

By the Committee on Health Regulation; and Senators Peaden,
Oelrich, and Sobel

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1 A bill to be entitled

2 An act relating to supervisory physician requirements;
3 amending ss. 458.347 and 459.022, F.S.; providing that
4 a 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 amending s. 458.348, F.S.; exempting offices at which
10 laser hair removal is the exclusive service being
11 performed from certain provisions requiring direct
12 supervision by a physician; providing an effective
13 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 or
21 group of physicians supervising a licensed physician assistant
22 must be qualified in the medical areas in which the physician
23 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

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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

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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 complies
77 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

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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 physician
94 from delegating to a physician assistant the authority to order
95 medication for a hospitalized patient of the supervisory
96 physician.

97

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

100 Section 2. Subsection (3) of section 458.348, Florida
101 Statutes is republished, and paragraph (e) of subsection (4) of
102 that section is amended to read:

103 458.348 Formal supervisory relationships, standing orders,
104 and established protocols; notice; standards.—

105 (3) PROTOCOLS REQUIRING DIRECT SUPERVISION.—All protocols
106 relating to electrolysis or electrology using laser or light-
107 based hair removal or reduction by persons other than physicians
108 licensed under this chapter or chapter 459 shall require the
109 person performing such service to be appropriately trained and
110 work only under the direct supervision and responsibility of a
111 physician licensed under this chapter or chapter 459.

112 (4) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—A
113 physician who supervises an advanced registered nurse
114 practitioner or physician assistant at a medical office other
115 than the physician's primary practice location, where the
116 advanced registered nurse practitioner or physician assistant is

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117 not under the onsite supervision of a supervising physician,
118 must comply with the standards set forth in this subsection. For
119 the purpose of this subsection, a physician's "primary practice
120 location" means the address reflected on the physician's profile
121 published pursuant to s. 456.041.

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

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146 physician assistant.

147 Section 3. Subsection (3) and paragraph (e) of subsection
148 (4) and of section 459.022, Florida Statutes, are amended to
149 read:

150 459.022 Physician assistants.—

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152 group of physicians supervising a licensed physician assistant
153 must be qualified in the medical areas in which the physician
154 assistant is to perform and shall be individually or
155 collectively responsible and liable for the performance and the
156 acts and omissions of the physician assistant. A physician may
157 not supervise more than four currently licensed physician
158 assistants at any one time. A physician supervising a physician
159 assistant pursuant to this section may not be required to review
160 and cosign charts or medical records prepared by such physician
161 assistant.

162 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

163 (e) A supervisory physician may delegate to a fully
164 licensed physician assistant the authority to prescribe or
165 dispense any medication used in the supervisory physician's
166 practice unless such medication is listed on the formulary
167 created pursuant to s. 458.347. A fully licensed physician
168 assistant may only prescribe or dispense such medication under
169 the following circumstances:

170 1. A physician assistant must clearly identify to the
171 patient that she or he is a physician assistant. Furthermore,
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185 least 3 classroom hours in prescriptive practice, conducted by
186 an accredited program approved by the boards, which course
187 covers the limitations, responsibilities, and privileges
188 involved in prescribing medicinal drugs, or evidence that she or
189 he has received education comparable to the continuing education
190 course as part of an accredited physician assistant training
191 program.

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193 before commencing to prescribe or dispense, evidence that the
194 physician assistant has a minimum of 3 months of clinical
195 experience in the specialty area of the supervising physician.

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219 dispensing of medication in the appropriate medical record, ~~and~~
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227 physician.

228

229 This paragraph does not apply to facilities licensed pursuant to
230 chapter 395.

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