

By Representative Goode

1                                   A bill to be entitled  
 2           An act relating to physician assistants;  
 3           amending s. 39.304, F.S.; allowing a physician  
 4           assistant to perform a medical examination, and  
 5           to authorize a radiological examination to be  
 6           performed, on a child who is suspected to be a  
 7           victim of abuse, abandonment, or neglect;  
 8           amending ss. 458.347, 459.022, F.S.; requiring  
 9           a physician assistant who prescribes controlled  
 10          substances to complete a course in substance  
 11          abuse; providing for the appointment of a  
 12          formulary committee to establish a formulary of  
 13          medicinal drugs that physician assistants may  
 14          prescribe; providing for terms and meetings of  
 15          the formulary committee; providing standards  
 16          for formulary drugs; providing for the Board of  
 17          Medicine and the Board of Osteopathic Medicine  
 18          to adopt the formularies; creating s. 893.045,  
 19          F.S.; allowing a physician assistant to apply  
 20          for a federal controlled substance registry  
 21          number; providing an effective date.

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 23 Be It Enacted by the Legislature of the State of Florida:

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 25           Section 1. Subsection (1) of section 39.304, Florida  
 26 Statutes, 1998 Supplement, is amended to read:

27           39.304 Photographs, medical examinations, X rays, and  
 28 medical treatment of abused, abandoned, or neglected child.--

29           (1) Any person required to investigate cases of  
 30 suspected child abuse, abandonment, or neglect may take or  
 31 cause to be taken photographs of the areas of trauma visible

1 on a child who is the subject of a report. If the areas of  
2 trauma visible on a child indicate a need for a medical  
3 examination, or if the child verbally complains or otherwise  
4 exhibits distress as a result of injury through suspected  
5 child abuse, abandonment, or neglect, or is alleged to have  
6 been sexually abused, the person required to investigate may  
7 cause the child to be referred for diagnosis to a licensed  
8 physician or an emergency department in a hospital without the  
9 consent of the child's parents, caregiver, or legal custodian.  
10 Such an examination may be performed by an advanced registered  
11 nurse practitioner licensed under ~~pursuant to~~ chapter 464 or a  
12 physician assistant licensed under chapter 458 or chapter 459.  
13 Any licensed physician, physician assistant licensed under  
14 chapter 458 or chapter 459, or advanced registered nurse  
15 practitioner licensed under ~~pursuant to~~ chapter 464, who has  
16 reasonable cause to suspect that an injury was the result of  
17 child abuse, abandonment, or neglect may authorize a  
18 radiological examination to be performed on the child without  
19 the consent of the child's parent, caregiver, or legal  
20 custodian.

21 Section 2. Paragraphs (e) and (f) of subsection (4) of  
22 section 458.347, Florida Statutes, 1998 Supplement, are  
23 amended to read:

24 458.347 Physician assistants.--

25 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.--

26 (e) A supervisory physician may delegate to a fully  
27 licensed physician assistant the authority to prescribe any  
28 medication used in the supervisory physician's practice if  
29 such medication is listed on the formulary created pursuant to  
30 paragraph (f). A fully licensed physician assistant may only  
31 prescribe such medication under the following circumstances:

1           1. A physician assistant must clearly identify to the  
2 patient that he or she is a physician assistant. Furthermore,  
3 the physician assistant must inform the patient that the  
4 patient has the right to see the physician prior to any  
5 prescription being prescribed by the physician assistant.

6           2. The supervisory physician must notify the  
7 department of his or her intent to delegate, on a  
8 department-approved form, before delegating such authority and  
9 notify the department of any change in prescriptive privileges  
10 of the physician assistant.

11           3. The physician assistant must file with the  
12 department, before commencing to prescribe, evidence that he  
13 or she has completed a continuing medical education course of  
14 at least 3 classroom hours in prescriptive practice, conducted  
15 by an accredited program approved by the boards, which course  
16 covers the limitations, responsibilities, and privileges  
17 involved in prescribing medicinal drugs, or evidence that he  
18 or she has received education comparable to the continuing  
19 education course as part of an accredited physician assistant  
20 training program.

