

HB 1561

2004

1 A bill to be entitled
 2 An act relating to medical practice; amending s. 458.348,
 3 F.S.; providing purpose and intent with respect to formal
 4 supervisory relationships, standing orders, and
 5 established protocols; defining the term "physician office
 6 practice setting"; providing requirements for supervisory
 7 relationships with advanced registered nurse practitioners
 8 or physician assistants practicing outside the physician
 9 office practice setting; providing an effective date.

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

Section 1. Section 458.348, Florida Statutes, is amended to read:

458.348 Formal supervisory relationships, standing orders, and established protocols; purpose and intent; notice; standards; supervisory relationships with advanced registered nurse practitioners or physician assistants practicing outside the physician office practice setting.--

(1) PURPOSE AND INTENT.--The Legislature recognizes that the practice of medicine is potentially dangerous to the public if conducted by insufficiently trained practitioners. The Legislature finds further that it is difficult for the public to make an informed choice when selecting a practitioner and that the consequences of a wrong decision could seriously harm the public health and safety. The primary legislative purpose of this section is to ensure that, if a physician chooses to delegate medical services to other licensed practitioners within the health care delivery team who are not under the immediate

HB 1561

2004

30 and proximate supervision of the physician, minimum requirements
 31 for safe practice are followed. It is the legislative intent
 32 that physicians who fall below minimum criteria set forth in
 33 this section shall be prohibited from practicing in this state.

34 ~~(2)(1)~~ NOTICE.--

35 (a) When a physician enters into a formal supervisory
 36 relationship or standing orders with an emergency medical
 37 technician or paramedic licensed pursuant to s. 401.27, which
 38 relationship or orders contemplate the performance of medical
 39 acts, or when a physician enters into an established protocol
 40 with an advanced registered nurse practitioner, which protocol
 41 contemplates the performance of medical acts identified and
 42 approved by the joint committee pursuant to s. 464.003(3)(c) or
 43 acts set forth in s. 464.012(3) and (4), the physician shall
 44 submit notice to the board. The notice shall contain a statement
 45 in substantially the following form:

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 47 I, ... (name and professional license number of physician)
 48 ..., of ... (address of physician) ... have hereby entered
 49 into a formal supervisory relationship, standing orders, or an
 50 established protocol with ... (number of persons) ...
 51 emergency medical technician(s), ... (number of persons) ...
 52 paramedic(s), or ... (number of persons) ... advanced
 53 registered nurse practitioner(s).

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 55 (b) Notice shall be filed within 30 days of entering into
 56 the relationship, orders, or protocol. Notice also shall be
 57 provided within 30 days after the physician has terminated any
 58 such relationship, orders, or protocol.

HB 1561

2004

59 (3)~~(2)~~ ESTABLISHMENT OF STANDARDS BY JOINT COMMITTEE.--The
 60 joint committee created by s. 464.003(3)(c) shall determine
 61 minimum standards for the content of established protocols
 62 pursuant to which an advanced registered nurse practitioner may
 63 perform medical acts identified and approved by the joint
 64 committee pursuant to s. 464.003(3)(c) or acts set forth in s.
 65 464.012(3) and (4) and shall determine minimum standards for
 66 supervision of such acts by the physician, unless the joint
 67 committee determines that any act set forth in s. 464.012(3) or
 68 (4) is not a medical act. Such standards shall be based on risk
 69 to the patient and acceptable standards of medical care and
 70 shall take into account the special problems of medically
 71 underserved areas. The standards developed by the joint
 72 committee shall be adopted as rules by the Board of Nursing and
 73 the Board of Medicine for purposes of carrying out their
 74 responsibilities pursuant to part I of chapter 464 and this
 75 chapter, respectively, but neither board shall have disciplinary
 76 powers over the licensees of the other board.

77 (4)~~(3)~~ PROTOCOLS REQUIRING DIRECT SUPERVISION.--All
 78 protocols relating to electrolysis or electrology using laser or
 79 light-based hair removal or reduction by persons other than
 80 physicians licensed under this chapter or chapter 459 shall
 81 require the person performing such service to be appropriately
 82 trained and work only under the direct supervision and
 83 responsibility of a physician licensed under this chapter or
 84 chapter 459.

85 (5) SUPERVISORY RELATIONSHIPS WITH ADVANCED REGISTERED
 86 NURSE PRACTITIONERS OR PHYSICIAN ASSISTANTS PRACTICING OUTSIDE
 87 THE PHYSICIAN OFFICE PRACTICE SETTING.--

HB 1561

2004

88 (a) For purposes of this subsection, the term "physician
 89 office practice setting" means a business location where the
 90 physician delivers medical services regardless of whether the
 91 business is physician owned or nonphysician owned. The physician
 92 office practice setting includes medical services performed
 93 outside a hospital, an ambulatory surgical center, an abortion
 94 clinic, or any other medical facility licensed by the Department
 95 of Health, the Agency for Health Care Administration, or a
 96 successor agency. A business location is not a physician office
 97 practice setting unless the physician is physically present in
 98 the facility during the provision of care at least 33 percent of
 99 its hours of operation. Any facility that does not meet this
 100 requirement shall be considered outside the physician office
 101 practice setting during all hours when the physician is not
 102 physically present, irrespective of the ownership or business
 103 name of the site.

104 (b) A physician who is in a supervisory relationship with
 105 an advanced registered nurse practitioner as described in s.
 106 464.012(4)(c) or a physician assistant as described in s.
 107 458.347(2)(e) who is practicing outside the physician office
 108 practice setting of the supervising physician shall:

109 1. Maintain a valid active Florida license pursuant to
 110 this chapter and a valid federal controlled substance registry
 111 number pursuant to chapter 893.

112 2. Be practicing a minimum of half-time in the medical
 113 service community in which the advanced registered nurse
 114 practitioner or physician assistant is performing.

115 3. Maintain no more than two supervisory relationships at
 116 any one time.

HB 1561

2004

117 4. Delegate only tasks and procedures to the advanced
 118 registered nurse practitioner or physician assistant which are
 119 within the supervising physician's practice and medical
 120 specialty area.

121 5. Ensure that the advanced registered nurse practitioner
 122 or physician assistant has been actively practicing within the
 123 medical specialty area for a minimum of 4 consecutive years
 124 prior to providing care in a practice setting outside the
 125 physician office practice setting of the supervising physician.

126 6. Ensure that the advanced registered nurse practitioner
 127 or physician assistant under supervision clearly identifies to
 128 the patient that he or she is an advanced registered nurse
 129 practitioner or a physician assistant.

130 Section 2. This act shall take effect upon becoming a law.