

2009720er

1
2 An act relating to physician practice; amending s.
3 458.3312, F.S.; revising provisions regarding board
4 certification of a physician as a specialist; amending
5 ss. 458.347 and 459.022, F.S.; providing that a
6 supervising physician may not be required to review
7 and cosign a physician assistant's charts or medical
8 records; deleting certain supervisory physician
9 requirements related to prescribing and dispensing
10 medications noted in appropriate medical records;
11 amending s. 458.348, F.S.; exempting offices at which
12 laser hair removal is the exclusive service being
13 performed from certain provisions requiring direct
14 supervision by a physician; providing an effective
15 date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Section 458.3312, Florida Statutes, is amended
20 to read:

21 458.3312 Specialties.—A physician licensed under this
22 chapter may not hold himself or herself out as a board-certified
23 specialist unless the physician has received formal recognition
24 as a specialist from a specialty board of the American Board of
25 Medical Specialties or other recognizing agency that has been
26 approved by the board. However, a physician may indicate the
27 services offered and may state that his or her practice is
28 limited to one or more types of services when this accurately
29 reflects the scope of practice of the physician. A physician may

2009720er

30 not hold himself or herself out as a board-certified specialist
31 in dermatology unless the recognizing agency, whether authorized
32 in statute or by rule, is triennially reviewed and reauthorized
33 by the Board of Medicine.

34 Section 2. Subsection (3) and paragraph (e) of subsection
35 (4) of section 458.347, Florida Statutes, are amended to read:
36 458.347 Physician assistants.—

37 (3) PERFORMANCE OF SUPERVISING PHYSICIAN.—Each physician or
38 group of physicians supervising a licensed physician assistant
39 must be qualified in the medical areas in which the physician
40 assistant is to perform and shall be individually or
41 collectively responsible and liable for the performance and the
42 acts and omissions of the physician assistant. A physician may
43 not supervise more than four currently licensed physician
44 assistants at any one time. A physician supervising a physician
45 assistant pursuant to this section may not be required to review
46 and cosign charts or medical records prepared by such physician
47 assistant.

48 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

49 (e) A supervisory physician may delegate to a fully
50 licensed physician assistant the authority to prescribe or
51 dispense any medication used in the supervisory physician's
52 practice unless such medication is listed on the formulary
53 created pursuant to paragraph (f). A fully licensed physician
54 assistant may only prescribe or dispense such medication under
55 the following circumstances:

56 1. A physician assistant must clearly identify to the
57 patient that he or she is a physician assistant. Furthermore,
58 the physician assistant must inform the patient that the patient

2009720er

59 has the right to see the physician prior to any prescription
60 being prescribed or dispensed by the physician assistant.

61 2. The supervisory physician must notify the department of
62 his or her intent to delegate, on a department-approved form,
63 before delegating such authority and notify the department of
64 any change in prescriptive privileges of the physician
65 assistant. Authority to dispense may be delegated only by a
66 supervising physician who is registered as a dispensing
67 practitioner in compliance with s. 465.0276.

68 3. The physician assistant must file with the department,
69 before commencing to prescribe or dispense, evidence that he or
70 she has completed a continuing medical education course of at
71 least 3 classroom hours in prescriptive practice, conducted by
72 an accredited program approved by the boards, which course
73 covers the limitations, responsibilities, and privileges
74 involved in prescribing medicinal drugs, or evidence that he or
75 she has received education comparable to the continuing
76 education course as part of an accredited physician assistant
77 training program.

78 4. The physician assistant must file with the department,
79 before commencing to prescribe or dispense, evidence that the
80 physician assistant has a minimum of 3 months of clinical
81 experience in the specialty area of the supervising physician.

82 5. The physician assistant must file with the department a
83 signed affidavit that he or she has completed a minimum of 10
84 continuing medical education hours in the specialty practice in
85 which the physician assistant has prescriptive privileges with
86 each licensure renewal application.

