

CHAMBER ACTION

1 The Health Care Regulation Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to physician supervision standards;
7 amending s. 458.348, F.S.; defining the term "physician
8 office practice setting"; providing requirements for
9 supervisory relationships with advanced registered nurse
10 practitioners or physician assistants practicing outside
11 the physician office practice setting; providing
12 rulemaking authority; exempting certain advanced
13 registered nurse practitioners and physician assistants
14 from certain supervisory relationships and requirements;
15 creating s. 459.025, F.S.; requiring osteopathic
16 physicians in a supervisory relationship with certain
17 professionals to provide notice; providing for protocols
18 requiring direct supervision; defining the term
19 "osteopathic physician office practice setting"; providing
20 requirements for supervisory relationships with advanced
21 registered nurse practitioners or physician assistants
22 practicing outside the osteopathic physician office
23 practice setting; providing rulemaking authority;

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24 | exempting certain advanced registered nurse practitioners
25 | and physician assistants from certain supervisory
26 | relationships and requirements; providing an effective
27 | date.

28

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

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

33 | 458.348 Formal supervisory relationships, standing orders,
34 | and established protocols; notice; standards; supervisory
35 | relationships with advanced registered nurse practitioners or
36 | physician assistants practicing outside the physician office
37 | practice setting; exemptions.--

38 | (1) NOTICE.--

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

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

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

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

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

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

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

107 (b) A physician who is in a supervisory relationship with
 108 an advanced registered nurse practitioner as described in s.
 109 464.012(4)(c) or a physician assistant as described in s.
 110 458.347(2)(f) who is practicing outside a physician office
 111 practice setting of the supervising physician shall:

112 1. Maintain a valid and unrestricted active Florida
 113 license pursuant to this chapter and a valid federal controlled
 114 substance registry number pursuant to chapter 893.

115 2. Provide indirect supervision as defined by the Board of
 116 Medicine to the advanced registered nurse practitioner or
 117 physician assistant.

118 3. Notwithstanding the number of supervisory relationships
 119 authorized in s. 458.347(3), maintain no more than two
 120 supervisory relationships with any combination of advanced
 121 registered nurse practitioners or physician assistants outside
 122 the physician office practice setting at any one time.

123 4. Delegate only tasks and procedures to the advanced
 124 registered nurse practitioner or physician assistant which are
 125 within the supervising physician's practice and medical
 126 specialty area.

127 5. Ensure that the advanced registered nurse practitioner
 128 or physician assistant has been actively practicing within the
 129 medical specialty area for a minimum of 4 years prior to
 130 providing care in a practice setting outside the physician
 131 office practice setting of the supervising physician.

132 6. Ensure that the advanced registered nurse practitioner
 133 or physician assistant under supervision clearly identifies to

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134 the patient that he or she is an advanced registered nurse
135 practitioner or a physician assistant.

136 (5) RULES.--The Board of Medicine may adopt rules to
137 administer this section.

138 (6) EXEMPTIONS.--The requirements of this section shall
139 not apply to advanced registered nurse practitioners or
140 physician assistants providing services in a nursing home
141 licensed under part II of chapter 400, an assisted living
142 facility licensed under part III of chapter 400, a continuing
143 care facility licensed under chapter 651, or a retirement
144 community consisting of independent living units and either a
145 licensed nursing home or assisted living facility. The
146 requirements of this section shall not apply to advanced
147 registered nurse practitioners or physician assistants providing
148 services to persons enrolled in a program designed to maintain
149 elders and persons with disabilities in a home and community-
150 based setting.

151 Section 2. Section 459.025, Florida Statutes, is created
152 to read:

153 459.025 Formal supervisory relationships, standing orders,
154 and established protocols; notice; standards; supervisory
155 relationships with advanced registered nurse practitioners or
156 physician assistants practicing outside the osteopathic
157 physician office practice setting; exemptions.--

158 (1) NOTICE.--

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

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162 which relationship or orders contemplate the performance of
 163 medical acts, or when an osteopathic physician enters into an
 164 established protocol with an advanced registered nurse
 165 practitioner, which protocol contemplates the performance of
 166 medical acts identified and approved by the joint committee
 167 pursuant to s. 464.003(3)(c) or acts set forth in s. 464.012(3)
 168 and (4), the osteopathic physician shall submit notice to the
 169 board. The notice shall contain a statement in substantially the
 170 following form:

171
 172 I, (name and professional license number of osteopathic
 173 physician) , of (address of osteopathic physician) have
 174 hereby entered into a formal supervisory relationship, standing
 175 orders, or an established protocol with (number of persons)
 176 emergency medical technician(s), (number of persons)
 177 paramedic(s), or (number of persons) advanced registered
 178 nurse practitioner(s).

