

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

317-2488-03

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A bill to be entitled
An act relating to prescriptions for medicinal
drugs; creating s. 456.0392, F.S.; requiring
certain practitioners to include specified
information on prescriptions; providing that
certain prescriptions shall be presumed valid;
providing an effective date.

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

Section 1. Section 456.0392, Florida Statutes, is
created to read:

456.0392 Prescription labeling.--

(1) A prescription written by a practitioner who is
authorized under the laws of this state to write prescriptions
for drugs that are not controlled substances listed in chapter
893 but who is not eligible for a federal drug enforcement
administration number shall include that practitioner's name
and professional license number. The pharmacist or dispensing
practitioner must include the practitioner's name on the
container of the drug that is dispensed. A pharmacist shall be
permitted, upon verification by the prescriber, to document
any information required by this section.

(2) A prescription for a drug that is not a controlled
substance listed in chapter 893 written by an advanced
registered nurse practitioner certified under s. 464.012 is
presumed, subject to rebuttal, to be valid and within the
parameters of the prescriptive authority delegated by a
practitioner licensed under chapter 458, chapter 459, or
chapter 466.

1 (3) A prescription for a drug that is not a controlled
2 substance listed in chapter 893 written by a physician
3 assistant licensed under chapter 458 or chapter 459 is
4 presumed, subject to rebuttal, to be valid and within the
5 parameters of the prescriptive authority delegated by the
6 physician assistant's supervising physician.

7 Section 2. This act shall take effect July 1, 2003.

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9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
10 COMMITTEE SUBSTITUTE FOR
11 Senate Bill 1738

12 The Committee Substitute no longer creates a criminal offense
13 that makes it unlawful for any person, firm, or corporation to
14 require the use on a prescription of a federally issued
15 registration number that authorizes the prescriber to
16 prescribe controlled substances or scheduled drugs when that
17 use is not otherwise required by federal or state law or rule.

18 In lieu of the criminal offense, the Committee Substitute
19 requires a prescription written by a practitioner who is
20 authorized under the laws of Florida to write prescriptions
21 for drugs that are not controlled substances but who is not
22 eligible for a federal drug enforcement administration number
23 to include that practitioner's name and professional license
24 number. The pharmacist or dispensing practitioner must include
25 the practitioner's name on the container of the drug that is
26 dispensed. The pharmacist may document any required
27 information as specified in the bill. A prescription written
28 by a Florida-licensed advanced registered nurse practitioner
29 or physician assistant for a drug that is a not a controlled
30 substance is presumed, subject to rebuttal, to be valid and
31 within the parameters of the prescriptive authority delegated
to the advanced registered nurse practitioner or physician
assistant who is prescribing the drug.