21           4. The physician assistant must file with the  
22 department, before commencing to prescribe, evidence that the  
23 physician assistant has a minimum of 3 months of clinical  
24 experience in the specialty area of the supervising physician.

25           5. The physician assistant must file with the  
26 department a signed affidavit that he or she has completed a  
27 minimum of 10 continuing medical education hours in the  
28 specialty practice in which the physician assistant has  
29 prescriptive privileges with each licensure renewal  
30 application. A physician assistant who prescribes drugs listed  
31

1 in Schedule III, Schedule IV, or Schedule V of s. 893.03 must  
2 complete a 1-hour course in substance abuse.

3           6. The department shall issue a license and a  
4 prescriber number to the physician assistant granting  
5 authority for the prescribing of medicinal drugs authorized  
6 within this paragraph upon completion of the foregoing  
7 requirements.

8           7. The prescription must be written in a form that  
9 complies with chapter 499 and must contain, in addition to the  
10 supervisory physician's name, address, and telephone number,  
11 the physician assistant's prescriber number. The prescription  
12 must be filled in a pharmacy permitted under chapter 465 and  
13 must be dispensed in that pharmacy by a pharmacist licensed  
14 under chapter 465. The appearance of the prescriber number  
15 creates a presumption that the physician assistant is  
16 authorized to prescribe the medicinal drug and the  
17 prescription is valid.

18           8. The physician assistant must note the prescription  
19 in the appropriate medical record, and the supervisory  
20 physician must review and sign each notation. For dispensing  
21 purposes only, the failure of the supervisory physician to  
22 comply with these requirements does not affect the validity of  
23 the prescription.

24           9. This paragraph does not prohibit a supervisory  
25 physician from delegating to a physician assistant the  
26 authority to order medication for a hospitalized patient of  
27 the supervisory physician.

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29 This paragraph does not apply to facilities licensed pursuant  
30 to chapter 395.

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1           (f)1. There is created a five-member committee  
2 appointed by the Secretary of Health. The committee must be  
3 composed of one fully licensed physician assistant licensed  
4 under ~~pursuant to~~ this section or s. 459.022, two physicians  
5 licensed under ~~pursuant to~~ this chapter, one of whom  
6 supervises a fully licensed physician assistant, one  
7 osteopathic physician licensed under ~~pursuant to~~ chapter 459,  
8 and one pharmacist licensed under ~~pursuant to~~ chapter 465 who  
9 is not licensed under ~~pursuant to~~ this chapter or chapter 459.  
10 All members of the formulary committee shall be appointed for  
11 initial terms commencing July 1, 1999. Committee members shall  
12 be appointed to terms of 4 years, except that, of the initial  
13 appointments, two members shall be appointed for terms of 2  
14 years, two shall be appointed for terms of 3 years, and one  
15 shall be appointed for a term of 4 years.The committee shall  
16 meet at least twice annually to establish a formulary of  
17 medicinal drugs that ~~for which~~ a fully licensed physician  
18 assistant may prescribe. The formulary may include controlled  
19 substances as defined in s. 893.03(3),(4), and (5).The  
20 formulary may not include other controlled substances as  
21 defined in chapter 893, ~~antineoplastics, antipsychotics,~~  
22 ~~radiopharmaceuticals, or general anesthetics, or radiographic~~  
23 ~~contrast materials, or any parenteral preparations except~~  
24 ~~insulin and epinephrine.~~

25           2. Only the committee shall add to, delete from, or  
26 modify the formulary. Any person who requests an addition,  
27 deletion, or modification of a medicinal drug listed on such  
28 formulary has the burden of proof to show cause why such  
29 addition, deletion, or modification should be made.