179 (b) Notice shall be filed within 30 days after entering
 180 into the relationship, orders, or protocol. Notice also shall be
 181 provided within 30 days after the osteopathic physician has
 182 terminated any such relationship, orders, or protocol.

183 (2) PROTOCOLS REQUIRING DIRECT SUPERVISION.--All protocols
 184 relating to electrolysis or electrology using laser or light-
 185 based hair removal or reduction by persons other than
 186 osteopathic physicians licensed under this chapter shall require
 187 the person performing such service to be appropriately trained
 188 and work only under the direct supervision and responsibility of
 189 an osteopathic physician licensed under this chapter.

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190 (3) SUPERVISORY RELATIONSHIPS WITH ADVANCED REGISTERED
 191 NURSE PRACTITIONERS OR PHYSICIAN ASSISTANTS PRACTICING OUTSIDE
 192 THE PHYSICIAN OFFICE PRACTICE SETTING.--

193 (a) For purposes of this subsection, the term "osteopathic
 194 physician office practice setting" means a business location
 195 where an osteopathic physician delivers medical services
 196 regardless of whether the business is osteopathic physician
 197 owned or nonphysician owned. An osteopathic physician office
 198 practice setting includes a location where medical services are
 199 performed other than at a hospital, an ambulatory surgical
 200 center, an abortion clinic, or any other medical facility
 201 licensed by the Department of Health, the Agency for Health Care
 202 Administration, the Department of Corrections, a successor
 203 agency, or a certified rural health clinic. A business location
 204 is not an osteopathic physician office practice setting unless
 205 an osteopathic physician is physically present in the business
 206 location during the provision of care at least 33 percent of the
 207 hours of operation in which medical care is provided. A business
 208 location that does not meet this requirement shall be considered
 209 outside an osteopathic physician office practice setting during
 210 all hours when an osteopathic physician is not physically
 211 present, irrespective of the ownership or business name of the
 212 site.

213 (b) An osteopathic physician who is in a supervisory
 214 relationship with an advanced registered nurse practitioner as
 215 described in s. 464.012(4)(c) or a physician assistant as
 216 described in s. 459.022(2)(f) who is practicing outside an

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217 osteopathic physician office practice setting of the supervising
 218 osteopathic physician shall:

219 1. Maintain a valid and unrestricted active Florida
 220 license pursuant to this chapter and a valid federal controlled
 221 substance registry number pursuant to chapter 893.

222 2. Provide indirect supervision as defined by the Board of
 223 Osteopathic Medicine to the advanced registered nurse
 224 practitioner or physician assistant.

225 3. Notwithstanding the number of supervisory relationships
 226 authorized in s. 459.022(3), maintain no more than two
 227 supervisory relationships with any combination of advanced
 228 registered nurse practitioners or physician assistants outside
 229 the osteopathic physician office practice setting at any one
 230 time.

231 4. Delegate only tasks and procedures to the advanced
 232 registered nurse practitioner or physician assistant which are
 233 within the supervising osteopathic physician's practice and
 234 medical specialty area.

235 5. Ensure that the advanced registered nurse practitioner
 236 or physician assistant has been actively practicing within the
 237 medical specialty area for a minimum of 4 years prior to
 238 providing care in a practice setting outside the osteopathic
 239 physician office practice setting of the supervising osteopathic
 240 physician.

241 6. Ensure that the advanced registered nurse practitioner
 242 or physician assistant under supervision clearly identifies to
 243 the patient that he or she is an advanced registered nurse
 244 practitioner or a physician assistant.

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245 (4) RULES.--The Board of Osteopathic Medicine may adopt
 246 rules to administer this section.

247 (5) EXEMPTIONS.--The requirements of this section shall
 248 not apply to advanced registered nurse practitioners or
 249 physician assistants providing services in a nursing home
 250 licensed under part II of chapter 400, an assisted living
 251 facility licensed under part III of chapter 400, a continuing
 252 care facility licensed under chapter 651, or a retirement
 253 community consisting of independent living units and either a
 254 licensed nursing home or assisted living facility. The
 255 requirements of this section shall not apply to advanced
 256 registered nurse practitioners or physician assistants providing
 257 services to persons enrolled in a program designed to maintain
 258 elders and persons with disabilities in a home and community-
 259 based setting.

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