

By Senator Haridopolos

26-370C-05

1 A bill to be entitled

2 An act relating to medical practice; amending

3 s. 458.348, F.S. and creating s. 459.025, F.S.;

4 defining the term "physician office practice

5 setting"; providing standards for arrangements

6 in which a physician or osteopathic physician

7 is in a supervisory relationship over an

8 advanced registered nurse practitioner or

9 physician assistant outside a physician office

10 practice setting; providing for rules; amending

11 s. 464.003, F.S.; revising the makeup of the

12 committee that has approval powers over acts

13 constituting advanced or specialized nursing

14 practice; providing an effective date.

15

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

17

18 Section 1. Section 458.348, Florida Statutes, is

19 amended to read:

20 458.348 Formal supervisory relationships, standing

21 orders, and established protocols; notice; standards;

22 supervisory relationships with advanced registered nurse

23 practitioners or physician assistants practicing outside the

24 physician office practice setting.--

25 (1) NOTICE.--

26 (a) When a physician enters into a formal supervisory

27 relationship or standing orders with an emergency medical

28 technician or paramedic licensed pursuant to s. 401.27, which

29 relationship or orders contemplate the performance of medical

30 acts, or when a physician enters into an established protocol

31 with an advanced registered nurse practitioner, which protocol

1 | contemplates the performance of medical acts identified and
2 | approved by the joint committee pursuant to s. 464.003(3)(c)
3 | or acts set forth in s. 464.012(3) and (4), the physician
4 | shall submit notice to the board. The notice shall contain a
5 | statement in substantially the following form:

6 |
7 | I, ...(name and professional license number of
8 | physician)..., of ...(address of physician)... have hereby
9 | entered into a formal supervisory relationship, standing
10 | orders, or an established protocol with ...(number of
11 | persons)... emergency medical technician(s), ...(number of
12 | persons)... paramedic(s), or ...(number of persons)...
13 | advanced registered nurse practitioner(s).

14 |
15 | (b) Notice shall be filed within 30 days of entering
16 | into the relationship, orders, or protocol. Notice also shall
17 | be provided within 30 days after the physician has terminated
18 | any such relationship, orders, or protocol.

19 | (2) ESTABLISHMENT OF STANDARDS BY JOINT
20 | COMMITTEE.--The joint committee created by s. 464.003(3)(c)
21 | shall determine minimum standards for the content of
22 | established protocols pursuant to which an advanced registered
23 | nurse practitioner may perform medical acts identified and
24 | approved by the joint committee pursuant to s. 464.003(3)(c)
25 | or acts set forth in s. 464.012(3) and (4) and shall determine
26 | minimum standards for supervision of such acts by the
27 | physician, unless the joint committee determines that any act
28 | set forth in s. 464.012(3) or (4) is not a medical act. Such
29 | standards shall be based on risk to the patient and acceptable
30 | standards of medical care and shall take into account the
31 | special problems of medically underserved areas. The standards

1 developed by the joint committee shall be adopted as rules by
2 the Board of Nursing and the Board of Medicine for purposes of
3 carrying out their responsibilities pursuant to part I of
4 chapter 464 and this chapter, respectively, but neither board
5 shall have disciplinary powers over the licensees of the other
6 board.

7 (3) PROTOCOLS REQUIRING DIRECT SUPERVISION.--All
8 protocols relating to electrolysis or electrology using laser
9 or light-based hair removal or reduction by persons other than
10 physicians licensed under this chapter or chapter 459 shall
11 require the person performing such service to be appropriately
12 trained and work only under the direct supervision and
13 responsibility of a physician licensed under this chapter or
14 chapter 459.

15 (4) SUPERVISORY RELATIONSHIPS WITH ADVANCED REGISTERED
16 NURSE PRACTITIONERS OR PHYSICIAN ASSISTANTS PRACTICING OUTSIDE
17 THE PHYSICIAN OFFICE PRACTICE SETTING.--

18 (a) For purposes of this subsection, the term
19 "physician office practice setting" means a business location
20 where a physician delivers medical services regardless of
21 whether or not the business is owned by a physician. A
22 physician office practice setting includes a location where
23 medical services are performed other than at a hospital, an
24 ambulatory surgical center, an abortion clinic, or any other
25 medical facility licensed by the Department of Health, the
26 Agency for Health Care Administration, or a successor agency.
27 A business location is a physician office practice setting if
28 a physician is physically present in the business location
29 during the provision of care greater than 33 percent of the
30 hours of operation in which medical care is provided. A
31 business location that does not meet this requirement shall be

1 considered outside a physician office practice setting during
2 all hours when a physician is not physically present,
3 irrespective of the ownership or business name of the site.

