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CS/HB 375, Engrossed 1

2016 Legislature

1  
2 An act relating to physician assistants; amending s.  
3 458.347, F.S.; revising circumstances under which a  
4 physician assistant may prescribe medication;  
5 authorizing a licensed physician assistant to perform  
6 certain services as delegated by a supervising  
7 physician; revising physician assistant licensure and  
8 license renewal requirements; removing a requirement  
9 for letters of recommendation; deleting provisions  
10 related to examination by the Department of Health;  
11 amending s. 459.022, F.S.; revising circumstances  
12 under which a physician assistant may prescribe  
13 medication; authorizing a licensed physician assistant  
14 to perform certain services as delegated by a  
15 supervising physician; revising physician assistant  
16 licensure and license renewal requirements; removing a  
17 requirement for letters of recommendation; providing  
18 an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Paragraph (e) of subsection (4) of section  
23 458.347, Florida Statutes, is amended, paragraph (h) is added to  
24 that subsection, present paragraphs (c) through (h) of  
25 subsection (7) are redesignated as paragraphs (b) through (g),  
26 respectively, and present paragraphs (a), (b), (c), and (f) of



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27 | that subsection are amended, to read:

28 |       458.347 Physician assistants.—

29 |       (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

30 |       (e) A supervising ~~supervisory~~ physician may delegate to a  
 31 | fully licensed physician assistant the authority to prescribe or  
 32 | dispense any medication used in the supervising ~~supervisory~~  
 33 | physician's practice unless such medication is listed on the  
 34 | formulary created pursuant to paragraph (f). A fully licensed  
 35 | physician assistant may only prescribe or dispense such  
 36 | medication under the following circumstances:

37 |       1. A physician assistant must clearly identify to the  
 38 | patient that he or she is a physician assistant. Furthermore,  
 39 | the physician assistant must inform the patient that the patient  
 40 | has the right to see the physician before ~~prior to~~ any  
 41 | prescription is being ~~is~~ prescribed or dispensed by the physician  
 42 | assistant.

43 |       2. The supervising ~~supervisory~~ physician must notify the  
 44 | department of his or her intent to delegate, on a department-  
 45 | approved form, before delegating such authority and notify the  
 46 | department of any change in prescriptive privileges of the  
 47 | physician assistant. Authority to dispense may be delegated only  
 48 | by a supervising physician who is registered as a dispensing  
 49 | practitioner in compliance with s. 465.0276.

50 |       3. The physician assistant must acknowledge with ~~file with~~  
 51 | the department ~~a signed affidavit~~ that he or she has completed a  
 52 | minimum of 10 continuing medical education hours in the



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53 specialty practice in which the physician assistant has  
54 prescriptive privileges with each licensure renewal application.

55 4. The department may issue a prescriber number to the  
56 physician assistant granting authority for the prescribing of  
57 medicinal drugs authorized within this paragraph upon completion  
58 of the foregoing requirements. The physician assistant shall not  
59 be required to independently register pursuant to s. 465.0276.

60 5. The prescription may ~~must~~ be ~~written~~ in paper or  
61 electronic ~~a form~~ but must comply that complies with ss.  
62 456.0392(1) and 456.42(1) and chapter 499 and must contain, in  
63 addition to the supervising ~~supervisory~~ physician's name,  
64 address, and telephone number, the physician assistant's  
65 prescriber number. Unless it is a drug or drug sample dispensed  
66 by the physician assistant, the prescription must be filled in a  
67 pharmacy permitted under chapter 465 and must be dispensed in  
68 that pharmacy by a pharmacist licensed under chapter 465. The  
69 appearance of the prescriber number creates a presumption that  
70 the physician assistant is authorized to prescribe the medicinal  
71 drug and the prescription is valid.

72 6. The physician assistant must note the prescription or  
73 dispensing of medication in the appropriate medical record.

74 (h) A licensed physician assistant may perform services  
75 delegated by the supervising physician in the physician  
76 assistant's practice in accordance with his or her education and  
77 training unless expressly prohibited under this chapter, chapter  
78 459, or rules adopted under this chapter or chapter 459.



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79 (7) PHYSICIAN ASSISTANT LICENSURE.—

80 (a) Any person desiring to be licensed as a physician  
 81 assistant must apply to the department. The department shall  
 82 issue a license to any person certified by the council as having  
 83 met the following requirements:

84 1. Is at least 18 years of age.

