

By Senator Clary

4-1117-03

1                                   A bill to be entitled  
2           An act relating to physician assistants;  
3           amending ss. 458.347 and 459.022, F.S.;  
4           revising continuing medical education  
5           requirements regarding the prescribing of  
6           controlled substances by physician assistants;  
7           deleting prohibitions against the prescribing  
8           of controlled substances by physician  
9           assistants; amending s. 893.02, F.S.; revising  
10          the definition of the term "practitioner" for  
11          purposes of the Florida Comprehensive Drug  
12          Abuse Prevention and Control Act to include  
13          physician assistant; providing an effective  
14          date.

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

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18           Section 1. Subsection (4) of section 458.347, Florida  
19 Statutes, is amended to read:

20           458.347 Physician assistants.--

21           (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.--

22           (a) The boards shall adopt, by rule, the general  
23 principles that supervising physicians must use in developing  
24 the scope of practice of a physician assistant under direct  
25 supervision and under indirect supervision. These principles  
26 shall recognize the diversity of both specialty and practice  
27 settings in which physician assistants are used.

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

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

4 (d) A supervisory physician may delegate to a licensed  
5 physician assistant, pursuant to a written protocol, the  
6 authority to act according to s. 154.04(1)(c). Such delegated  
7 authority is limited to the supervising physician's practice  
8 in connection with a county health department as defined and  
9 established pursuant to chapter 154. The boards shall adopt  
10 rules governing the supervision of physician assistants by  
11 physicians in county health departments.

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

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

23 2. The supervisory physician must notify the  
24 department of his or her intent to delegate, on a  
25 department-approved form, before delegating such authority and  
26 notify the department of any change in prescriptive privileges  
27 of the physician assistant.

28 3. The physician assistant must file with the  
29 department, before commencing to prescribe, evidence that he  
30 or she has completed a continuing medical education course of  
31 at least 5 ~~3~~ classroom hours in prescriptive practice,

1 conducted by an accredited program approved by the boards,  
2 which course covers the limitations, responsibilities, and  
3 privileges involved in prescribing medicinal drugs and the  
4 clinical and legal aspects of prescribing controlled  
5 substances, or evidence that he or she has received education  
6 comparable to the continuing education course as part of an  
7 accredited physician assistant training program.

8 4. The physician assistant must file with the  
9 department, before commencing to prescribe, evidence that the  
10 physician assistant has a minimum of 3 months of clinical  
11 experience in the specialty area of the supervising physician.

12 5. The physician assistant must file with the  
13 department a signed affidavit that he or she has completed a  
14 minimum of 10 continuing medical education hours in the  
15 specialty practice in which the physician assistant has  
16 prescriptive privileges and 2 hours in the clinical and legal  
17 aspects of prescribing controlled substances with each  
18 licensure renewal application.

19 6. The department shall issue a license and a  
20 prescriber number to the physician assistant granting  
21 authority for the prescribing of medicinal drugs authorized  
22 within this paragraph upon completion of the foregoing  
23 requirements.

24 7. The prescription must be written in a form that  
25 complies with chapter 499 and must contain, in addition to the  
26 supervisory physician's name, address, and telephone number,  
27 the physician assistant's prescriber number. Unless it is a  
28 drug sample dispensed by the physician assistant, the  
29 prescription must be filled in a pharmacy permitted under  
30 chapter 465 and must be dispensed in that pharmacy by a  
31 pharmacist licensed under chapter 465. The appearance of the

1 prescriber number creates a presumption that the physician  
2 assistant is authorized to prescribe the medicinal drug and  
3 the prescription is valid.

4           8. The physician assistant must note the prescription  
5 in the appropriate medical record, and the supervisory  
6 physician must review and sign each notation. For dispensing  
7 purposes only, the failure of the supervisory physician to  
8 comply with these requirements does not affect the validity of  
9 the prescription.

10           9. This paragraph does not prohibit a supervisory  
11 physician from delegating to a physician assistant the  
12 authority to order medication for a hospitalized patient of  
13 the supervisory physician.

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15 This paragraph does not apply to facilities licensed pursuant  
16 to chapter 395.

17           (f)1. The council shall establish a formulary of  
18 medicinal drugs that a fully licensed physician assistant,  
19 licensed under this section or s. 459.022, may not prescribe.  
20 The formulary must include ~~controlled substances as defined in~~  
21 ~~chapter 893~~, antipsychotics, general anesthetics and  
22 radiographic contrast materials, and all parenteral  
23 preparations except insulin and epinephrine.

24           2. In establishing the formulary, the council shall  
25 consult with a pharmacist licensed under chapter 465, but not  
26 licensed under this chapter or chapter 459, who shall be  
27 selected by the Secretary of Health.

