

CHAMBER ACTION

1 The Health Care General Committee recommends the following:

2 **Council/Committee Substitute**

3 Remove the entire bill and insert:

4 A bill to be entitled

5 An act relating to health care; amending s. 456.041, F.S.;
6 requiring certain protocols to be included in advanced
7 registered nurse practitioner profiles; amending s.
8 458.348, F.S.; providing requirements and standards for
9 physicians relating to supervisory relationships in
10 medical office settings; providing definitions; providing
11 exemptions; providing requirements relating to the
12 referral of a patient by another practitioner; creating s.
13 459.025, F.S.; providing requirements and standards for
14 osteopathic physicians relating to supervisory
15 relationships in medical office settings; providing
16 definitions; providing exemptions; providing requirements
17 relating to the referral of a patient by another
18 practitioner; amending s. 464.012, F.S.; providing
19 additional requirements relating to protocols established
20 for advanced registered nurse practitioners; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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24 Section 1. Paragraph (a) of subsection (1) of section
25 456.041, Florida Statutes, is amended to read:

26 456.041 Practitioner profile; creation.--

27 (1) (a) The Department of Health shall compile the
28 information submitted pursuant to s. 456.039 into a practitioner
29 profile of the applicant submitting the information, except that
30 the Department of Health shall develop a format to compile
31 uniformly any information submitted under s. 456.039(4) (b).
32 Beginning July 1, 2001, the Department of Health may compile the
33 information submitted pursuant to s. 456.0391 into a
34 practitioner profile of the applicant submitting the
35 information. The protocol submitted pursuant to s. 464.012(3)
36 shall be included in the practitioner profile of the advanced
37 registered nurse practitioner applicant submitting the
38 information.

39 Section 2. Subsections (4) and (5) are added to section
40 458.348, Florida Statutes, to read:

41 458.348 Formal supervisory relationships, standing orders,
42 and established protocols; notice; standards.--

43 (4) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE
44 SETTINGS.--A physician who supervises an advanced registered
45 nurse practitioner or physician assistant at a medical office
46 other than the physician's primary practice location, where the
47 advanced registered nurse practitioner or physician assistant is
48 not under the onsite supervision of a supervising physician,
49 shall comply with the standards set forth in this subsection.
50 For the purpose of this subsection, a physician's "primary

51 practice location" means the address reflected on the
52 practitioner's profile published pursuant to s. 456.041.

53 (a) A physician who is engaged in providing primary health
54 care services may not supervise more than four offices in
55 addition to the physician's primary practice location. For the
56 purpose of this subsection, "primary health care" means health
57 care services that are commonly provided to patients without
58 referral from another practitioner and excludes practices
59 providing primarily dermatologic and skin care services,
60 including aesthetic skin care services.

61 (b) A physician who is engaged in providing specialty
62 health care services may not supervise more than two offices in
63 addition to the physician's primary practice location. For the
64 purpose of this subsection, "specialty health care" means health
65 care services that are commonly provided to patients with a
66 referral from another practitioner and excludes practices
67 providing primarily dermatologic and skin care services,
68 including aesthetic skin care services.

69 (c) A physician who supervises an advanced registered
70 nurse practitioner or physician assistant at a medical office
71 other than the physician's primary practice location, where the
72 advanced registered nurse practitioner or physician assistant is
73 not under the onsite supervision of a supervising physician and
74 the services offered at the office are primarily dermatologic or
75 skin care services, including aesthetic skin care services,
76 other than plastic surgery, shall comply with the standards
77 listed in subparagraphs 1.-4. Notwithstanding the provisions of
78 s. 458.347(4)(e)8. or any administrative rule, a physician

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79 | supervising a physician assistant shall not be required to
80 | review and sign charts or medical records prepared by the
81 | physician assistant.

82 | 1. The physician shall submit to the board the addresses
83 | of all offices where he or she is supervising an advanced
84 | registered nurse practitioner or a physician assistant that are
85 | not the physician's primary practice location.

86 | 2. The physician shall be either board certified or board
87 | eligible in dermatology or plastic surgery as recognized by the
88 | board under s. 458.3312.

89 | 3. All offices where the physician is supervising an
90 | advanced registered nurse practitioner or a physician assistant
91 | that are not the physician's primary place of practice shall be
92 | within 25 miles of the physician's primary place of practice or
93 | in a county that is contiguous to the county of the physician's
94 | primary place of practice. However, the distance between any of
95 | the offices may not exceed 75 miles.

96 | 4. The physician may only supervise one office other than
97 | the physician's primary place of practice except that until July
98 | 1, 2011, the physician may supervise up to two medical offices
99 | other than the physician's primary place of practice if the
100 | addresses of the offices are submitted to the board prior to
101 | July 1, 2006. Effective July 1, 2011, the physician may
102 | supervise only one office other than the physician's primary
103 | place of practice regardless of when the addresses of the
104 | offices were submitted to the board.

