

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1068

SPONSOR: Senator Sullivan

SUBJECT: Physician Assistants

DATE: April 13, 1999 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Munroe	Wilson	HC	Favorable/CS
2.			FP	
3.				
4.				
5.				

I. Summary:

The Committee Substitute for SB 1068 authorizes a physician assistant licensed under chapter 458, Florida Statutes, or chapter 459, Florida Statutes, to perform a medical examination of a child who is the subject of reported child abuse, abandonment, or neglect and who has been referred for diagnosis to a licensed physician or an emergency department in a hospital by the person required to investigate suspected child abuse, abandonment or neglect, without the consent of the child's parents, caregiver, or legal custodian. The bill adds physician assistants to the list of licensed health care professionals who may authorize a radiological examination to be performed on a child without the consent of the child's parent, caregiver, or legal custodian, if the health care professional has reasonable cause to suspect that an injury was the result of child abuse, abandonment, or neglect.

The bill requires the appointment of all members of the formulary committee for an initial term beginning July 1, 1999. The bill requires formulary committee members to be appointed for terms of 4 years, but staggers the initial terms of members. The formulary committee must meet at least quarterly to establish a formulary of medicinal drugs that a fully licensed physician assistant may prescribe. The Board of Medicine and the Board of Osteopathic Medicine must adopt the formulary and each subsequent change at its next regular meeting following receipt of the formulary from the formulary committee.

This bill substantially amends sections 39.304, 458.347, and 459.022, Florida Statutes, 1998 Supplement.

II. Present Situation:

Sections 458.347 and 459.022, F.S., provide requirements for the regulation of physician assistants by the Council on Physician Assistants, the Board of Medicine and the Board of Osteopathic Medicine under the Department of Health. A supervisory physician may delegate to a fully licensed physician assistant the authority to prescribe any medication used in the supervisory

physician's practice that is listed on a formulary pursuant to s. 458.347(4)(f), F.S., or s. 459.022(4)(f), F.S. The Department of Health must issue a license and a prescriber number to a physician assistant who meets the requirements specified in s. 458.347(4)(e) or s. 459.022(4)(e), F.S., granting authority for prescribing medicinal drugs.

A fully licensed physician assistant may only prescribe medication listed in the formulary if he or she meets the following requirements: the physician assistant must clearly identify to the patient that he or she is a physician assistant and that the patient has the right to see the physician before any prescription is prescribed by the physician assistant; the physician assistant must file evidence with the Department of Health that he or she has completed a continuing medical education course of at least 3 classroom hours in prescribing practice conducted by an accredited program approved by the boards, which covers the limitations, responsibilities, and privileges involved in prescribing medicine or a comparable continuing education course; the physician assistant must file evidence with the Department of Health that he or she has completed a minimum of 3 months of clinical experience in the specialty area of the supervising physician; and the physician assistant must file a signed affidavit with the Department of Health that he or she has completed a minimum of 10 continuing medical education hours in the specialty practice in which the physician assistant has prescriptive privileges with each licensure renewal application.

Chapter 92-22, Laws of Florida, established a five-member committee appointed by the Secretary of the Department of Health to establish a formulary of medicinal drugs that a fully licensed physician assistant may prescribe. The formulary committee must include: two licensed medical physicians, one of whom supervises a fully licensed physician assistant; one osteopathic physician; and one licensed pharmacist who is not also licensed as a medical physician or osteopathic physician. The formulary may not include controlled substances as defined in ch. 893, F.S., antineoplastics, antipsychotics, radiopharmaceuticals, or general anesthetics or radiographic contrast materials, or any parenteral preparations except insulin and epinephrine. Only the committee may add to, delete from or modify the formulary. Any person who requests an addition, deletion, or modification of a drug listed on the formulary has the burden of proof to show cause why the change should be made.

The Board of Medicine and the Board of Osteopathic Medicine must adopt, by rule, the formulary of medicinal drugs that a fully licensed physician assistant may prescribe. The formulary must be effective 60 days after the date it is filed with the Secretary of State. Upon adoption of the formulary, the Department of Health must mail a copy of the formulary to each fully licensed physician assistant and to each pharmacy licensed by the state. The Board of Medicine and the Board of Osteopathic Medicine have adopted administrative rules listing the formulary (64B8-30.008 and 64B15-6.0038, Florida Administrative Code).

Section 20.052, F.S., requires each advisory body, commission, board of trustees, or any other collegial body created by specific statutory enactment as an adjunct to an executive agency to be established, evaluated, or maintained in accordance with the following: it may be created only when it is found to be necessary and beneficial to the furtherance of a public purpose; it must be terminated by the Legislature when it is no longer necessary and beneficial to the furtherance of a public purpose and the executive agency must advise the Legislature at the time the advisory body ceases to be essential to the furtherance of a public purpose; and the Legislature must be kept informed of the numbers, purposes, memberships, activities, and expenses of advisory bodies,

commissions, boards of trustees, and other collegial bodies established as adjuncts to executive agencies. The section provides that an advisory body, commission, board of trustees, and other collegial body may not be created or reestablished unless: it meets a statutorily defined purpose; its powers and responsibilities conform with definitions for governmental entities in s. 20.03, F.S.; its members, unless expressly provided otherwise in the State Constitution, are appointed for 4-year staggered terms; and its members, unless expressly provided otherwise by specific statutory enactment, serve without additional compensation or honorarium, and are authorized to receive only per diem and reimbursement for travel expenses as provided in s. 112.061, F.S.

Section 39.304, F.S., authorizes an advanced registered nurse practitioner to perform a medical examination of a child who is the subject of reported child abuse, abandonment, or neglect and who has been referred for diagnosis to a licensed physician or an emergency department in a hospital by the person required to investigate the suspected child abuse, abandonment or neglect, without the consent of the child's parents, caregiver, or legal custodian. Any licensed physician or advanced registered nurse practitioner who has reasonable cause to suspect that an injury was the result of child abuse, abandonment, or neglect may authorize a radiological examination to be performed on the child without the consent of the child's parent, caregiver, or legal custodian.

III. Effect of Proposed Changes:

The bill authorizes a physician assistant licensed under ch. 458, F.S., or ch. 459, F.S., to perform a medical examination of a child who is the subject of reported child abuse, abandonment, or neglect and who has been referred for diagnosis to a licensed physician or an emergency department in a hospital by the person required to investigate suspected child abuse, abandonment or neglect, without the consent of the child's parents, caregiver, or legal custodian. The bill adds physician assistants to the list of licensed health care professionals who may authorize a radiological examination to be performed on a child without the consent of the child's parent, caregiver, or legal custodian, if the health care professional has reasonable cause to suspect that an injury was the result of child abuse, abandonment, or neglect.

The bill requires the appointment of all members of the formulary committee for an initial term beginning July 1, 1999. The bill requires committee members to be appointed for terms of 4 years, but staggers the initial terms of members. The formulary committee must meet at least quarterly to establish a formulary of medicinal drugs that a physician assistant may prescribe. The Board of Medicine and the Board of Osteopathic Medicine must adopt the formulary for physician assistants to prescribe medicinal drugs and each subsequent change at its next regular meeting following receipt of the formulary from the formulary committee.

The bill will take effect on July 1, 1999.

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, Subsections 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. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.