

1 A bill to be entitled
 2 An act relating to supervision of certain medical
 3 personnel by physicians; amending ss. 458.347 and 459.022,
 4 F.S.; specifying that supervising physicians may not be
 5 required to review and cosign a physician assistant's
 6 charts or medical records; deleting requirements that a
 7 supervisory physician review and sign a physician
 8 assistant's notations in medical records related to the
 9 prescribing and dispensing of medication; amending s.
 10 458.348, F.S.; exempting offices at which laser hair
 11 removal is the exclusive service being performed from
 12 certain provisions requiring direct supervision by a
 13 physician; providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Subsection (3) and paragraph (e) of subsection
 18 (4) of section 458.347, Florida Statutes, are amended to read:
 19 458.347 Physician assistants.--

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

29 and cosign charts or medical records prepared by such physician
30 assistant.

31 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.--

32 (e) A supervisory physician may delegate to a fully
33 licensed physician assistant the authority to prescribe or
34 dispense any medication used in the supervisory physician's
35 practice unless such medication is listed on the formulary
36 created pursuant to paragraph (f). A fully licensed physician
37 assistant may only prescribe or dispense such medication under
38 the following circumstances:

39 1. A physician assistant must clearly identify to the
40 patient that he or she is a physician assistant. Furthermore,
41 the physician assistant must inform the patient that the patient
42 has the right to see the physician prior to any prescription
43 being prescribed or dispensed by the physician assistant.

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

51 3. The physician assistant must file with the department,
52 before commencing to prescribe or dispense, evidence that he or
53 she has completed a continuing medical education course of at
54 least 3 classroom hours in prescriptive practice, conducted by
55 an accredited program approved by the boards, which course
56 covers the limitations, responsibilities, and privileges

57 involved in prescribing medicinal drugs, or evidence that he or
58 she has received education comparable to the continuing
59 education course as part of an accredited physician assistant
60 training program.

61 4. The physician assistant must file with the department,
62 before commencing to prescribe or dispense, evidence that the
63 physician assistant has a minimum of 3 months of clinical
64 experience in the specialty area of the supervising physician.

65 5. The physician assistant must file with the department a
66 signed affidavit that he or she has completed a minimum of 10
67 continuing medical education hours in the specialty practice in
68 which the physician assistant has prescriptive privileges with
69 each licensure renewal application.

70 6. The department shall issue a license and a prescriber
71 number to the physician assistant granting authority for the
72 prescribing of medicinal drugs authorized within this paragraph
73 upon completion of the foregoing requirements. The physician
74 assistant shall not be required to independently register
75 pursuant to s. 465.0276.

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

85 assistant is authorized to prescribe the medicinal drug and the
 86 prescription is valid.

87 8. The physician assistant must note the prescription or
 88 dispensing of medication in the appropriate medical record, ~~and~~
 89 ~~the supervisory physician must review and sign each notation.~~
 90 ~~For dispensing purposes only, the failure of the supervisory~~
 91 ~~physician to comply with these requirements does not affect the~~
 92 ~~validity of the prescription.~~

93 9. This paragraph does not prohibit a supervisory
 94 physician from delegating to a physician assistant the authority
 95 to order medication for a hospitalized patient of the
 96 supervisory physician.

97
 98 This paragraph does not apply to facilities licensed pursuant to
 99 chapter 395.

100 Section 2. Paragraph (e) of subsection (4) of section
 101 458.348, Florida Statutes, is amended to read:

102 458.348 Formal supervisory relationships, standing orders,
 103 and established protocols; notice; standards.--

104 (4) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE
 105 SETTINGS.--A physician who supervises an advanced registered
 106 nurse practitioner or physician assistant at a medical office
 107 other than the physician's primary practice location, where the
 108 advanced registered nurse practitioner or physician assistant is
 109 not under the onsite supervision of a supervising physician,
 110 must comply with the standards set forth in this subsection. For
 111 the purpose of this subsection, a physician's "primary practice
 112 location" means the address reflected on the physician's profile

113 published pursuant to s. 456.041.

114 (e) This subsection does not apply to health care services
115 provided in facilities licensed under chapter 395 or in
116 conjunction with a college of medicine, a college of nursing, an
117 accredited graduate medical program, or a nursing education
118 program; ~~offices where the only service being performed is hair~~
119 ~~removal by an advanced registered nurse practitioner or~~
120 ~~physician assistant;~~ not-for-profit, family-planning clinics
121 that are not licensed pursuant to chapter 390; rural and
122 federally qualified health centers; health care services
123 provided in a nursing home licensed under part II of chapter
124 400, an assisted living facility licensed under part I of
125 chapter 429, a continuing care facility licensed under chapter
126 651, or a retirement community consisting of independent living
127 units and a licensed nursing home or assisted living facility;
128 anesthesia services provided in accordance with law; health care
129 services provided in a designated rural health clinic; health
130 care services provided to persons enrolled in a program designed
131 to maintain elderly persons and persons with disabilities in a
132 home or community-based setting; university primary care student
133 health centers; school health clinics; or health care services
134 provided in federal, state, or local government facilities.
135 Subsection (3) and this subsection do not apply to offices at
136 which the exclusive service being performed is laser hair
137 removal by an advanced registered nurse practitioner or
138 physician assistant.