4 (b) A physician who is in a supervisory relationship
5 with an advanced registered nurse practitioner as described in
6 s. 464.012(4)(c) or a physician assistant as described in s.
7 458.347(2)(e) who is practicing outside a physician office
8 practice setting of the supervising physician shall:

9 1. Maintain a valid and unrestricted active Florida
10 license pursuant to this chapter and a valid federal
11 controlled substance registry number pursuant to chapter 893.

12 2. Provide indirect supervision as defined by the
13 Board of Medicine to the advanced registered nurse
14 practitioner or physician assistant.

15 3. Notwithstanding the number of supervisory
16 relationships authorized in s. 458.347(3), maintain no more
17 than two supervisory relationships with any combination of
18 advanced registered nurse practitioners or physician
19 assistants in the out-of-office practice setting at any one
20 time.

21 4. Delegate only tasks and procedures to the advanced
22 registered nurse practitioner or physician assistant which are
23 within the supervising physician's practice and medical
24 specialty area.

25 5. Ensure that the advanced registered nurse
26 practitioner or physician assistant has been actively
27 practicing within the medical specialty area for a minimum of
28 4 consecutive years prior to providing care in a practice
29 setting outside the physician office practice setting of the
30 supervising physician.

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1 6. Ensure that the advanced registered nurse
2 practitioner or physician assistant under supervision clearly
3 identifies to the patient that he or she is an advanced
4 registered nurse practitioner or a physician assistant.

5 (c) The Board of Medicine may adopt rules to
6 administer this section. Such rules may impose stricter
7 standards than those found in this section for specific
8 medical specialties, to ensure the health and safety of
9 patients.

10 Section 2. Section 459.025, Florida Statutes, is
11 created to read:

12 459.025 Formal supervisory relationships, standing
13 orders, and established protocols; purpose and intent; notice;
14 standards; supervisory relationships with advanced registered
15 nurse practitioners or physician assistants practicing outside
16 the physician office practice setting.--

17 (1) NOTICE.--

18 (a) When an osteopathic physician enters into a formal
19 supervisory relationship or standing orders with an emergency
20 medical technician or paramedic licensed pursuant to s.
21 401.27, which relationship or orders contemplate the
22 performance of medical acts, or when an osteopathic physician
23 enters into an established protocol with an advanced
24 registered nurse practitioner, which protocol contemplates the
25 performance of medical acts identified and approved by the
26 joint committee pursuant to s. 464.003(3)(c) or acts set forth
27 in s. 464.012(3) and (4), the osteopathic physician shall
28 submit notice to the board. The notice shall contain a
29 statement in substantially the following form:

1 I, ... (name and professional license number of
2 osteopathic physician) ... , of ... (address of osteopathic
3 physician) ... have hereby entered into a formal supervisory
4 relationship, standing orders, or an established protocol with
5 ... (number of persons) ... emergency medical technician(s),
6 ... (number of persons) ... paramedic(s), or ... (number of
7 persons) ... advanced registered nurse practitioner(s).
8

9 (b) Notice shall be filed within 30 days of entering
10 into the relationship, orders, or protocol. Notice also shall
11 be provided within 30 days after the physician has terminated
12 any such relationship, orders, or protocol.

13 (2) PROTOCOLS REQUIRING DIRECT SUPERVISION.--All
14 protocols relating to electrolysis or electrology using laser
15 or light-based hair removal or reduction by persons other than
16 osteopathic physicians licensed under this chapter shall
17 require the person performing such service to be appropriately
18 trained and work only under the direct supervision and
19 responsibility of an osteopathic physician licensed under this
20 chapter.