85 2. Has satisfactorily passed a proficiency examination by  
 86 an acceptable score established by the National Commission on  
 87 Certification of Physician Assistants. If an applicant does not  
 88 hold a current certificate issued by the National Commission on  
 89 Certification of Physician Assistants and has not actively  
 90 practiced as a physician assistant within the immediately  
 91 preceding 4 years, the applicant must retake and successfully  
 92 complete the entry-level examination of the National Commission  
 93 on Certification of Physician Assistants to be eligible for  
 94 licensure.

95 3. Has completed the application form and remitted an  
 96 application fee not to exceed \$300 as set by the boards. An  
 97 application for licensure made by a physician assistant must  
 98 include:

99 a. A certificate of completion of a physician assistant  
 100 training program specified in subsection (6).

101 b. Acknowledgment ~~A sworn statement~~ of any prior felony  
 102 convictions.

103 c. Acknowledgment ~~A sworn statement~~ of any previous  
 104 revocation or denial of licensure or certification in any state.



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105 |       d. ~~Two letters of recommendation.~~

106 |       e. A copy of course transcripts and a copy of the course  
107 | description from a physician assistant training program  
108 | describing course content in pharmacotherapy, if the applicant  
109 | wishes to apply for prescribing authority. These documents must  
110 | meet the evidence requirements for prescribing authority.

111 |       (b)1. ~~Notwithstanding subparagraph (a)2. and sub-~~  
112 | ~~subparagraph (a)3.a., the department shall examine each~~  
113 | ~~applicant who the Board of Medicine certifies:~~

114 |       a. ~~Has completed the application form and remitted a~~  
115 | ~~nonrefundable application fee not to exceed \$500 and an~~  
116 | ~~examination fee not to exceed \$300, plus the actual cost to the~~  
117 | ~~department to provide the examination. The examination fee is~~  
118 | ~~refundable if the applicant is found to be ineligible to take~~  
119 | ~~the examination. The department shall not require the applicant~~  
120 | ~~to pass a separate practical component of the examination. For~~  
121 | ~~examinations given after July 1, 1998, competencies measured~~  
122 | ~~through practical examinations shall be incorporated into the~~  
123 | ~~written examination through a multiple-choice format. The~~  
124 | ~~department shall translate the examination into the native~~  
125 | ~~language of any applicant who requests and agrees to pay all~~  
126 | ~~costs of such translation, provided that the translation request~~  
127 | ~~is filed with the board office no later than 9 months before the~~  
128 | ~~scheduled examination and the applicant remits translation fees~~  
129 | ~~as specified by the department no later than 6 months before the~~  
130 | ~~scheduled examination, and provided that the applicant~~



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131 ~~demonstrates to the department the ability to communicate orally~~  
132 ~~in basic English. If the applicant is unable to pay translation~~  
133 ~~costs, the applicant may take the next available examination in~~  
134 ~~English if the applicant submits a request in writing by the~~  
135 ~~application deadline and if the applicant is otherwise eligible~~  
136 ~~under this section. To demonstrate the ability to communicate~~  
137 ~~orally in basic English, a passing score or grade is required,~~  
138 ~~as determined by the department or organization that developed~~  
139 ~~it, on the test for spoken English (TSE) by the Educational~~  
140 ~~Testing Service (ETS), the test of English as a foreign language~~  
141 ~~(TOEFL) by ETS, a high school or college level English course,~~  
142 ~~or the English examination for citizenship, Bureau of~~  
143 ~~Citizenship and Immigration Services. A notarized copy of an~~  
144 ~~Educational Commission for Foreign Medical Graduates (ECFMG)~~  
145 ~~certificate may also be used to demonstrate the ability to~~  
146 ~~communicate in basic English; and~~

147 ~~b. Is an unlicensed physician who graduated from a foreign~~  
148 ~~medical school listed with the World Health Organization who has~~  
149 ~~not previously taken and failed the examination of the National~~  
150 ~~Commission on Certification of Physician Assistants and who has~~  
151 ~~been certified by the Board of Medicine as having met the~~  
152 ~~requirements for licensure as a medical doctor by examination as~~  
153 ~~set forth in s. 458.311(1), (3), (4), and (5), with the~~  
154 ~~exception that the applicant is not required to have completed~~  
155 ~~an approved residency of at least 1 year and the applicant is~~  
156 ~~not required to have passed the licensing examination specified~~



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157 | ~~under s. 458.311 or hold a valid, active certificate issued by~~  
158 | ~~the Educational Commission for Foreign Medical Graduates; was~~  
159 | ~~eligible and made initial application for certification as a~~  
160 | ~~physician assistant in this state between July 1, 1990, and June~~  
161 | ~~30, 1991; and was a resident of this state on July 1, 1990, or~~  
162 | ~~was licensed or certified in any state in the United States as a~~  
163 | ~~physician assistant on July 1, 1990.~~

