

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 and 459.022, F.S.;
9 providing for the appointment of a formulary
10 committee to establish a formulary of medicinal
11 drugs that physician assistants may prescribe;
12 providing for terms and meetings of the
13 formulary committee; providing standards for
14 formulary drugs; providing for the Board of
15 Medicine and the Board of Osteopathic Medicine
16 to adopt the formularies; providing an
17 effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Subsection (1) of section 39.304, Florida
22 Statutes, 1998 Supplement, is amended to read:

23 39.304 Photographs, medical examinations, X rays, and
24 medical treatment of abused, abandoned, or neglected child.--

25 (1) Any person required to investigate cases of
26 suspected child abuse, abandonment, or neglect may take or
27 cause to be taken photographs of the areas of trauma visible
28 on a child who is the subject of a report. If the areas of
29 trauma visible on a child indicate a need for a medical
30 examination, or if the child verbally complains or otherwise
31 exhibits distress as a result of injury through suspected

1 child abuse, abandonment, or neglect, or is alleged to have
2 been sexually abused, the person required to investigate may
3 cause the child to be referred for diagnosis to a licensed
4 physician or an emergency department in a hospital without the
5 consent of the child's parents, caregiver, or legal custodian.
6 Such an examination may be performed by an advanced registered
7 nurse practitioner licensed under ~~pursuant to~~ chapter 464 or a
8 physician assistant licensed under chapter 458 or chapter 459.
9 Any licensed physician, physician assistant licensed under
10 chapter 458 or chapter 459, or advanced registered nurse
11 practitioner licensed under ~~pursuant to~~ chapter 464, who has
12 reasonable cause to suspect that an injury was the result of
13 child abuse, abandonment, or neglect may authorize a
14 radiological examination to be performed on the child without
15 the consent of the child's parent, caregiver, or legal
16 custodian.

17 Section 2. Paragraph (f) of subsection (4) of section
18 458.347, Florida Statutes, 1998 Supplement, is amended to
19 read:

20 458.347 Physician assistants.--

21 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.--

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. 459.022, two physicians
26 licensed under ~~pursuant to~~ this chapter, one of whom
27 supervises a fully licensed physician assistant, one
28 osteopathic physician licensed under ~~pursuant to~~ chapter 459,
29 and one pharmacist licensed under ~~pursuant to~~ chapter 465 who
30 is not licensed under ~~pursuant to~~ this chapter or chapter 459.
31 All 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 quarterly to establish a formulary of medicinal
 7 drugs that ~~for which~~ a fully licensed physician assistant may
 8 prescribe. The formulary may not include controlled substances
 9 as defined in chapter 893, antineoplastics, antipsychotics,
 10 radiopharmaceuticals, general anesthetics, ~~or~~ radiographic
 11 contrast materials, or any parenteral preparations except
 12 insulin and epinephrine.

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

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

1 Section 3. Paragraph (f) of subsection (4) of section
2 459.022, Florida Statutes, 1998 Supplement, is amended to
3 read:

4 459.022 Physician assistants.--

5 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.--

6 (f)1. There is created a five-member committee
7 appointed by the Secretary of Health. The committee must be
8 composed of one fully licensed physician assistant licensed
9 under ~~pursuant to~~ this section or s. 458.347, two physicians
10 licensed under ~~pursuant to~~ chapter 458, one of whom supervises
11 a fully licensed physician assistant, one osteopathic
12 physician licensed under ~~pursuant to~~ this chapter, and one
13 pharmacist licensed under ~~pursuant to~~ chapter 465 who is not
14 licensed under ~~pursuant to~~ this chapter or chapter 458. All
15 members of the formulary committee shall be appointed for
16 initial terms commencing July 1, 1999. Committee members shall
17 be appointed to terms of 4 years, except that, of the initial
18 appointments, two members shall be appointed for terms of 2
19 years, two shall be appointed for terms of 3 years, and one
20 shall be appointed for a term of 4 years.The committee shall
21 meet at least quarterly to establish a formulary of medicinal
22 drugs that ~~for which~~ a fully licensed physician assistant may
23 prescribe. The formulary may not include controlled substances
24 as defined in chapter 893, antineoplastics, antipsychotics,
25 radiopharmaceuticals, general anesthetics, ~~or~~ radiographic
26 contrast materials, or any parenteral preparations except
27 insulin and epinephrine.

28 2. Only the committee shall add to, delete from, or
29 modify the formulary. Any person who requests an addition,
30 deletion, or modification of a medicinal drug listed on such
31

1 formulary has the burden of proof to show cause why such
2 addition, deletion, or modification should be made.

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

17 Section 4. This act shall take effect July 1, 1999.