105 | (d) A physician who supervises an office in addition to
106 | the physician's primary practice location shall conspicuously

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107 post in each of the physician's offices a current schedule of
108 the regular hours that the physician is present in that office
109 and the hours that the office is open when the physician is not
110 present.

111 (e) The provisions of this subsection shall not apply to
112 health care services provided in facilities licensed under
113 chapter 395 or in conjunction with a college of medicine,
114 college of nursing, or an accredited graduate medical or nursing
115 education program; to health care services provided in a nursing
116 home licensed under part II of chapter 400, an assisted living
117 facility licensed under part III of chapter 400, a continuing
118 care facility licensed under chapter 651, or a retirement
119 community consisting of independent living units and either a
120 licensed nursing home or assisted living facility; to anesthesia
121 services provided in accordance with law; to health care
122 services provided in a designated rural health clinic; to health
123 care services provided to persons enrolled in a program designed
124 to maintain elders and persons with disabilities in a home and
125 community-based setting; or to health care services provided in
126 federal or state facilities.

127 (5) REFERRALS.--Upon initial referral of a patient by
128 another practitioner, the physician receiving the referral shall
129 ensure that the patient is informed of the type of license held
130 by the physician and the type of license held by any other
131 practitioner who will be providing services to the patient. When
132 scheduling the initial examination or consultation following the
133 referral, the patient may decide to see the physician or any
134 other licensed practitioner supervised by the physician and

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135 prior to the initial examination or consultation shall sign a
136 form indicating the patient's choice of practitioner. The
137 supervising physician shall review the medical record of the
138 initial examination or consultation and ensure that a written
139 report on the initial examination or consultation is furnished
140 to the referring practitioner within 10 business days following
141 the completion of the initial examination or consultation.

142 Section 3. Section 459.025, Florida Statutes, is created
143 to read:

144 459.025 Formal supervisory relationships, standing orders,
145 and established protocols; notice; standard.--

146 (1) NOTICE.--

147 (a) When a physician enters into a formal supervisory
148 relationship or standing orders with an emergency medical
149 technician or paramedic licensed pursuant to s. 401.27, which
150 relationship or orders contemplate the performance of medical
151 acts, or when a physician enters into an established protocol
152 with an advanced registered nurse practitioner, which protocol
153 contemplates the performance of medical acts identified and
154 approved by the joint committee pursuant to s. 464.003(3)(c) or
155 acts set forth in s. 464.012(3) and (4), the physician shall
156 submit notice to the board. The notice shall contain a statement
157 in substantially the following form:

158
159 I, (name and professional license number of physician) ,
160 of (address of physician) have hereby entered into a formal
161 supervisory relationship, standing orders, or an established
162 protocol with (number of persons) emergency medical

163 technician(s), (number of persons) paramedic(s), or
164 (number of persons) advanced registered nurse practitioner(s).

165 (b) Notice shall be filed within 30 days of entering into
166 the relationship, orders, or protocol. Notice also shall be
167 provided within 30 days after the physician has terminated any
168 such relationship, orders, or protocol.

169 (2) PROTOCOLS REQUIRING DIRECT SUPERVISION.--All protocols
170 relating to electrolysis or electrology using laser or light-
171 based hair removal or reduction by persons other than physicians
172 licensed under this chapter or chapter 458 shall require the
173 person performing such service to be appropriately trained and
174 work only under the direct supervision and responsibility of a
175 physician licensed under this chapter or chapter 458.

176 (3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE
177 SETTINGS.--A physician who supervises an advanced registered
178 nurse practitioner or physician assistant at a medical office
179 other than the physician's primary practice location, where the
180 advanced registered nurse practitioner or physician assistant is
181 not under the onsite supervision of a supervising physician,
182 shall comply with the standards set forth in this subsection.
183 For the purpose of this subsection, a physician's "primary
184 practice location" means the address reflected on the
185 practitioner's profile published pursuant to s. 456.041.

186 (a) A physician who is engaged in providing primary health
187 care services may not supervise more than four offices in
188 addition to the physician's primary practice location. For the
189 purpose of this subsection, "primary health care" means health
190 care services that are commonly provided to patients without

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191 referral from another practitioner and excludes practices
192 providing primarily dermatologic and skin care services,
193 including aesthetic skin care services.

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196 addition to the physician's primary practice location. For the
197 purpose of this subsection, "specialty health care" means health
198 care services that are commonly provided to patients with a
199 referral from another practitioner and excludes practices
200 providing primarily dermatologic and skin care services,
201 including aesthetic skin care services.

