

By the Committee on Health Regulation and 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.

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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 October 1, 2001.
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