28           3. Only the council 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  
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1 formulary has the burden of proof to show cause why such  
2 addition, deletion, or modification should be made.

3 4. 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, licensed under this section or  
11 s. 459.022, and to each pharmacy licensed by the state. The  
12 boards shall establish, by rule, a fee not to exceed \$200 to  
13 fund the provisions of this paragraph and paragraph (e).

14 Section 2. Subsection (4) of section 459.022, Florida  
15 Statutes, is amended to read:

16 459.022 Physician assistants.--

17 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.--

18 (a) The boards shall adopt, by rule, the general  
19 principles that supervising physicians must use in developing  
20 the scope of practice of a physician assistant under direct  
21 supervision and under indirect supervision. These principles  
22 shall recognize the diversity of both specialty and practice  
23 settings in which physician assistants are used.

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

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

30 (d) A supervisory physician may delegate to a licensed  
31 physician assistant, pursuant to a written protocol, the

1 authority to act according to s. 154.04(1)(c). Such delegated  
2 authority is limited to the supervising physician's practice  
3 in connection with a county health department as defined and  
4 established pursuant to chapter 154. The boards shall adopt  
5 rules governing the supervision of physician assistants by  
6 physicians in county health departments.

7 (e) A supervisory physician may delegate to a fully  
8 licensed physician assistant the authority to prescribe any  
9 medication used in the supervisory physician's practice unless  
10 such medication is listed on the formulary created pursuant to  
11 s. 458.347. A fully licensed physician assistant may only  
12 prescribe such medication under the following circumstances:

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

18 2. The supervisory physician must notify the  
19 department of her or his intent to delegate, on a  
20 department-approved form, before delegating such authority and  
21 notify the department of any change in prescriptive privileges  
22 of the physician assistant.

23 3. The physician assistant must file with the  
24 department, before commencing to prescribe, evidence that she  
25 or he has completed a continuing medical education course of  
26 at least 5 ~~3~~ classroom hours in prescriptive practice,  
27 conducted by an accredited program approved by the boards,  
28 which course covers the limitations, responsibilities, and  
29 privileges involved in prescribing medicinal drugs and the  
30 clinical and legal aspects of prescribing controlled  
31 substances, or evidence that she or he has received education

1 comparable to the continuing education course as part of an  
2 accredited physician assistant training program.

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

7 5. The physician assistant must file with the  
8 department a signed affidavit that she or he has completed a  
9 minimum of 10 continuing medical education hours in the  
10 specialty practice in which the physician assistant has  
11 prescriptive privileges and 2 hours in the clinical and legal  
12 aspects of prescribing controlled substances with each  
13 licensure renewal application.

14 6. The department shall issue a license and a  
15 prescriber number to the physician assistant granting  
16 authority for the prescribing of medicinal drugs authorized  
17 within this paragraph upon completion of the foregoing  
18 requirements.

19 7. The prescription must be written in a form that  
20 complies with chapter 499 and must contain, in addition to the  
21 supervisory physician's name, address, and telephone number,  
22 the physician assistant's prescriber number. Unless it is a  
23 drug sample dispensed by the physician assistant, the  
24 prescription must be filled in a pharmacy permitted under  
25 chapter 465, and must be dispensed in that pharmacy by a  
26 pharmacist licensed under chapter 465. The appearance of the  
27 prescriber number creates a presumption that the physician  
28 assistant is authorized to prescribe the medicinal drug and  
29 the prescription is valid.

30 8. The physician assistant must note the prescription  
31 in the appropriate medical record, and the supervisory

1 physician must review and sign each notation. For dispensing  
2 purposes only, the failure of the supervisory physician to  
3 comply with these requirements does not affect the validity of  
4 the prescription.

5 9. This paragraph does not prohibit a supervisory  
6 physician from delegating to a physician assistant the  
7 authority to order medication for a hospitalized patient of  
8 the supervisory physician.

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10 This paragraph does not apply to facilities licensed pursuant  
11 to chapter 395.

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

14 893.02 Definitions.--The following words and phrases  
15 as used in this chapter shall have the following meanings,  
16 unless the context otherwise requires:

17 (19) "Practitioner" means a physician or physician  
18 assistant licensed pursuant to chapter 458, a dentist licensed  
19 pursuant to chapter 466, a veterinarian licensed pursuant to  
20 chapter 474, an osteopathic physician or physician assistant  
21 licensed pursuant to chapter 459, a naturopath licensed  
22 pursuant to chapter 462, or a podiatric physician licensed  
23 pursuant to chapter 461, provided such practitioner holds a  
24 valid federal controlled substance registry number.

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

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SENATE SUMMARY

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Revises provisions to allow physician assistants to  
prescribe controlled substances. Revises a definition to  
conform. Revises continuing medical education  
requirements to include education in the prescribing of  
controlled substances.