87 6. The department shall issue a license and a prescriber

2009720er

88 number to the physician assistant granting authority for the
89 prescribing of medicinal drugs authorized within this paragraph
90 upon completion of the foregoing requirements. The physician
91 assistant shall not be required to independently register
92 pursuant to s. 465.0276.

93 7. The prescription must be written in a form that complies
94 with chapter 499 and must contain, in addition to the
95 supervisory physician's name, address, and telephone number, the
96 physician assistant's prescriber number. Unless it is a drug or
97 drug sample dispensed by the physician assistant, the
98 prescription must be filled in a pharmacy permitted under
99 chapter 465 and must be dispensed in that pharmacy by a
100 pharmacist licensed under chapter 465. The appearance of the
101 prescriber number creates a presumption that the physician
102 assistant is authorized to prescribe the medicinal drug and the
103 prescription is valid.

104 8. The physician assistant must note the prescription or
105 dispensing of medication in the appropriate medical record, ~~and~~
106 ~~the supervisory physician must review and sign each notation.~~
107 ~~For dispensing purposes only, the failure of the supervisory~~
108 ~~physician to comply with these requirements does not affect the~~
109 ~~validity of the prescription.~~

110 9. This paragraph does not prohibit a supervisory physician
111 from delegating to a physician assistant the authority to order
112 medication for a hospitalized patient of the supervisory
113 physician.

114
115 This paragraph does not apply to facilities licensed pursuant to
116 chapter 395.

2009720er

117 Section 3. Subsection (3) of section 458.348, Florida
118 Statutes is republished, and paragraph (e) of subsection (4) of
119 that section is amended to read:

120 458.348 Formal supervisory relationships, standing orders,
121 and established protocols; notice; standards.—

122 (3) PROTOCOLS REQUIRING DIRECT SUPERVISION.—All protocols
123 relating to electrolysis or electrology using laser or light-
124 based hair removal or reduction by persons other than physicians
125 licensed under this chapter or chapter 459 shall require the
126 person performing such service to be appropriately trained and
127 work only under the direct supervision and responsibility of a
128 physician licensed under this chapter or chapter 459.

129 (4) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—A
130 physician who supervises an advanced registered nurse
131 practitioner or physician assistant at a medical office other
132 than the physician's primary practice location, where the
133 advanced registered nurse practitioner or physician assistant is
134 not under the onsite supervision of a supervising physician,
135 must comply with the standards set forth in this subsection. For
136 the purpose of this subsection, a physician's "primary practice
137 location" means the address reflected on the physician's profile
138 published pursuant to s. 456.041.

139 (e) This subsection does not apply to health care services
140 provided in facilities licensed under chapter 395 or in
141 conjunction with a college of medicine, a college of nursing, an
142 accredited graduate medical program, or a nursing education
143 program; ~~offices where the only service being performed is hair~~
144 ~~removal by an advanced registered nurse practitioner or~~
145 ~~physician assistant;~~ not-for-profit, family-planning clinics

2009720er

146 that are not licensed pursuant to chapter 390; rural and
147 federally qualified health centers; health care services
148 provided in a nursing home licensed under part II of chapter
149 400, an assisted living facility licensed under part I of
150 chapter 429, a continuing care facility licensed under chapter
151 651, or a retirement community consisting of independent living
152 units and a licensed nursing home or assisted living facility;
153 anesthesia services provided in accordance with law; health care
154 services provided in a designated rural health clinic; health
155 care services provided to persons enrolled in a program designed
156 to maintain elderly persons and persons with disabilities in a
157 home or community-based setting; university primary care student
158 health centers; school health clinics; or health care services
159 provided in federal, state, or local government facilities.
160 Subsection (3) and this subsection do not apply to offices at
161 which the exclusive service being performed is laser hair
162 removal by an advanced registered nurse practitioner or
163 physician assistant.

