
 161 practiced as a physician assistant within the immediately  
 162 preceding 4 years, the applicant must retake and successfully  
 163 complete the entry-level examination of the National Commission  
 164 on Certification of Physician Assistants to be eligible for  
 165 licensure.

166 3. Has completed the application form and remitted an  
 167 application fee not to exceed \$300 as set by the boards. An  
 168 application for licensure made by a physician assistant must

169 include:

- 170 a. A certificate of completion of a physician assistant  
171 training program specified in subsection (6).  
172 b. A sworn statement of any prior felony convictions.  
173 c. A sworn statement of any previous revocation or denial  
174 of licensure or certification in any state.  
175 d. Two letters of recommendation.  
176 e. A copy of course transcripts and a copy of the course  
177 description from a physician assistant training program  
178 describing a pharmacotherapy course pursuant to subparagraph  
179 (4) (e)3., if the applicant wishes to apply for a prescriber  
180 number. These documents must meet the evidence requirements for  
181 prescribing authority.

182 (c) The license must be renewed biennially. Each renewal  
183 must include:

- 184 1. A renewal fee not to exceed \$500 as set by the boards.  
185 2. A sworn statement of no felony convictions in the  
186 previous 2 years.

187  
188 A licensed physician assistant without prescribing authority may  
189 request a prescriber number upon biennial licensure renewal  
190 under this paragraph by submitting evidence that he or she has  
191 completed a continuing medical education course of at least 3  
192 classroom hours in prescriptive practice, covering the  
193 limitations, responsibilities, and privileges involved in  
194 prescribing medicinal drugs. The course must be conducted by an  
195 accredited program approved by the boards. The physician  
196 assistant must receive a prescriber number prior to commencing

197 to prescribe or dispense medicinal drugs.

198 Section 3. Subsection (2) of section 459.004, Florida  
 199 Statutes, is amended to read:

200 459.004 Board of Osteopathic Medicine.—

201 (2) Five members of the board must be licensed osteopathic  
 202 physicians in good standing in this state who are residents of  
 203 this state and who have been engaged in the practice of  
 204 osteopathic medicine for at least 4 years immediately prior to  
 205 their appointment. One member must be a physician assistant  
 206 licensed under this chapter with prescribing authority who has  
 207 worked in the state for at least 4 years. The remaining member  
 208 ~~two members~~ must be a citizen ~~citizens~~ of the state who is ~~are~~  
 209 not, and has ~~have~~ never been, a licensed health care  
 210 practitioner ~~practitioners~~. At least one member of the board  
 211 must be 60 years of age or older.

212 Section 4. Paragraph (e) of subsection (4) and paragraphs  
 213 (a) and (b) of subsection (7) of section 459.022, Florida  
 214 Statutes, are amended to read:

215 459.022 Physician assistants.—

216 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

217 (e) A supervisory physician may delegate to a fully  
 218 licensed physician assistant the authority to prescribe or  
 219 dispense any medication used in the supervisory physician's  
 220 practice unless such medication is listed on the formulary  
 221 created pursuant to s. 458.347. A fully licensed physician  
 222 assistant may only prescribe or dispense such medication under  
 223 the following circumstances:

224 1. A physician assistant must clearly identify to the



225 patient that she or he is a physician assistant. Furthermore,  
 226 the physician assistant must inform the patient that the patient  
 227 has the right to see the physician prior to any prescription  
 228 being prescribed or dispensed by the physician assistant.

229 2. The supervisory physician must notify the department of  
 230 her or his intent to delegate, on a department-approved form,  
 231 before delegating such authority and notify the department of  
 232 any change in prescriptive privileges of the physician  
 233 assistant. Authority to dispense may be delegated only by a  
 234 supervisory physician who is registered as a dispensing  
 235 practitioner in compliance with s. 465.0276.

236 3. The physician assistant must file with the department,  
 237 at the time of the initial application ~~before commencing to~~  
 238 ~~prescribe or dispense~~, evidence that she or he has completed a  
 239 ~~continuing medical education~~ course in pharmacotherapeutics, to  
 240 include the initiation, selection, and modification of selected  
 241 medications, and the limitations, responsibilities, and  
 242 privileges involved in prescribing medicinal drugs. The course  
 243 must have been of at least 3 classroom hours in prescriptive  
 244 ~~practice~~, conducted by a an-accredited program accredited by the  
 245 Commission on Accreditation of Allied Health Programs or its  
 246 successor organization. The department shall issue a prescriber  
 247 number if the evidence submitted meets the requirements. The  
 248 physician assistant must receive a prescriber number prior to  
 249 commencing to prescribe or dispense medicinal drugs ~~approved by~~  
 250 ~~the boards, which course covers the limitations,~~  
 251 ~~responsibilities, and privileges involved in prescribing~~  
 252 ~~medicinal drugs, or evidence that she or he has received~~

253 ~~education comparable to the continuing education course as part~~  
254 ~~of an accredited physician assistant training program.~~

255 4. The physician assistant must file with the department a  
256 signed affidavit that she or he has completed a minimum of 10  
257 continuing medical education hours in the specialty practice in  
258 which the physician assistant has prescriptive privileges with  
259 each licensure renewal application.

