

By the Committee on Health, Aging and Long-Term Care; and  
Senator Sullivan

317-2053-99

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

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

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

22           39.304 Photographs, medical examinations, X rays, and  
23 medical treatment of abused, abandoned, or neglected child.--

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

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

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

19 |             458.347 Physician assistants.--

20 |             (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.--

21 |             (f)1. There is created a five-member committee  
22 | appointed by the Secretary of Health. The committee must be  
23 | composed of one fully licensed physician assistant licensed  
24 | under ~~pursuant to~~ this section or s. 459.022, two physicians  
25 | licensed under ~~pursuant to~~ this chapter, one of whom  
26 | supervises a fully licensed physician assistant, one  
27 | osteopathic physician licensed under ~~pursuant to~~ chapter 459,  
28 | and one pharmacist licensed under ~~pursuant to~~ chapter 465 who  
29 | is not licensed under ~~pursuant to~~ this chapter or chapter 459.  
30 | All members of the formulary committee shall be appointed for  
31 | initial terms commencing July 1, 1999. Committee members shall

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

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

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

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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.

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19 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
20 COMMITTEE SUBSTITUTE FOR  
21 Senate Bill 1068

22 The Committee Substitute for SB 1068 no longer authorizes a  
23 physician assistant who has completed a 1-hour course in  
24 substance abuse to prescribe controlled substances listed in  
25 Schedule III, Schedule IV, or Schedule V of ch. 893, Florida  
26 Statutes. The committee substitute requires the formulary  
27 committee to meet quarterly instead of at least twice  
28 annually.  
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