21 (3) SUPERVISORY RELATIONSHIPS WITH ADVANCED REGISTERED
22 NURSE PRACTITIONERS OR PHYSICIAN ASSISTANTS PRACTICING OUTSIDE
23 THE PHYSICIAN OFFICE PRACTICE SETTING.--

24 (a) For purposes of this subsection, the term
25 "physician office practice setting" means a business location
26 where a physician delivers medical services regardless of
27 whether or not the business is owned by a physician. A
28 physician office practice setting includes a location where
29 medical services are performed other than at a hospital, an
30 ambulatory surgical center, an abortion clinic, or any other
31 medical facility licensed by the Department of Health, the

1 Agency for Health Care Administration, or a successor agency.
2 A business location is not a physician office practice setting
3 unless a physician is physically present in the business
4 location during the provision of care at least 33 percent of
5 the hours of operation in which medical care is provided. A
6 business location that does not meet this requirement shall be
7 considered outside a physician office practice setting during
8 all hours when a physician is not physically present,
9 irrespective of the ownership or business name of the site.

10 (b) A physician who is in a supervisory relationship
11 with an advanced registered nurse practitioner as described in
12 s. 464.012(4)(c) or a physician assistant as described in s.
13 459.022(2)(e) who is practicing outside a physician office
14 practice setting of the supervising physician shall:

15 1. Maintain a valid and unrestricted active Florida
16 license pursuant to this chapter and a valid federal
17 controlled substance registry number pursuant to chapter 893.

18 2. Provide indirect supervision as defined by the
19 Board of Medicine to the advanced registered nurse
20 practitioner or physician assistant.

21 3. Notwithstanding the number of supervisory
22 relationships authorized in s. 459.022(3), maintain no more
23 than two supervisory relationships with any combination of
24 advanced registered nurse practitioners or physician
25 assistants in the out-of-office practice setting at any one
26 time.

27 4. Delegate only tasks and procedures to the advanced
28 registered nurse practitioner or physician assistant which are
29 within the supervising physician's practice and medical
30 specialty area.

31

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

7 6. Ensure that the advanced registered nurse
8 practitioner or physician assistant under supervision clearly
9 identifies to the patient that he or she is an advanced
10 registered nurse practitioner or a physician assistant.

11 (c) The Board of Osteopathic Medicine may adopt rules
12 to administer this section. Such rules may impose stricter
13 standards than those found in this section for specific
14 medical specialties, to ensure the health and safety of
15 patients.

16 Section 3. Paragraph (c) of subsection (3) of section
17 464.003, Florida Statutes, is amended to read:

18 464.003 Definitions.--As used in this part:

19 (3)

20 (c) "Advanced or specialized nursing practice" means,
21 in addition to the practice of professional nursing, the
22 performance of advanced-level nursing acts approved by the
23 board which, by virtue of postbasic specialized education,
24 training, and experience, are proper to be performed by an
25 advanced registered nurse practitioner. Within the context of
26 advanced or specialized nursing practice, the advanced
27 registered nurse practitioner may perform acts of nursing
28 diagnosis and nursing treatment of alterations of the health
29 status. The advanced registered nurse practitioner may also
30 perform acts of medical diagnosis and treatment, prescription,
31 and operation which are identified and approved by a joint

1 committee composed of three members appointed by the Board of
2 Nursing, two of whom shall be advanced registered nurse
3 practitioners; three members appointed by the Board of
4 Medicine, two of whom shall have had work experience with
5 advanced registered nurse practitioners; one member appointed
6 by the Board of Osteopathic Medicine; and the secretary of the
7 department or the secretary's designee. Each committee member
8 appointed by a board shall be appointed to a term of 4 years
9 unless a shorter term is required to establish or maintain
10 staggered terms. The Board of Nursing shall adopt rules
11 authorizing the performance of any such acts approved by the
12 joint committee. Unless otherwise specified by the joint
13 committee, such acts shall be performed under the general
14 supervision of a practitioner licensed under chapter 458,
15 chapter 459, or chapter 466 within the framework of standing
16 protocols which identify the medical acts to be performed and
17 the conditions for their performance. The department may, by
18 rule, require that a copy of the protocol be filed with the
19 department along with the notice required by s. 458.348.

20 Section 4. This act shall take effect upon becoming a
21 law.

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24 SENATE SUMMARY

25 Provides requirements with respect to the relationship
26 when a physician or osteopathic physician is in a
27 supervisory relationship with an advanced registered
28 nurse practitioner or a physician assistant who is
29 practicing outside a physician office practice setting,
30 as defined. Adds a member appointed by the Board of
31 Osteopathic Medicine to the committee with oversight over
acts permitted to advanced registered nurse
practitioners.