

1 A bill to be entitled
 2 An act relating to physician assistants; amending ss.
 3 458.347 and 459.022, F.S.; providing that a supervising
 4 physician may not be required to review and cosign a
 5 physician assistant's charts or medical records; deleting
 6 certain supervisory physician requirements related to
 7 prescribing and dispensing medications noted in
 8 appropriate medical records; providing an effective date.

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

11
 12 Section 1. Subsection (3) and paragraph (e) of subsection
 13 (4) of section 458.347, Florida Statutes, are amended to read:

14 458.347 Physician assistants.--

15 (3) PERFORMANCE OF SUPERVISING PHYSICIAN.--Each physician
 16 or group of physicians supervising a licensed physician
 17 assistant must be qualified in the medical areas in which the
 18 physician assistant is to perform and shall be individually or
 19 collectively responsible and liable for the performance and the
 20 acts and omissions of the physician assistant. A physician may
 21 not supervise more than four currently licensed physician
 22 assistants at any one time. A physician supervising a physician
 23 assistant pursuant to this section may not be required to review
 24 and cosign charts or medical records prepared by such physician
 25 assistant.

26 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.--

27 (e) A supervisory physician may delegate to a fully
 28 licensed physician assistant the authority to prescribe or

29 dispense any medication used in the supervisory physician's
30 practice unless such medication is listed on the formulary
31 created pursuant to paragraph (f). A fully licensed physician
32 assistant may only prescribe or dispense such medication under
33 the following circumstances:

34 1. A physician assistant must clearly identify to the
35 patient that he or she is a physician assistant. Furthermore,
36 the physician assistant must inform the patient that the patient
37 has the right to see the physician prior to any prescription
38 being prescribed or dispensed by the physician assistant.

39 2. The supervisory physician must notify the department of
40 his or her intent to delegate, on a department-approved form,
41 before delegating such authority and notify the department of
42 any change in prescriptive privileges of the physician
43 assistant. Authority to dispense may be delegated only by a
44 supervising physician who is registered as a dispensing
45 practitioner in compliance with s. 465.0276.

46 3. The physician assistant must file with the department,
47 before commencing to prescribe or dispense, evidence that he or
48 she has completed a continuing medical education course of at
49 least 3 classroom hours in prescriptive practice, conducted by
50 an accredited program approved by the boards, which course
51 covers the limitations, responsibilities, and privileges
52 involved in prescribing medicinal drugs, or evidence that he or
53 she has received education comparable to the continuing
54 education course as part of an accredited physician assistant
55 training program.

56 4. The physician assistant must file with the department,
57 before commencing to prescribe or dispense, evidence that the
58 physician assistant has a minimum of 3 months of clinical
59 experience in the specialty area of the supervising physician.

60 5. The physician assistant must file with the department a
61 signed affidavit that he or she has completed a minimum of 10
62 continuing medical education hours in the specialty practice in
63 which the physician assistant has prescriptive privileges with
64 each licensure renewal application.

65 6. The department shall issue a license and a prescriber
66 number to the physician assistant granting authority for the
67 prescribing of medicinal drugs authorized within this paragraph
68 upon completion of the foregoing requirements. The physician
69 assistant shall not be required to independently register
70 pursuant to s. 465.0276.

71 7. The prescription must be written in a form that
72 complies with chapter 499 and must contain, in addition to the
73 supervisory physician's name, address, and telephone number, the
74 physician assistant's prescriber number. Unless it is a drug or
75 drug sample dispensed by the physician assistant, the
76 prescription must be filled in a pharmacy permitted under
77 chapter 465 and must be dispensed in that pharmacy by a
78 pharmacist licensed under chapter 465. The appearance of the
79 prescriber number creates a presumption that the physician
80 assistant is authorized to prescribe the medicinal drug and the
81 prescription is valid.

82 8. The physician assistant must note the prescription or
83 dispensing of medication in the appropriate medical record, ~~and~~

84 ~~the supervisory physician must review and sign each notation.~~
 85 ~~For dispensing purposes only, the failure of the supervisory~~
 86 ~~physician to comply with these requirements does not affect the~~
 87 ~~validity of the prescription.~~

88 9. This paragraph does not prohibit a supervisory
 89 physician from delegating to a physician assistant the authority
 90 to order medication for a hospitalized patient of the
 91 supervisory physician.