164 Section 4. Subsection (3) and paragraph (e) of subsection
165 (4) and of section 459.022, Florida Statutes, are amended to
166 read:

167 459.022 Physician assistants.—

168 (3) PERFORMANCE OF SUPERVISING PHYSICIAN.—Each physician or
169 group of physicians supervising a licensed physician assistant
170 must be qualified in the medical areas in which the physician
171 assistant is to perform and shall be individually or
172 collectively responsible and liable for the performance and the
173 acts and omissions of the physician assistant. A physician may
174 not supervise more than four currently licensed physician

2009720er

175 assistants at any one time. A physician supervising a physician
176 assistant pursuant to this section may not be required to review
177 and cosign charts or medical records prepared by such physician
178 assistant.

179 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

180 (e) A supervisory physician may delegate to a fully
181 licensed physician assistant the authority to prescribe or
182 dispense any medication used in the supervisory physician's
183 practice unless such medication is listed on the formulary
184 created pursuant to s. 458.347. A fully licensed physician
185 assistant may only prescribe or dispense such medication under
186 the following circumstances:

187 1. A physician assistant must clearly identify to the
188 patient that she or he is a physician assistant. Furthermore,
189 the physician assistant must inform the patient that the patient
190 has the right to see the physician prior to any prescription
191 being prescribed or dispensed by the physician assistant.

192 2. The supervisory physician must notify the department of
193 her or his intent to delegate, on a department-approved form,
194 before delegating such authority and notify the department of
195 any change in prescriptive privileges of the physician
196 assistant. Authority to dispense may be delegated only by a
197 supervisory physician who is registered as a dispensing
198 practitioner in compliance with s. 465.0276.

199 3. The physician assistant must file with the department,
200 before commencing to prescribe or dispense, evidence that she or
201 he has completed a continuing medical education course of at
202 least 3 classroom hours in prescriptive practice, conducted by
203 an accredited program approved by the boards, which course

2009720er

204 covers the limitations, responsibilities, and privileges
205 involved in prescribing medicinal drugs, or evidence that she or
206 he has received education comparable to the continuing education
207 course as part of an accredited physician assistant training
208 program.

209 4. The physician assistant must file with the department,
210 before commencing to prescribe or dispense, evidence that the
211 physician assistant has a minimum of 3 months of clinical
212 experience in the specialty area of the supervising physician.

213 5. The physician assistant must file with the department a
214 signed affidavit that she or he has completed a minimum of 10
215 continuing medical education hours in the specialty practice in
216 which the physician assistant has prescriptive privileges with
217 each licensure renewal application.

218 6. The department shall issue a license and a prescriber
219 number to the physician assistant granting authority for the
220 prescribing of medicinal drugs authorized within this paragraph
221 upon completion of the foregoing requirements. The physician
222 assistant shall not be required to independently register
223 pursuant to s. 465.0276.

224 7. The prescription must be written in a form that complies
225 with chapter 499 and must contain, in addition to the
226 supervisory physician's name, address, and telephone number, the
227 physician assistant's prescriber number. Unless it is a drug or
228 drug sample dispensed by the physician assistant, the
229 prescription must be filled in a pharmacy permitted under
230 chapter 465, and must be dispensed in that pharmacy by a
231 pharmacist licensed under chapter 465. The appearance of the
232 prescriber number creates a presumption that the physician

2009720er

233 assistant is authorized to prescribe the medicinal drug and the
234 prescription is valid.

235 8. The physician assistant must note the prescription or
236 dispensing of medication in the appropriate medical record, ~~and~~
237 ~~the supervisory physician must review and sign each notation.~~
238 ~~For dispensing purposes only, the failure of the supervisory~~
239 ~~physician to comply with these requirements does not affect the~~
240 ~~validity of the prescription.~~

241 9. This paragraph does not prohibit a supervisory physician
242 from delegating to a physician assistant the authority to order
243 medication for a hospitalized patient of the supervisory
244 physician.

245
246 This paragraph does not apply to facilities licensed pursuant to
247 chapter 395.

248 Section 5. This act shall take effect July 1, 2009.