

1 A bill to be entitled
 2 An act relating to physician supervision standards;
 3 amending s. 458.348, F.S.; defining the term "physician
 4 office practice setting"; providing requirements for
 5 supervisory relationships with advanced registered nurse
 6 practitioners or physician assistants practicing outside
 7 the physician office practice setting; creating s.
 8 459.025, F.S.; requiring osteopathic physicians in a
 9 supervisory relationship with certain professionals to
 10 provide notice; providing for protocols requiring direct
 11 supervision; defining the term "osteopathic physician
 12 office practice setting"; providing requirements for
 13 supervisory relationships with advanced registered nurse
 14 practitioners or physician assistants practicing outside
 15 the osteopathic physician office practice setting;
 16 providing an effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. Section 458.348, Florida Statutes, is amended
 21 to read:

22 458.348 Formal supervisory relationships, standing orders,
 23 and established protocols; notice; standards; supervisory
 24 relationships with advanced registered nurse practitioners or
 25 physician assistants practicing outside the physician office
 26 practice setting.--

27 (1) NOTICE.--

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

39
 40 I, (name and professional license number of physician) ,
 41 of (address of physician) have hereby entered into a formal
 42 supervisory relationship, standing orders, or an established
 43 protocol with (number of persons) emergency medical
 44 technician(s), (number of persons) paramedic(s), or
 45 (number of persons) advanced registered nurse practitioner(s).

46 (b) Notice shall be filed within 30 days after ~~of~~ entering
 47 into the relationship, orders, or protocol. Notice also shall be
 48 provided within 30 days after the physician has terminated any
 49 such relationship, orders, or protocol.

50 (2) ESTABLISHMENT OF STANDARDS BY JOINT COMMITTEE.--The
 51 joint committee created by s. 464.003(3)(c) shall determine
 52 minimum standards for the content of established protocols
 53 pursuant to which an advanced registered nurse practitioner may
 54 perform medical acts identified and approved by the joint
 55 committee pursuant to s. 464.003(3)(c) or acts set forth in s.

CODING: Words **stricken** are deletions; words underlined are additions.

56 464.012(3) and (4) and shall determine minimum standards for
 57 supervision of such acts by the physician, unless the joint
 58 committee determines that any act set forth in s. 464.012(3) or
 59 (4) is not a medical act. Such standards shall be based on risk
 60 to the patient and acceptable standards of medical care and
 61 shall take into account the special problems of medically
 62 underserved areas. The standards developed by the joint
 63 committee shall be adopted as rules by the Board of Nursing and
 64 the Board of Medicine for purposes of carrying out their
 65 responsibilities pursuant to part I of chapter 464 and this
 66 chapter, respectively, but neither board shall have disciplinary
 67 powers over the licensees of the other board.

68 (3) PROTOCOLS REQUIRING DIRECT SUPERVISION.--All protocols
 69 relating to electrolysis or electrology using laser or light-
 70 based hair removal or reduction by persons other than physicians
 71 licensed under this chapter or chapter 459 shall require the
 72 person performing such service to be appropriately trained and
 73 work only under the direct supervision and responsibility of a
 74 physician licensed under this chapter or chapter 459.

75 (4) SUPERVISORY RELATIONSHIPS WITH ADVANCED REGISTERED
 76 NURSE PRACTITIONERS OR PHYSICIAN ASSISTANTS PRACTICING OUTSIDE
 77 THE PHYSICIAN OFFICE PRACTICE SETTING.--

78 (a) For purposes of this subsection, the term "physician
 79 office practice setting" means a business location where a
 80 physician delivers medical services regardless of whether the
 81 business is physician owned or nonphysician owned. A physician
 82 office practice setting includes a location where medical
 83 services are performed other than at a hospital, an ambulatory

84 surgical center, an abortion clinic, or any other medical
85 facility licensed by the Department of Health, the Agency for
86 Health Care Administration, or a successor agency. A business
87 location is a physician office practice setting if a physician
88 is physically present in the business location during the
89 provision of care greater than 33 percent of the hours of
90 operation in which medical care is provided. A business location
91 that does not meet this requirement shall be considered outside
92 a physician office practice setting during all hours when a
93 physician is not physically present, irrespective of the
94 ownership or business name of the site.

95 (b) A physician who is in a supervisory relationship with
96 an advanced registered nurse practitioner as described in s.
97 464.012(4)(c) or a physician assistant as described in s.
98 458.347(2)(f) who is practicing outside a physician office
99 practice setting of the supervising physician shall:

100 1. Maintain a valid and unrestricted active Florida
101 license pursuant to this chapter and a valid federal controlled
102 substance registry number pursuant to chapter 893.

103 2. Provide indirect supervision as defined by the Board of
104 Medicine to the advanced registered nurse practitioner or
105 physician assistant.

106 3. Notwithstanding the number of supervisory relationships
107 authorized in s. 458.347(3), maintain no more than two
108 supervisory relationships with any combination of advanced
109 registered nurse practitioners or physician assistants outside
110 the physician office practice setting at any one time.

111 4. Delegate only tasks and procedures to the advanced
112 registered nurse practitioner or physician assistant which are
113 within the supervising physician's practice and medical
114 specialty area.

115 5. Ensure that the advanced registered nurse practitioner
116 or physician assistant has been actively practicing within the
117 medical specialty area for a minimum of 4 consecutive years
118 prior to providing care in a practice setting outside the
119 physician office practice setting of the supervising physician.

