

By Senator Sullivan

22-407-99

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.

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

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.