164 |       ~~2. The department may grant temporary licensure to an~~  
165 | ~~applicant who meets the requirements of subparagraph 1. Between~~  
166 | ~~meetings of the council, the department may grant temporary~~  
167 | ~~licensure to practice based on the completion of all temporary~~  
168 | ~~licensure requirements. All such administratively issued~~  
169 | ~~licenses shall be reviewed and acted on at the next regular~~  
170 | ~~meeting of the council. A temporary license expires 30 days~~  
171 | ~~after receipt and notice of scores to the licenseholder from the~~  
172 | ~~first available examination specified in subparagraph 1.~~  
173 | ~~following licensure by the department. An applicant who fails~~  
174 | ~~the proficiency examination is no longer temporarily licensed,~~  
175 | ~~but may apply for a one-time extension of temporary licensure~~  
176 | ~~after reapplying for the next available examination. Extended~~  
177 | ~~licensure shall expire upon failure of the licenseholder to sit~~  
178 | ~~for the next available examination or upon receipt and notice of~~  
179 | ~~scores to the licenseholder from such examination.~~

180 |       ~~3. Notwithstanding any other provision of law, the~~  
181 | ~~examination specified pursuant to subparagraph 1. shall be~~  
182 | ~~administered by the department only five times. Applicants~~



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183 ~~certified by the board for examination shall receive at least 6~~  
184 ~~months' notice of eligibility prior to the administration of the~~  
185 ~~initial examination. Subsequent examinations shall be~~  
186 ~~administered at 1-year intervals following the reporting of the~~  
187 ~~scores of the first and subsequent examinations. For the~~  
188 ~~purposes of this paragraph, the department may develop, contract~~  
189 ~~for the development of, purchase, or approve an examination that~~  
190 ~~adequately measures an applicant's ability to practice with~~  
191 ~~reasonable skill and safety. The minimum passing score on the~~  
192 ~~examination shall be established by the department, with the~~  
193 ~~advice of the board. Those applicants failing to pass that~~  
194 ~~examination or any subsequent examination shall receive notice~~  
195 ~~of the administration of the next examination with the notice of~~  
196 ~~scores following such examination. Any applicant who passes the~~  
197 ~~examination and meets the requirements of this section shall be~~  
198 ~~licensed as a physician assistant with all rights defined~~  
199 ~~thereby.~~

200 ~~(e)~~ The license must be renewed biennially. Each renewal  
201 must include:

- 202 1. A renewal fee not to exceed \$500 as set by the boards.  
203 2. Acknowledgment ~~A sworn statement~~ of no felony  
204 convictions in the previous 2 years.

205 (e) ~~(f)~~ Notwithstanding subparagraph (a)2., the department  
206 may grant to a recent graduate of an approved program, as  
207 specified in subsection (6), who expects to take the first  
208 examination administered by the National Commission on





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209 Certification of Physician Assistants available for registration  
 210 after the applicant's graduation, a temporary license. The  
 211 temporary license shall expire 30 days after receipt of scores  
 212 of the proficiency examination administered by the National  
 213 Commission on Certification of Physician Assistants. Between  
 214 meetings of the council, the department may grant a temporary  
 215 license to practice based on the completion of all temporary  
 216 licensure requirements. All such administratively issued  
 217 licenses shall be reviewed and acted on at the next regular  
 218 meeting of the council. The recent graduate may be licensed  
 219 before ~~prior to~~ employment, but must comply with paragraph (d)  
 220 ~~(e)~~. An applicant who has passed the proficiency  
 221 examination may be granted permanent licensure. An applicant  
 222 failing the proficiency examination is no longer temporarily  
 223 licensed, but may reapply for a 1-year extension of temporary  
 224 licensure. An applicant may not be granted more than two  
 225 temporary licenses and may not be licensed as a physician  
 226 assistant until he or she passes the examination administered by  
 227 the National Commission on Certification of Physician  
 228 Assistants. As prescribed by board rule, the council may require  
 229 an applicant who does not pass the licensing examination after  
 230 five or more attempts to complete additional remedial education  
 231 or training. The council shall prescribe the additional  
 232 requirements in a manner that permits the applicant to complete  
 233 the requirements and be reexamined within 2 years after the date  
 234 the applicant petitions the council to retake the examination a



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235 sixth or subsequent time.