92
 93 This paragraph does not apply to facilities licensed pursuant to
 94 chapter 395.

95 Section 2. Subsection (3) and paragraph (e) of subsection
 96 (4) and of section 459.022, Florida Statutes, are amended to
 97 read:

98 459.022 Physician assistants.--

99 (3) PERFORMANCE OF SUPERVISING PHYSICIAN.--Each physician
 100 or group of physicians supervising a licensed physician
 101 assistant must be qualified in the medical areas in which the
 102 physician assistant is to perform and shall be individually or
 103 collectively responsible and liable for the performance and the
 104 acts and omissions of the physician assistant. A physician may
 105 not supervise more than four currently licensed physician
 106 assistants at any one time. A physician supervising a physician
 107 assistant pursuant to this section may not be required to review
 108 and cosign charts or medical records prepared by such physician
 109 assistant.

110 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.--

111 (e) A supervisory physician may delegate to a fully
112 licensed physician assistant the authority to prescribe or
113 dispense any medication used in the supervisory physician's
114 practice unless such medication is listed on the formulary
115 created pursuant to s. 458.347. A fully licensed physician
116 assistant may only prescribe or dispense such medication under
117 the following circumstances:

118 1. A physician assistant must clearly identify to the
119 patient that she or he is a physician assistant. Furthermore,
120 the physician assistant must inform the patient that the patient
121 has the right to see the physician prior to any prescription
122 being prescribed or dispensed by the physician assistant.

123 2. The supervisory physician must notify the department of
124 her or his intent to delegate, on a department-approved form,
125 before delegating such authority and notify the department of
126 any change in prescriptive privileges of the physician
127 assistant. Authority to dispense may be delegated only by a
128 supervisory physician who is registered as a dispensing
129 practitioner in compliance with s. 465.0276.

130 3. The physician assistant must file with the department,
131 before commencing to prescribe or dispense, evidence that she or
132 he has completed a continuing medical education course of at
133 least 3 classroom hours in prescriptive practice, conducted by
134 an accredited program approved by the boards, which course
135 covers the limitations, responsibilities, and privileges
136 involved in prescribing medicinal drugs, or evidence that she or
137 he has received education comparable to the continuing education

138 course as part of an accredited physician assistant training
139 program.

140 4. The physician assistant must file with the department,
141 before commencing to prescribe or dispense, evidence that the
142 physician assistant has a minimum of 3 months of clinical
143 experience in the specialty area of the supervising physician.

144 5. The physician assistant must file with the department a
145 signed affidavit that she or he has completed a minimum of 10
146 continuing medical education hours in the specialty practice in
147 which the physician assistant has prescriptive privileges with
148 each licensure renewal application.

149 6. The department shall issue a license and a prescriber
150 number to the physician assistant granting authority for the
151 prescribing of medicinal drugs authorized within this paragraph
152 upon completion of the foregoing requirements. The physician
153 assistant shall not be required to independently register
154 pursuant to s. 465.0276.

155 7. The prescription must be written in a form that
156 complies with chapter 499 and must contain, in addition to the
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158 physician assistant's prescriber number. Unless it is a drug or
159 drug sample dispensed by the physician assistant, the
160 prescription must be filled in a pharmacy permitted under
161 chapter 465, and must be dispensed in that pharmacy by a
162 pharmacist licensed under chapter 465. The appearance of the
163 prescriber number creates a presumption that the physician
164 assistant is authorized to prescribe the medicinal drug and the
165 prescription is valid.

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167 dispensing of medication in the appropriate medical record, ~~and~~
168 ~~the supervisory physician must review and sign each notation.~~
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170 ~~physician to comply with these requirements does not affect the~~
171 ~~validity of the prescription.~~

172 9. This paragraph does not prohibit a supervisory
173 physician from delegating to a physician assistant the authority
174 to order medication for a hospitalized patient of the
175 supervisory physician.

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177 This paragraph does not apply to facilities licensed pursuant to
178 chapter 395.

179 Section 3. This act shall take effect July 1, 2009.