202 (c) A physician who supervises an advanced registered
203 nurse practitioner or physician assistant at a medical office
204 other than the physician's primary practice location, where the
205 advanced registered nurse practitioner or physician assistant is
206 not under the onsite supervision of a supervising physician and
207 the services offered at the office are primarily dermatologic or
208 skin care services, including aesthetic skin care services,
209 other than plastic surgery, shall comply with the standards
210 listed in subparagraphs 1.-4. Notwithstanding the provisions of
211 s. 459.022(4)(e)8. or any administrative rule, a physician
212 supervising a physician assistant shall not be required to
213 review and sign charts or medical records prepared by the
214 physician assistant.

215 1. The physician shall submit to the board the addresses
216 of all offices where he or she is supervising an advanced
217 registered nurse practitioner or a physician assistant that are
218 not the physician's primary practice location.

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219 2. The physician shall be either board certified or board
220 eligible in dermatology or plastic surgery as recognized by the
221 board under s. 459.0152.

222 3. All offices where the physician is supervising an
223 advanced registered nurse practitioner or a physician assistant
224 that are not the physician's primary place of practice shall be
225 within 25 miles of the physician's primary place of practice or
226 in a county that is contiguous to the county of the physician's
227 primary place of practice. However, the distance between any of
228 the offices may not exceed 75 miles.

229 4. The physician may only supervise one office other than
230 the physician's primary place of practice except that until July
231 1, 2011, the physician may supervise up to two medical offices
232 other than the physician's primary place of practice if the
233 addresses of the offices are submitted to the board prior to
234 July 1, 2006. Effective July 1, 2011, the physician may
235 supervise only one office other than the physician's primary
236 place of practice regardless of when the addresses of the
237 offices were submitted to the board.

238 (d) A physician who supervises an office in addition to
239 the physician's primary practice location shall conspicuously
240 post in each of the physician's offices a current schedule of
241 the regular hours that the physician is present in that office
242 and the hours that the office is open when the physician is not
243 present.

244 (e) The provisions of this subsection shall not apply to
245 health care services provided in facilities licensed under
246 chapter 395 or in conjunction with a college of medicine,

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247 college of nursing, or an accredited graduate medical or nursing
248 education program; to health care services provided in a nursing
249 home licensed under part II of chapter 400, an assisted living
250 facility licensed under part III of chapter 400, a continuing
251 care facility licensed under chapter 651, or a retirement
252 community consisting of independent living units and either a
253 licensed nursing home or assisted living facility; to anesthesia
254 services provided in accordance with law; to health care
255 services provided in a designated rural health clinic; to health
256 care services provided to persons enrolled in a program designed
257 to maintain elders and persons with disabilities in a home and
258 community-based setting; or to health care services provided in
259 federal or state facilities.

260 (4) REFERRALS.--Upon initial referral of a patient by
261 another practitioner, the physician receiving the referral shall
262 ensure that the patient is informed of the type of license held
263 by the physician and the type of license held by any other
264 practitioner who will be providing services to the patient. When
265 scheduling the initial examination or consultation following the
266 referral, the patient may decide to see the physician or any
267 other licensed practitioner supervised by the physician and
268 prior to the initial examination or consultation shall sign a
269 form indicating the patient's choice of practitioner. The
270 supervising physician shall review the medical record of the
271 initial examination or consultation and ensure that a written
272 report on the initial examination or consultation is furnished
273 to the referring practitioner within 10 business days following
274 the completion of the initial examination or consultation.

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275 Section 4. Subsection (3) of section 464.012, Florida
276 Statutes, is amended to read:

277 464.012 Certification of advanced registered nurse
278 practitioners; fees.--

279 (3) An advanced registered nurse practitioner shall
280 perform those functions authorized in this section within the
281 framework of an established protocol, which shall be filed with
282 the board upon biennial license renewal and within 30 days of
283 entering into a supervisory relationship with a physician or
284 changes to the protocol. The board shall review the protocol to
285 ensure compliance with applicable regulatory standards for
286 protocols. The board shall refer to the department licensees
287 submitting protocols that are not compliant with the regulatory
288 standards for protocols. A practitioner currently licensed under
289 chapter 458, chapter 459, or chapter 466 shall maintain
290 supervision for directing the specific course of medical
291 treatment. Within the established framework, an advanced
292 registered nurse practitioner may:

- 293 (a) Monitor and alter drug therapies.
- 294 (b) Initiate appropriate therapies for certain conditions.
- 295 (c) Perform additional functions as may be determined by
296 rule in accordance with s. 464.003(3)(c).
- 297 (d) Order diagnostic tests and physical and occupational
298 therapy.

299 Section 5. This act shall take effect July 1, 2006.