120 6. Ensure that the advanced registered nurse practitioner
121 or physician assistant under supervision clearly identifies to
122 the patient that he or she is an advanced registered nurse
123 practitioner or a physician assistant.

124 (c) The Board of Medicine may adopt rules to administer
125 this section. Such rules may impose stricter standards than
126 those found in this section for specific medical specialties, to
127 ensure the health and safety of patients.

128 Section 2. Section 459.025, Florida Statutes, is created
129 to read:

130 459.025 Formal supervisory relationships, standing orders,
131 and established protocols; notice; standards; supervisory
132 relationships with advanced registered nurse practitioners or
133 physician assistants practicing outside the osteopathic
134 physician office practice setting.--

135 (1) NOTICE.--

136 (a) When an osteopathic physician enters into a formal
137 supervisory relationship or standing orders with an emergency
138 medical technician or paramedic licensed pursuant to s. 401.27,

139 which relationship or orders contemplate the performance of
 140 medical acts, or when an osteopathic physician enters into an
 141 established protocol with an advanced registered nurse
 142 practitioner, which protocol contemplates the performance of
 143 medical acts identified and approved by the joint committee
 144 pursuant to s. 464.003(3)(c) or acts set forth in s. 464.012(3)
 145 and (4), the osteopathic physician shall submit notice to the
 146 board. The notice shall contain a statement in substantially the
 147 following form:

148
 149 I, (name and professional license number of osteopathic
 150 physician) , of (address of osteopathic physician) have
 151 hereby entered into a formal supervisory relationship, standing
 152 orders, or an established protocol with (number of persons)
 153 emergency medical technician(s), (number of persons)
 154 paramedic(s), or (number of persons) advanced registered
 155 nurse practitioner(s).

156 (b) Notice shall be filed within 30 days after entering
 157 into the relationship, orders, or protocol. Notice also shall be
 158 provided within 30 days after the osteopathic physician has
 159 terminated any such relationship, orders, or protocol.

160 (2) PROTOCOLS REQUIRING DIRECT SUPERVISION.--All protocols
 161 relating to electrolysis or electrology using laser or light-
 162 based hair removal or reduction by persons other than
 163 osteopathic physicians licensed under this chapter shall require
 164 the person performing such service to be appropriately trained
 165 and work only under the direct supervision and responsibility of
 166 an osteopathic physician licensed under this chapter.

167 (3) SUPERVISORY RELATIONSHIPS WITH ADVANCED REGISTERED
168 NURSE PRACTITIONERS OR PHYSICIAN ASSISTANTS PRACTICING OUTSIDE
169 THE PHYSICIAN OFFICE PRACTICE SETTING.--

170 (a) For purposes of this subsection, the term "osteopathic
171 physician office practice setting" means a business location
172 where an osteopathic physician delivers medical services
173 regardless of whether the business is osteopathic physician
174 owned or nonphysician owned. An osteopathic physician office
175 practice setting includes a location where medical services are
176 performed other than at a hospital, an ambulatory surgical
177 center, an abortion clinic, or any other medical facility
178 licensed by the Department of Health, the Agency for Health Care
179 Administration, or a successor agency. A business location is
180 not an osteopathic physician office practice setting unless an
181 osteopathic physician is physically present in the business
182 location during the provision of care at least 33 percent of the
183 hours of operation in which medical care is provided. A business
184 location that does not meet this requirement shall be considered
185 outside an osteopathic physician office practice setting during
186 all hours when an osteopathic physician is not physically
187 present, irrespective of the ownership or business name of the
188 site.

189 (b) An osteopathic physician who is in a supervisory
190 relationship with an advanced registered nurse practitioner as
191 described in s. 464.012(4)(c) or a physician assistant as
192 described in s. 459.022(2)(f) who is practicing outside an
193 osteopathic physician office practice setting of the supervising
194 osteopathic physician shall:

- 195 1. Maintain a valid and unrestricted active Florida
 196 license pursuant to this chapter and a valid federal controlled
 197 substance registry number pursuant to chapter 893.
- 198 2. Provide indirect supervision as defined by the Board of
 199 Osteopathic Medicine to the advanced registered nurse
 200 practitioner or physician assistant.
- 201 3. Notwithstanding the number of supervisory relationships
 202 authorized in s. 459.022(3), maintain no more than two
 203 supervisory relationships with any combination of advanced
 204 registered nurse practitioners or physician assistants outside
 205 the osteopathic physician office practice setting at any one
 206 time.
- 207 4. Delegate only tasks and procedures to the advanced
 208 registered nurse practitioner or physician assistant which are
 209 within the supervising osteopathic physician's practice and
 210 medical specialty area.
- 211 5. Ensure that the advanced registered nurse practitioner
 212 or physician assistant has been actively practicing within the
 213 medical specialty area for a minimum of 4 consecutive years
 214 prior to providing care in a practice setting outside the
 215 osteopathic physician office practice setting of the supervising
 216 osteopathic physician.
- 217 6. Ensure that the advanced registered nurse practitioner
 218 or physician assistant under supervision clearly identifies to
 219 the patient that he or she is an advanced registered nurse
 220 practitioner or a physician assistant.
- 221 (c) The Board of Osteopathic Medicine may adopt rules to
 222 administer this section. Such rules may impose stricter

HB 1009

2005

223 | standards than those found in this section for specific medical
224 | specialties, to ensure the health and safety of patients.

225 | Section 3. This act shall take effect upon becoming a law.