

By Senator Peaden

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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
4 supervising physician may not be required to review
5 and cosign a physician assistant's charts or medical
6 records; deleting certain supervisory physician
7 requirements related to prescribing and dispensing
8 medications noted in appropriate medical records;
9 providing an effective date.

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

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13 Section 1. Subsection (3) and paragraph (e) of subsection
14 (4) of section 458.347, Florida Statutes, are amended to read:
15 458.347 Physician assistants.—

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

27 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

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

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

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

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

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

57 4. The physician assistant must file with the department,
58 before commencing to prescribe or dispense, evidence that the

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59 physician assistant has a minimum of 3 months of clinical
60 experience in the specialty area of the supervising physician.

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

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

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

83 8. The physician assistant must note the prescription or
84 dispensing of medication in the appropriate medical record, ~~and~~
85 ~~the supervisory physician must review and sign each notation.~~
86 ~~For dispensing purposes only, the failure of the supervisory~~
87 ~~physician to comply with these requirements does not affect the~~

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88 ~~validity of the prescription.~~

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

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

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

99 459.022 Physician assistants.—

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

111 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

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

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118 the following circumstances:

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

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

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

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

145 5. The physician assistant must file with the department a

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146 signed affidavit that she or he has completed a minimum of 10
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148 which the physician assistant has prescriptive privileges with
149 each licensure renewal application.

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154 assistant shall not be required to independently register
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157 with chapter 499 and must contain, in addition to the
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160 drug sample dispensed by the physician assistant, the
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162 chapter 465, and must be dispensed in that pharmacy by a
163 pharmacist licensed under chapter 465. The appearance of the
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168 dispensing of medication in the appropriate medical record, ~~and~~
169 ~~the supervisory physician must review and sign each notation.~~
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171 ~~physician to comply with these requirements does not affect the~~
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173 9. This paragraph does not prohibit a supervisory physician
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175 medication for a hospitalized patient of the supervisory
176 physician.

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

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