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A bill to be entitled
 An act relating to physician assistants; amending ss. 458.347 and 459.022, F.S.; requiring additional continuing medical education in the clinical and legal aspects of prescribing controlled substances; removing controlled substances from the formulary of medicinal drugs a physician assistant may not prescribe; amending s. 893.02, F.S.; including physician assistants in the definition of "practitioner" under ch. 893, F.S., to authorize them to prescribe controlled substances; providing an effective date.

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

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

458.347 Physician assistants.--

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.--

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

1. A physician assistant must clearly identify to the patient that he or she is a physician assistant. Furthermore, the physician assistant must inform the patient that the patient has the right to see the physician prior to any prescription being prescribed by the physician assistant.



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30 2. The supervisory physician must notify the department of
31 his or her intent to delegate, on a department-approved form,
32 before delegating such authority and notify the department of
33 any change in prescriptive privileges of the physician
34 assistant.

35 3. The physician assistant must file with the department,
36 before commencing to prescribe, evidence that he or she has
37 completed a continuing medical education course of at least 5 ~~3~~
38 classroom hours in prescriptive practice, conducted by an
39 accredited program approved by the boards, which course covers
40 the limitations, responsibilities, and privileges involved in
41 prescribing medicinal drugs and the clinical and legal aspects
42 of prescribing controlled substances, or evidence that he or she
43 has received education comparable to the continuing education
44 course as part of an accredited physician assistant training
45 program.

46 4. The physician assistant must file with the department,
47 before commencing to prescribe, evidence that the physician
48 assistant has a minimum of 3 months of clinical experience in
49 the specialty area of the supervising physician.

50 5. The physician assistant must file with the department a
51 signed affidavit that he or she has completed a minimum of 10
52 continuing medical education hours in the specialty practice in
53 which the physician assistant has prescriptive privileges and 2
54 continuing medical education hours in the clinical and legal
55 aspects of prescribing controlled substances with each licensure
56 renewal application.

57 6. The department shall issue a license and a prescriber
58 number to the physician assistant granting authority for the



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59 prescribing of medicinal drugs authorized within this paragraph
60 upon completion of the foregoing requirements.

61 7. The prescription must be written in a form that
62 complies with chapter 499 and must contain, in addition to the
63 supervisory physician's name, address, and telephone number, the
64 physician assistant's prescriber number. Unless it is a drug
65 sample dispensed by the physician assistant, the prescription
66 must be filled in a pharmacy permitted under chapter 465 and
67 must be dispensed in that pharmacy by a pharmacist licensed
68 under chapter 465. The appearance of the prescriber number
69 creates a presumption that the physician assistant is authorized
70 to prescribe the medicinal drug and the prescription is valid.

71 8. The physician assistant must note the prescription in
72 the appropriate medical record, and the supervisory physician
73 must review and sign each notation. For dispensing purposes
74 only, the failure of the supervisory physician to comply with
75 these requirements does not affect the validity of the
76 prescription.

77 9. This paragraph does not prohibit a supervisory
78 physician from delegating to a physician assistant the authority
79 to order medication for a hospitalized patient of the
80 supervisory physician.

81
82 This paragraph does not apply to facilities licensed pursuant to
83 chapter 395.

84 (f)1. The council shall establish a formulary of medicinal
85 drugs that a fully licensed physician assistant, licensed under
86 this section or s. 459.022, may not prescribe. The formulary
87 must include ~~controlled substances as defined in chapter 893,~~
88 antipsychotics, general anesthetics and radiographic contrast



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89 materials, and all parenteral preparations except insulin and
90 epinephrine.

91 2. In establishing the formulary, the council shall
92 consult with a pharmacist licensed under chapter 465, but not
93 licensed under this chapter or chapter 459, who shall be
94 selected by the Secretary of Health.

95 3. Only the council shall add to, delete from, or modify
96 the formulary. Any person who requests an addition, deletion, or
97 modification of a medicinal drug listed on such formulary has
98 the burden of proof to show cause why such addition, deletion,
99 or modification should be made.