30           3. The boards shall adopt the formulary required by  
31 this paragraph, and each addition, deletion, or modification

1 to the formulary, by rule. Notwithstanding any provision of  
2 chapter 120 to the contrary, the formulary rule shall be  
3 effective 60 days after the date it is filed with the  
4 Secretary of State. Upon adoption of the formulary, the  
5 department shall mail a copy of such formulary to each fully  
6 licensed physician assistant and to each pharmacy licensed by  
7 the state. The boards shall establish, by rule, a fee not to  
8 exceed \$200 to fund the provisions of this paragraph and  
9 paragraph (e). The board shall adopt the formulary required by  
10 this paragraph and shall adopt each subsequent change at its  
11 next regular meeting following receipt of the formulary from  
12 the formulary committee.

13 Section 3. Paragraph (e) and (f) of subsection (4) of  
14 section 459.022, Florida Statutes, 1998 Supplement, are  
15 amended to read:

16 459.022 Physician assistants.--

17 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.--

18 (e) A supervisory physician may delegate to a fully  
19 licensed physician assistant the authority to prescribe any  
20 medication used in the supervisory physician's practice if  
21 such medication is listed on the formulary created pursuant to  
22 s. 458.347. A fully licensed physician assistant may only  
23 prescribe such medication under the following circumstances:

24 1. A physician assistant must clearly identify to the  
25 patient that she or he is a physician assistant. Furthermore,  
26 the physician assistant must inform the patient that the  
27 patient has the right to see the physician prior to any  
28 prescription being prescribed by the physician assistant.

29 2. The supervisory physician must notify the  
30 department of her or his intent to delegate, on a  
31 department-approved form, before delegating such authority and

1 notify the department of any change in prescriptive privileges  
2 of the physician assistant.

3           3. The physician assistant must file with the  
4 department, before commencing to prescribe, evidence that she  
5 or he has completed a continuing medical education course of  
6 at least 3 classroom hours in prescriptive practice, conducted  
7 by an accredited program approved by the boards, which course  
8 covers the limitations, responsibilities, and privileges  
9 involved in prescribing medicinal drugs, or evidence that she  
10 or he has received education comparable to the continuing  
11 education course as part of an accredited physician assistant  
12 training program.

13           4. The physician assistant must file with the  
14 department, before commencing to prescribe, evidence that the  
15 physician assistant has a minimum of 3 months of clinical  
16 experience in the specialty area of the supervising physician.

17           5. The physician assistant must file with the  
18 department a signed affidavit that she or he has completed a  
19 minimum of 10 continuing medical education hours in the  
20 specialty practice in which the physician assistant has  
21 prescriptive privileges with each licensure renewal  
22 application. A physician assistant who prescribes drugs listed  
23 in Schedule III, Schedule IV, or Schedule V of s. 893.03 must  
24 complete a 1-hour course in substance abuse.

25           6. The department shall issue a license and a  
26 prescriber number to the physician assistant granting  
27 authority for the prescribing of medicinal drugs authorized  
28 within this paragraph upon completion of the foregoing  
29 requirements.

30           7. The prescription must be written in a form that  
31 complies with chapter 499 and must contain, in addition to the

1 supervisory physician's name, address, and telephone number,  
2 the physician assistant's prescriber number. The prescription  
3 must be filled in a pharmacy permitted under chapter 465, and  
4 must be dispensed in that pharmacy by a pharmacist licensed  
5 under chapter 465. The appearance of the prescriber number  
6 creates a presumption that the physician assistant is  
7 authorized to prescribe the medicinal drug and the  
8 prescription is valid.

9           8. The physician assistant must note the prescription  
10 in the appropriate medical record, and the supervisory  
11 physician must review and sign each notation. For dispensing  
12 purposes only, the failure of the supervisory physician to  
13 comply with these requirements does not affect the validity of  
14 the prescription.

15           9. This paragraph does not prohibit a supervisory  
16 physician from delegating to a physician assistant the  
17 authority to order medication for a hospitalized patient of  
18 the supervisory physician.

19  
20 This paragraph does not apply to facilities licensed pursuant  
21 to chapter 395.

