

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Health and Human Services Appropriations Committee

BILL: CS/SB 692

INTRODUCER: Health Regulation Committee and Senator Saunders

SUBJECT: Physician Assistants

DATE: April 12, 2007

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|-----------|----------------|-----------|-----------|
| 1. | Munroe | Wilson | HR | Fav/CS |
| 2. | Fabricant | Peters | HA | Favorable |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

I. Summary:

The bill allows a supervisory physician to delegate the authority to dispense drugs to a physician assistant. The authority to dispense may be delegated only by a supervising physician who is registered as a dispensing practitioner as required by Florida law. The physician assistant is not required to register as a dispensing practitioner. The physician assistant must note the dispensing of medication in the appropriate medical record.

This bill amends sections 458.347 and 459.022, Florida Statutes.

II. Present Situation:

Physician Assistants

Physician assistants licensed under ch. 458 or ch. 459, F.S.,¹ are authorized to provide health care services under the supervision of a medical physician or osteopathic physician. Sections 458.347 and 459.022, F.S., authorize a supervising physician to delegate to a physician assistant that he or she supervises the authority to perform medical acts of diagnosis, treatment, and prescription. Each physician or group of physicians supervising a licensed physician assistant must be qualified in the medical areas in which the physician assistant is to perform and must be individually or collectively responsible and liable for the performance and the acts and omissions of the physician assistant. A physician may not supervise more than four currently licensed physician assistants at any one time.

¹ See sections 458.347 and 459.022, F.S.

For purposes of the regulation of physician assistants, “supervision” is defined in ss. 458.347 and 459.022, F.S., to mean responsible supervision and control. Except for cases of emergency, supervision requires the easy availability or physical presence of the licensed physician for consultation and direction of the actions of the physician assistant. “Easy availability” is defined to include the ability to communicate by way of telecommunication. The Board of Medicine and the Board of Osteopathic Medicine must establish rules as to what constitutes responsible supervision of the physician assistant. The Board of Medicine and the Board of Osteopathic Medicine have adopted identical administrative rules that define “direct supervision” to mean the presence of the supervising physician on the premises so that the supervising physician is immediately available to the physician assistant when needed.² “Indirect supervision” is defined under the rules to mean the easy availability of the supervising physician to the physician assistant, which includes the ability to communicate by telecommunications and the supervising physician must be within reasonable physical proximity.³

A supervisory physician may delegate to a fully licensed physician assistant the authority to prescribe any medication used in the supervisory physician’s practice unless such medication used in the supervisory physician’s practice is listed on a formulary created under s. 458.347, F.S. The physician assistant must meet specified requirements in s. 458.347, F.S., before the physician assistant may prescribe. The physician assistant’s prescription must be written in a form that complies with ch. 499, F.S., relating to wholesale drugs and must contain, in addition to the supervisory physician’s name, address, and telephone number, the physician assistant’s prescriber number. Subparagraph 458.347(4)(e)7., F.S., provides that unless it is a drug sample dispensed by the physician assistant, the prescription must be filled in a pharmacy permitted under ch. 465, F.S., and must be dispensed in that pharmacy by a Florida-licensed pharmacist.

The Board of Medicine and the Board of Osteopathic Medicine have adopted an administrative rule that provides, in part, that only those physician assistants authorized by law and rule to prescribe are permitted to dispense sample drugs to patients.⁴

Pharmacy

Chapter 465, F.S., governs the practice of pharmacy in Florida. The chapter defines “dispense” to mean, in part, the transfer of possession of one or more doses of a medicinal drug by a pharmacist to the ultimate consumer or her or his agent.⁵ A person may not dispense medicinal drugs unless licensed as a pharmacist or otherwise authorized under ch. 465, F.S., to do so, except that a practitioner authorized by law to prescribe drugs may dispense such drugs to her or his patients in the regular course of her or his practice in compliance with s. 465.0276, F.S.

Section 465.0276, F.S., requires a practitioner who dispenses medicinal drugs for human consumption for fee or remuneration of any kind, whether direct or indirect to register with his or her professional board as a dispensing practitioner and to pay a registration fee and renewal fee no greater than \$100 as set by the appropriate board. The dispensing practitioner must also comply with and be subject to all laws and rules applicable to pharmacists and pharmacies.

² See Rules 64B8-30.001(3) and 64B15-6.001(4), Florida Administrative Code.

³ See Rules 64B8-30.001(5) and 64B15-6.001(5), F.A.C.

⁴ See Rules 64B8-30.006 and 64B15-6.00365, F.A.C.

⁵ See s. 465.003(6), F.S.

Before dispensing any drug, the practitioner must give the patient a written prescription and orally or in writing advise the patient that the prescription may be filled in the practitioner's office or at a pharmacy. The Department of Health must inspect any facility where a practitioner dispenses medicinal drugs in the same manner and with the same frequency as it inspects pharmacies. A practitioner who confines her or his activities to the dispensing of complimentary packages of medicinal drugs to the practitioner's own patients in the regular course of her or his practice, without the payment of fee or remuneration of any kind, and who himself or herself dispenses such drugs is exempt from the registration requirements.

III. Effect of Proposed Changes:

The bill allows a supervisory physician to delegate the authority to dispense drugs to a physician assistant. The authority to dispense may be delegated only by a supervising physician who is registered as a dispensing practitioner as required by Florida law. The physician assistant is not required to register as a dispensing practitioner. The physician assistant must note the dispensing of medication in the appropriate medical record.

The effective date of the bill is July 1, 2007.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, s. 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent, the bill would authorize physician assistants to dispense medicinal drugs to patients; such patients who have difficulty in getting to a pharmacy may have more convenience and greater access to dispensing services for medicinal drugs.

C. Government Sector Impact:

The Department of Health may incur costs of less than \$50,000 per year to implement this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

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