

By Representative Baxley

1                                   A bill to be entitled  
2           An act relating to physician assistants;  
3           amending ss. 458.347 and 459.022, F.S.;  
4           allowing authorized physician assistants to  
5           prescribe any medication not listed on a  
6           formulary established by the Council on  
7           Physician Assistants; allowing authorized  
8           physician assistants to dispense drug samples  
9           pursuant to proper prescription; eliminating  
10          the formulary committee and revising provisions  
11          relating to creation and amendment of the  
12          formulary, to conform; providing an effective  
13          date.

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

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17           Section 1. Paragraphs (e) and (f) of subsection (4) of  
18 section 458.347, Florida Statutes, are amended to read:

19           458.347 Physician assistants.--

20           (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.--

21           (e) A supervisory physician may delegate to a fully  
22 licensed physician assistant the authority to prescribe any  
23 medication used in the supervisory physician's practice unless  
24 ~~if~~ such medication is listed on the formulary created pursuant  
25 to paragraph (f). A fully licensed physician assistant may  
26 only prescribe such medication under the following  
27 circumstances:

28           1. A physician assistant must clearly identify to the  
29 patient that he or she is a physician assistant. Furthermore,  
30 the physician assistant must inform the patient that the  
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1 patient has the right to see the physician prior to any  
2 prescription being prescribed by the physician assistant.  
3         2. The supervisory physician must notify the  
4 department of his or her intent to delegate, on a  
5 department-approved form, before delegating such authority and  
6 notify the department of any change in prescriptive privileges  
7 of the physician assistant.  
8         3. The physician assistant must file with the  
9 department, before commencing to prescribe, evidence that he  
10 or she has completed a continuing medical education course of  
11 at least 3 classroom hours in prescriptive practice, conducted  
12 by an accredited program approved by the boards, which course  
13 covers the limitations, responsibilities, and privileges  
14 involved in prescribing medicinal drugs, or evidence that he  
15 or she has received education comparable to the continuing  
16 education course as part of an accredited physician assistant  
17 training program.  
18         4. The physician assistant must file with the  
19 department, before commencing to prescribe, evidence that the  
20 physician assistant has a minimum of 3 months of clinical  
21 experience in the specialty area of the supervising physician.  
22         5. The physician assistant must file with the  
23 department a signed affidavit that he or she has completed a  
24 minimum of 10 continuing medical education hours in the  
25 specialty practice in which the physician assistant has  
26 prescriptive privileges with each licensure renewal  
27 application.  
28         6. The department shall issue a license and a  
29 prescriber number to the physician assistant granting  
30 authority for the prescribing of medicinal drugs authorized  
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1 within this paragraph upon completion of the foregoing  
2 requirements.

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

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

20           9. This paragraph does not prohibit a supervisory  
21 physician from delegating to a physician assistant the  
22 authority to order medication for a hospitalized patient of  
23 the supervisory physician.

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25 This paragraph does not apply to facilities licensed pursuant  
26 to chapter 395.

27           ~~(f)1. There is created a five-member committee~~  
28 ~~appointed by the Secretary of Health. The committee must be~~  
29 ~~composed of one fully licensed physician assistant licensed~~  
30 ~~pursuant to this section or s. 459.022, two physicians~~  
31 ~~licensed pursuant to this chapter, one of whom supervises a~~

1 ~~fully licensed physician assistant, one osteopathic physician~~  
2 ~~licensed pursuant to chapter 459, and one pharmacist licensed~~  
3 ~~pursuant to chapter 465 who is not licensed pursuant to this~~  
4 ~~chapter or chapter 459. The council committee shall establish~~  
5 a formulary of medicinal drugs that for which a fully licensed  
6 physician assistant, licensed under this section or s.  
7 459.022, may not prescribe. The formulary must ~~may not~~ include  
8 controlled substances as defined in chapter 893,  
9 ~~antineoplastics, antipsychotics, radiopharmaceuticals, general~~  
10 ~~anesthetics and or radiographic contrast materials, and all or~~  
11 ~~any~~ parenteral preparations except insulin and epinephrine.

12 2. In establishing the formulary, the council shall  
13 consult with a pharmacist licensed under chapter 465, but not  
14 licensed under this chapter or chapter 459, who shall be  
15 selected by the Secretary of Health.

16 ~~3.2.~~ Only the council committee shall add to, delete  
17 from, or modify the formulary. Any person who requests an  
18 addition, deletion, or modification of a medicinal drug listed  
19 on such formulary has the burden of proof to show cause why  
20 such addition, deletion, or modification should be made.