139 Section 3. Subsection (3) and paragraph (e) of subsection
140 (4) and of section 459.022, Florida Statutes, are amended to
141 read:

142 459.022 Physician assistants.--

143 (3) PERFORMANCE OF SUPERVISING PHYSICIAN.--Each physician
144 or group of physicians supervising a licensed physician
145 assistant must be qualified in the medical areas in which the
146 physician assistant is to perform and shall be individually or
147 collectively responsible and liable for the performance and the
148 acts and omissions of the physician assistant. A physician may
149 not supervise more than four currently licensed physician
150 assistants at any one time. A physician supervising a physician
151 assistant pursuant to this section may not be required to review
152 and cosign charts or medical records prepared by such physician
153 assistant.

154 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.--

155 (e) A supervisory physician may delegate to a fully
156 licensed physician assistant the authority to prescribe or
157 dispense any medication used in the supervisory physician's
158 practice unless such medication is listed on the formulary
159 created pursuant to s. 458.347. A fully licensed physician
160 assistant may only prescribe or dispense such medication under
161 the following circumstances:

162 1. A physician assistant must clearly identify to the
163 patient that she or he is a physician assistant. Furthermore,
164 the physician assistant must inform the patient that the patient
165 has the right to see the physician prior to any prescription
166 being prescribed or dispensed by the physician assistant.

167 2. The supervisory physician must notify the department of
168 her or his intent to delegate, on a department-approved form,
169 before delegating such authority and notify the department of
170 any change in prescriptive privileges of the physician
171 assistant. Authority to dispense may be delegated only by a
172 supervisory physician who is registered as a dispensing
173 practitioner in compliance with s. 465.0276.

174 3. The physician assistant must file with the department,
175 before commencing to prescribe or dispense, evidence that she or
176 he has completed a continuing medical education course of at
177 least 3 classroom hours in prescriptive practice, conducted by
178 an accredited program approved by the boards, which course
179 covers the limitations, responsibilities, and privileges
180 involved in prescribing medicinal drugs, or evidence that she or
181 he has received education comparable to the continuing education
182 course as part of an accredited physician assistant training
183 program.

184 4. The physician assistant must file with the department,
185 before commencing to prescribe or dispense, evidence that the
186 physician assistant has a minimum of 3 months of clinical
187 experience in the specialty area of the supervising physician.

188 5. The physician assistant must file with the department a
189 signed affidavit that she or he has completed a minimum of 10
190 continuing medical education hours in the specialty practice in
191 which the physician assistant has prescriptive privileges with
192 each licensure renewal application.

193 6. The department shall issue a license and a prescriber
194 number to the physician assistant granting authority for the

195 | prescribing of medicinal drugs authorized within this paragraph
 196 | upon completion of the foregoing requirements. The physician
 197 | assistant shall not be required to independently register
 198 | pursuant to s. 465.0276.

199 | 7. The prescription must be written in a form that
 200 | complies with chapter 499 and must contain, in addition to the
 201 | supervisory physician's name, address, and telephone number, the
 202 | physician assistant's prescriber number. Unless it is a drug or
 203 | drug sample dispensed by the physician assistant, the
 204 | prescription must be filled in a pharmacy permitted under
 205 | chapter 465, and must be dispensed in that pharmacy by a
 206 | pharmacist licensed under chapter 465. The appearance of the
 207 | prescriber number creates a presumption that the physician
 208 | assistant is authorized to prescribe the medicinal drug and the
 209 | prescription is valid.

210 | 8. The physician assistant must note the prescription or
 211 | dispensing of medication in the appropriate medical record, ~~and~~
 212 | ~~the supervisory physician must review and sign each notation.~~
 213 | ~~For dispensing purposes only, the failure of the supervisory~~
 214 | ~~physician to comply with these requirements does not affect the~~
 215 | ~~validity of the prescription.~~

216 | 9. This paragraph does not prohibit a supervisory
 217 | physician from delegating to a physician assistant the authority
 218 | to order medication for a hospitalized patient of the
 219 | supervisory physician.

220 |
 221 | This paragraph does not apply to facilities licensed pursuant to
 222 | chapter 395.

CS/HB 249

2009

223

Section 4. This act shall take effect July 1, 2009.