236 Section 2. Paragraph (e) of subsection (4) of section  
237 459.022, Florida Statutes, is amended, paragraph (g) is added to  
238 that subsection, and paragraphs (a) and (b) of subsection (7) of  
239 that section are amended, to read:

240 459.022 Physician assistants.—

241 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

242 (e) A supervising ~~supervisory~~ physician may delegate to a  
243 fully licensed physician assistant the authority to prescribe or  
244 dispense any medication used in the supervising ~~supervisory~~  
245 physician's practice unless such medication is listed on the  
246 formulary created pursuant to s. 458.347. A fully licensed  
247 physician assistant may only prescribe or dispense such  
248 medication under the following circumstances:

249 1. A physician assistant must clearly identify to the  
250 patient that she or he is a physician assistant. Furthermore,  
251 the physician assistant must inform the patient that the patient  
252 has the right to see the physician before ~~prior to~~ any  
253 prescription is being prescribed or dispensed by the physician  
254 assistant.

255 2. The supervising ~~supervisory~~ physician must notify the  
256 department of her or his intent to delegate, on a department-  
257 approved form, before delegating such authority and notify the  
258 department of any change in prescriptive privileges of the  
259 physician assistant. Authority to dispense may be delegated only  
260 by a supervising ~~supervisory~~ physician who is registered as a



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261 dispensing practitioner in compliance with s. 465.0276.

262 3. The physician assistant must acknowledge with ~~file with~~  
 263 the department ~~a signed affidavit~~ that she or he has completed a  
 264 minimum of 10 continuing medical education hours in the  
 265 specialty practice in which the physician assistant has  
 266 prescriptive privileges with each licensure renewal application.

267 4. The department may issue a prescriber number to the  
 268 physician assistant granting authority for the prescribing of  
 269 medicinal drugs authorized within this paragraph upon completion  
 270 of the foregoing requirements. The physician assistant shall not  
 271 be required to independently register pursuant to s. 465.0276.

272 5. The prescription may ~~must~~ be ~~written~~ in paper or  
 273 electronic ~~a form~~ but must comply ~~that complies~~ with ss.  
 274 456.0392(1) and 456.42(1) and chapter 499 and must contain, in  
 275 addition to the supervising ~~supervisory~~ physician's name,  
 276 address, and telephone number, the physician assistant's  
 277 prescriber number. Unless it is a drug or drug sample dispensed  
 278 by the physician assistant, the prescription must be filled in a  
 279 pharmacy permitted under chapter 465, and must be dispensed in  
 280 that pharmacy by a pharmacist licensed under chapter 465. The  
 281 appearance of the prescriber number creates a presumption that  
 282 the physician assistant is authorized to prescribe the medicinal  
 283 drug and the prescription is valid.

284 6. The physician assistant must note the prescription or  
 285 dispensing of medication in the appropriate medical record.

286 (g) A licensed physician assistant may perform services



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287 delegated by the supervising physician in the physician  
288 assistant's practice in accordance with his or her education and  
289 training unless expressly prohibited under this chapter, chapter  
290 458, or rules adopted under this chapter or chapter 458.

291 (7) PHYSICIAN ASSISTANT LICENSURE.—

292 (a) Any person desiring to be licensed as a physician  
293 assistant must apply to the department. The department shall  
294 issue a license to any person certified by the council as having  
295 met the following requirements:

296 1. Is at least 18 years of age.

297 2. Has satisfactorily passed a proficiency examination by  
298 an acceptable score established by the National Commission on  
299 Certification of Physician Assistants. If an applicant does not  
300 hold a current certificate issued by the National Commission on  
301 Certification of Physician Assistants and has not actively  
302 practiced as a physician assistant within the immediately  
303 preceding 4 years, the applicant must retake and successfully  
304 complete the entry-level examination of the National Commission  
305 on Certification of Physician Assistants to be eligible for  
306 licensure.

307 3. Has completed the application form and remitted an  
308 application fee not to exceed \$300 as set by the boards. An  
309 application for licensure made by a physician assistant must  
310 include:

311 a. A certificate of completion of a physician assistant  
312 training program specified in subsection (6).



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313           b. Acknowledgment ~~A sworn statement~~ of any prior felony  
 314 convictions.

315           c. Acknowledgment ~~A sworn statement~~ of any previous  
 316 revocation or denial of licensure or certification in any state.

317           d. ~~Two letters of recommendation.~~

318           e. A copy of course transcripts and a copy of the course  
 319 description from a physician assistant training program  
 320 describing course content in pharmacotherapy, if the applicant  
 321 wishes to apply for prescribing authority. These documents must  
 322 meet the evidence requirements for prescribing authority.

323           (b) The licensure must be renewed biennially. Each renewal  
 324 must include:

325           1. A renewal fee not to exceed \$500 as set by the boards.  
 326           2. Acknowledgment ~~A sworn statement~~ of no felony  
 327 convictions in the previous 2 years.

328           Section 3. This act shall take effect July 1, 2016.