21 ~~4.3.~~ The boards shall adopt the formulary required by  
22 this paragraph, and each addition, deletion, or modification  
23 to the formulary, by rule. Notwithstanding any provision of  
24 chapter 120 to the contrary, the formulary rule shall be  
25 effective 60 days after the date it is filed with the  
26 Secretary of State. Upon adoption of the formulary, the  
27 department shall mail a copy of such formulary to each fully  
28 licensed physician assistant, licensed under this section or  
29 s. 459.022, and to each pharmacy licensed by the state. The  
30 boards shall establish, by rule, a fee not to exceed \$200 to  
31 fund the provisions of this paragraph and paragraph (e).

1           Section 2. Subsection (4) and paragraph (c) of  
2 subsection (9) of section 459.022, Florida Statutes, are  
3 amended to read:

4           459.022 Physician assistants.--

5           (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.--

6           (a) The boards shall adopt, by rule, the general  
7 principles that supervising physicians must use in developing  
8 the scope of practice of a physician assistant under direct  
9 supervision and under indirect supervision. These principles  
10 shall recognize the diversity of both specialty and practice  
11 settings in which physician assistants are used.

12           (b) This chapter does not prevent third-party payors  
13 from reimbursing employers of physician assistants for covered  
14 services rendered by licensed physician assistants.

15           (c) Licensed physician assistants may not be denied  
16 clinical hospital privileges, except for cause, so long as the  
17 supervising physician is a staff member in good standing.

18           (d) A supervisory physician may delegate to a licensed  
19 physician assistant, pursuant to a written protocol, the  
20 authority to act according to s. 154.04(1)(c). Such delegated  
21 authority is limited to the supervising physician's practice  
22 in connection with a county health department as defined and  
23 established pursuant to chapter 154. The boards shall adopt  
24 rules governing the supervision of physician assistants by  
25 physicians in county health departments.

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 unless  
29 ~~if~~ such medication is listed on the formulary created pursuant  
30 to s. 458.347. 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 she or he 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 her or his 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 she  
13 or he 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 she  
18 or he 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 she or he 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.

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

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

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

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

27  
28 This paragraph does not apply to facilities licensed pursuant  
29 to chapter 395.

30           ~~(f)1. There is created a five-member committee~~  
31 ~~appointed by the Secretary of Health. The committee must be~~

1 ~~composed of one fully licensed physician assistant licensed~~  
2 ~~pursuant to this section or s. 458.347, two physicians~~  
3 ~~licensed pursuant to chapter 458, one of whom supervises a~~  
4 ~~fully licensed physician assistant, one osteopathic physician~~  
5 ~~licensed pursuant to this chapter, and one pharmacist licensed~~  
6 ~~pursuant to chapter 465 who is not licensed pursuant to this~~  
7 ~~chapter or chapter 458. The committee shall establish a~~  
8 ~~formulary of medicinal drugs for which a fully licensed~~  
9 ~~physician assistant may prescribe. The formulary may not~~  
10 ~~include controlled substances as defined in chapter 893,~~  
11 ~~antineoplastics, antipsychotics, radiopharmaceuticals, general~~  
12 ~~anesthetics or radiographic contrast materials, or any~~  
13 ~~parenteral preparations except insulin and epinephrine.~~

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

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

30         (9) COUNCIL ON PHYSICIAN ASSISTANTS.--The Council on  
31 Physician Assistants is created within the department.



1           (c) The council shall:  
2           1. Recommend to the department the licensure of  
3 physician assistants.  
4           2. Develop all rules regulating the use of physician  
5 assistants by physicians under chapter 458 and this chapter,  
6 except for rules relating to the formulary developed under s.  
7 458.347~~(4)~~(f). The council shall also develop rules to ensure  
8 that the continuity of supervision is maintained in each  
9 practice setting. The boards shall consider adopting a  
10 proposed rule developed by the council at the regularly  
11 scheduled meeting immediately following the submission of the  
12 proposed rule by the council. A proposed rule submitted by  
13 the council may not be adopted by either board unless both  
14 boards have accepted and approved the identical language  
15 contained in the proposed rule. The language of all proposed  
16 rules submitted by the council must be approved by both boards  
17 pursuant to each respective board's guidelines and standards  
18 regarding the adoption of proposed rules. If either board  
19 rejects the council's proposed rule, that board must specify  
20 its objection to the council with particularity and include  
21 any recommendations it may have for the modification of the  
22 proposed rule.  
23           3. Make recommendations to the boards regarding all  
24 matters relating to physician assistants.  
25           4. Address concerns and problems of practicing  
26 physician assistants in order to improve safety in the  
27 clinical practices of licensed physician assistants.  
28           Section 3. This act shall take effect July 1, 2001.  
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HOUSE SUMMARY

Allows authorized physician assistants to prescribe any medication not listed on a formulary established by the Council on Physician Assistants. Allows authorized physician assistants to dispense drug samples pursuant to proper prescription. Eliminates the formulary committee and revises provisions of law relating to creation and amendment of the formulary, to conform.