22           (f)1. There is created a five-member committee  
23 appointed by the Secretary of Health. The committee must be  
24 composed of one fully licensed physician assistant licensed  
25 under ~~pursuant to~~ this section or s. 458.347, two physicians  
26 licensed under ~~pursuant to~~ chapter 458, one of whom supervises  
27 a fully licensed physician assistant, one osteopathic  
28 physician licensed under ~~pursuant to~~ this chapter, and one  
29 pharmacist licensed under ~~pursuant to~~ chapter 465 who is not  
30 licensed under ~~pursuant to~~ this chapter or chapter 458. All  
31 members of the formulary committee shall be appointed for



1 initial terms commencing July 1, 1999. Committee members shall  
2 be appointed to terms of 4 years, except that, of the initial  
3 appointments, two members shall be appointed for terms of 2  
4 years, two shall be appointed for terms of 3 years, and one  
5 shall be appointed for a term of 4 years.The committee shall  
6 meet at least twice annually to establish a formulary of  
7 medicinal drugs that ~~for which~~ a fully licensed physician  
8 assistant may prescribe. The formulary may include controlled  
9 substances as defined in s. 893.03(3)(4), and (5).The  
10 formulary may not include other controlled substances as  
11 defined in chapter 893, ~~antineoplastics, antipsychotics,~~  
12 radiopharmaceuticals, general anesthetics, or radiographic  
13 contrast materials, ~~or any parenteral preparations except~~  
14 ~~insulin and epinephrine.~~

15         2. Only the committee shall add to, delete from, or  
16 modify the formulary. Any person who requests an addition,  
17 deletion, or modification of a medicinal drug listed on such  
18 formulary has the burden of proof to show cause why such  
19 addition, deletion, or modification should be made.

20         3. The boards shall adopt the formulary required by  
21 this paragraph, and each addition, deletion, or modification  
22 to the formulary, by rule. Notwithstanding any provision of  
23 chapter 120 to the contrary, the formulary rule shall be  
24 effective 60 days after the date it is filed with the  
25 Secretary of State. Upon adoption of the formulary, the  
26 department shall mail a copy of such formulary to each fully  
27 licensed physician assistant and to each pharmacy licensed by  
28 the state. The boards shall establish, by rule, a fee not to  
29 exceed \$200 to fund the provisions of this paragraph and  
30 paragraph (e). The board shall adopt the formulary required by  
31 this paragraph and shall adopt each subsequent change at its

1 next regular meeting following receipt of the formulary from  
2 the formulary committee.

3 Section 4. Section 893.045, Florida Statutes, is  
4 created to read:

5 893.045 Physician assistant may apply for controlled  
6 substance abuse registry number.--A physician assistant who is  
7 fully licensed under chapter 458 or chapter 459 and who has  
8 completed the required course in substance abuse may apply for  
9 a federal controlled substance registry number and, upon  
10 receiving such a number, may prescribe controlled substances  
11 listed in Schedule III, Schedule IV, and Schedule V, in  
12 accordance with restrictions set forth in chapters 458 and  
13 459.

14 Section 5. This act shall take effect July 1, 1999.

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17 SENATE SUMMARY

18 Allows physician assistants to perform medical  
19 examinations on children who are suspected to be victims  
20 of abuse, abandonment, or neglect, and to order  
21 radiological examinations to be performed on such  
22 children. Requires a physician assistant who prescribes  
23 controlled substances to complete a 1-hour course in  
24 substance abuse. Provides for the appointment of a  
25 formulary committee to establish a formulary of medicinal  
26 drugs that physician assistants may prescribe. Provides  
27 for the terms of office and frequency of meetings of the  
28 formulary committee. Provides standards for including  
29 drugs in and excluding drugs from the formulary. Provides  
30 for the Board of Medicine and the Board of Osteopathic  
31 Medicine to adopt the formularies. Allows a physician  
assistant to apply for a federal controlled substance  
registry number.