100 4. The boards shall adopt the formulary required by this
101 paragraph, and each addition, deletion, or modification to the
102 formulary, by rule. Notwithstanding any provision of chapter 120
103 to the contrary, the formulary rule shall be effective 60 days
104 after the date it is filed with the Secretary of State. Upon
105 adoption of the formulary, the department shall mail a copy of
106 such formulary to each fully licensed physician assistant,
107 licensed under this section or s. 459.022, and to each pharmacy
108 licensed by the state. The boards shall establish, by rule, a
109 fee not to exceed \$200 to fund the provisions of this paragraph
110 and paragraph (e).

111 Section 2. Paragraph (e) of subsection (4) of section
112 459.022, Florida Statutes, is amended to read:

113 459.022 Physician assistants.--

114 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.--

115 (e) A supervisory physician may delegate to a fully
116 licensed physician assistant the authority to prescribe any
117 medication used in the supervisory physician's practice unless
118 such medication is listed on the formulary created pursuant to



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119 s. 458.347. A fully licensed physician assistant may only
120 prescribe such medication under the following circumstances:

121 1. A physician assistant must clearly identify to the
122 patient that she or he is a physician assistant. Furthermore,
123 the physician assistant must inform the patient that the patient
124 has the right to see the physician prior to any prescription
125 being prescribed by the physician assistant.

126 2. The supervisory physician must notify the department of
127 her or his intent to delegate, on a department-approved form,
128 before delegating such authority and notify the department of
129 any change in prescriptive privileges of the physician
130 assistant.

131 3. The physician assistant must file with the department,
132 before commencing to prescribe, evidence that she or he has
133 completed a continuing medical education course of at least 5 ~~3~~
134 classroom hours in prescriptive practice, conducted by an
135 accredited program approved by the boards, which course covers
136 the limitations, responsibilities, and privileges involved in
137 prescribing medicinal drugs and the clinical and legal aspects
138 of prescribing controlled substances, or evidence that she or he
139 has received education comparable to the continuing education
140 course as part of an accredited physician assistant training
141 program.

142 4. The physician assistant must file with the department,
143 before commencing to prescribe, evidence that the physician
144 assistant has a minimum of 3 months of clinical experience in
145 the specialty area of the supervising physician.

146 5. The physician assistant must file with the department a
147 signed affidavit that she or he has completed a minimum of 10
148 continuing medical education hours in the specialty practice in



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149 which the physician assistant has prescriptive privileges and 2
150 continuing medical education hours in the clinical and legal
151 aspects of prescribing controlled substances with each licensure
152 renewal application.

153 6. The department shall issue a license and a prescriber
154 number to the physician assistant granting authority for the
155 prescribing of medicinal drugs authorized within this paragraph
156 upon completion of the foregoing requirements.

157 7. The prescription must be written in a form that
158 complies with chapter 499 and must contain, in addition to the
159 supervisory physician's name, address, and telephone number, the
160 physician assistant's prescriber number. Unless it is a drug
161 sample dispensed by the physician assistant, the prescription
162 must be filled in a pharmacy permitted under chapter 465, and
163 must be dispensed in that pharmacy by a pharmacist licensed
164 under chapter 465. The appearance of the prescriber number
165 creates a presumption that the physician assistant is authorized
166 to prescribe the medicinal drug and the prescription is valid.

167 8. The physician assistant must note the prescription in
168 the appropriate medical record, and the supervisory physician
169 must review and sign each notation. For dispensing purposes
170 only, the failure of the supervisory physician to comply with
171 these requirements does not affect the validity of the
172 prescription.

173 9. This paragraph does not prohibit a supervisory
174 physician from delegating to a physician assistant the authority
175 to order medication for a hospitalized patient of the
176 supervisory physician.

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178 This paragraph does not apply to facilities licensed pursuant to
179 chapter 395.

180 Section 3. Subsection (19) of section 893.02, Florida
181 Statutes, is amended to read:

182 893.02 Definitions.--The following words and phrases as
183 used in this chapter shall have the following meanings, unless
184 the context otherwise requires:

185 (19) "Practitioner" means a physician or physician
186 assistant licensed pursuant to chapter 458, a dentist licensed
187 pursuant to chapter 466, a veterinarian licensed pursuant to
188 chapter 474, an osteopathic physician or physician assistant
189 licensed pursuant to chapter 459, a naturopath licensed pursuant
190 to chapter 462, or a podiatric physician licensed pursuant to
191 chapter 461, provided such practitioner holds a valid federal
192 controlled substance registry number.

193 Section 4. This act shall take effect July 1, 2003.