260 5. The department shall issue ~~a license and~~ a prescriber  
261 number to the physician assistant granting authority for the  
262 prescribing of medicinal drugs authorized within this paragraph  
263 upon completion of the foregoing requirements. The physician  
264 assistant shall not be required to independently register  
265 pursuant to s. 465.0276.

266 6. The prescription must be written in a form that  
267 complies with chapter 499 and must contain, in addition to the  
268 supervisory physician's name, address, and telephone number, the  
269 physician assistant's prescriber number. Unless it is a drug or  
270 drug sample dispensed by the physician assistant, the  
271 prescription must be filled in a pharmacy permitted under  
272 chapter 465, and must be dispensed in that pharmacy by a  
273 pharmacist licensed under chapter 465. The appearance of the  
274 prescriber number creates a presumption that the physician  
275 assistant is authorized to prescribe the medicinal drug and the  
276 prescription is valid.

277 7. The physician assistant must note the prescription or  
278 dispensing of medication in the appropriate medical record.

279 8. This paragraph does not prohibit a supervisory  
280 physician from delegating to a physician assistant the authority

281 | to order medication for a hospitalized patient of the  
 282 | supervisory physician.

283 |  
 284 | This paragraph does not apply to facilities licensed pursuant to  
 285 | chapter 395.

286 | (7) PHYSICIAN ASSISTANT LICENSURE.—

287 | (a) Any person desiring to be licensed as a physician  
 288 | assistant must apply to the department. The department shall  
 289 | issue a license to any person certified by the council as having  
 290 | met the following requirements:

- 291 | 1. Is at least 18 years of age.
- 292 | 2. Has satisfactorily passed a proficiency examination by  
 293 | an acceptable score established by the National Commission on  
 294 | Certification of Physician Assistants. If an applicant does not  
 295 | hold a current certificate issued by the National Commission on  
 296 | Certification of Physician Assistants and has not actively  
 297 | practiced as a physician assistant within the immediately  
 298 | preceding 4 years, the applicant must retake and successfully  
 299 | complete the entry-level examination of the National Commission  
 300 | on Certification of Physician Assistants to be eligible for  
 301 | licensure.

302 | 3. Has completed the application form and remitted an  
 303 | application fee not to exceed \$300 as set by the boards. An  
 304 | application for licensure made by a physician assistant must  
 305 | include:

- 306 | a. A certificate of completion of a physician assistant  
 307 | training program specified in subsection (6).
- 308 | b. A sworn statement of any prior felony convictions.

309 c. A sworn statement of any previous revocation or denial  
310 of licensure or certification in any state.

311 d. Two letters of recommendation.

312 e. A copy of course transcripts and a copy of the course  
313 description from a physician assistant training program  
314 describing a pharmacotherapy course pursuant to subparagraph  
315 (4)(e)3., if the applicant wishes to apply for a prescriber  
316 number. These documents must meet the evidence requirements for  
317 prescribing authority.

318 (b) The licensure must be renewed biennially. Each renewal  
319 must include:

320 1. A renewal fee not to exceed \$500 as set by the boards.

321 2. A sworn statement of no felony convictions in the  
322 previous 2 years.

323  
324 A licensed physician assistant without prescribing authority may  
325 request a prescriber number upon biennial licensure renewal  
326 under this paragraph by submitting evidence that she or he has  
327 completed a continuing medical education course of at least 3  
328 classroom hours in prescriptive practice, covering the  
329 limitations, responsibilities, and privileges involved in  
330 prescribing medicinal drugs. The course must be conducted by an  
331 accredited program approved by the boards. The physician  
332 assistant must receive a prescriber number prior to commencing  
333 to prescribe or dispense medicinal drugs.

334 Section 5. The amendment of sections 458.307 and 459.004,  
335 Florida Statutes, by this act to change the composition of the  
336 membership on the Board of Medicine and the Board of Osteopathic

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337 | Medicine shall be implemented as vacancies on those boards occur  
338 | and allow.

339 | Section 6. This act shall take effect July 1, 2012.