

By Senator Braynon

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1 A bill to be entitled
 2 An act relating to medical practice; amending ss.
 3 458.348 and 459.025, F.S.; deleting certain
 4 requirements for the supervision of certain advanced
 5 registered nurse practitioners and physician
 6 assistants at medical offices other than the primary
 7 practice location of a physician or osteopathic
 8 physician; deleting requirements for disclosure of
 9 certain information to, and for the initial
 10 examination of, a patient upon referral by another
 11 practitioner; providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Present subsection (6) of section 458.348,
 16 Florida Statutes, is redesignated as subsection (5), and
 17 subsection (4) and present subsection (5) of that section are
 18 amended, to read:

19 458.348 Formal supervisory relationships, standing orders,
 20 and established protocols; notice; standards.—

21 (4) ~~SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—A~~
 22 ~~physician who supervises an advanced registered nurse~~
 23 ~~practitioner or physician assistant at a medical office other~~
 24 ~~than the physician's primary practice location, where the~~
 25 ~~advanced registered nurse practitioner or physician assistant is~~
 26 ~~not under the onsite supervision of a supervising physician,~~
 27 ~~must comply with the standards set forth in this subsection. For~~
 28 ~~the purpose of this subsection, a physician's "primary practice~~
 29 ~~location" means the address reflected on the physician's profile~~

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30 ~~published pursuant to s. 456.041.~~

31 ~~(a) A physician who is engaged in providing primary health~~
32 ~~care services may not supervise more than four offices in~~
33 ~~addition to the physician's primary practice location. For the~~
34 ~~purpose of this subsection, "primary health care" means health~~
35 ~~care services that are commonly provided to patients without~~
36 ~~referral from another practitioner, including obstetrical and~~
37 ~~gynecological services, and excludes practices providing~~
38 ~~primarily dermatologic and skin care services, which include~~
39 ~~aesthetic skin care services.~~

40 ~~(b) A physician who is engaged in providing specialty~~
41 ~~health care services may not supervise more than two offices in~~
42 ~~addition to the physician's primary practice location. For the~~
43 ~~purpose of this subsection, "specialty health care" means health~~
44 ~~care services that are commonly provided to patients with a~~
45 ~~referral from another practitioner and excludes practices~~
46 ~~providing primarily dermatologic and skin care services, which~~
47 ~~include aesthetic skin care services.~~

48 ~~(c) A physician who supervises an advanced registered nurse~~
49 ~~practitioner or physician assistant at a medical office other~~
50 ~~than the physician's primary practice location, where the~~
51 ~~advanced registered nurse practitioner or physician assistant is~~
52 ~~not under the onsite supervision of a supervising physician and~~
53 ~~the services offered at the office are primarily dermatologic or~~
54 ~~skin care services, which include aesthetic skin care services~~
55 ~~other than plastic surgery, must comply with the standards~~
56 ~~listed in subparagraphs 1.-4. Notwithstanding s.~~

57 ~~458.347(4)(e)7., a physician supervising a physician assistant~~
58 ~~pursuant to this paragraph may not be required to review and~~

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59 cosign charts or medical records prepared by such physician
60 assistant.

61 ~~1. The physician shall submit to the board the addresses of~~
62 ~~all offices where he or she is supervising an advanced~~
63 ~~registered nurse practitioner or a physician's assistant which~~
64 ~~are not the physician's primary practice location.~~

65 ~~2. The physician must be board certified or board eligible~~
66 ~~in dermatology or plastic surgery as recognized by the board~~
67 ~~pursuant to s. 458.3312.~~

68 ~~3. All such offices that are not the physician's primary~~
69 ~~place of practice must be within 25 miles of the physician's~~
70 ~~primary place of practice or in a county that is contiguous to~~
71 ~~the county of the physician's primary place of practice.~~
72 ~~However, the distance between any of the offices may not exceed~~
73 ~~75 miles.~~

74 ~~4. The physician may supervise only one office other than~~
75 ~~the physician's primary place of practice except that until July~~
76 ~~1, 2011, the physician may supervise up to two medical offices~~
77 ~~other than the physician's primary place of practice if the~~
78 ~~addresses of the offices are submitted to the board before July~~
79 ~~1, 2006. Effective July 1, 2011, the physician may supervise~~
80 ~~only one office other than the physician's primary place of~~
81 ~~practice, regardless of when the addresses of the offices were~~
82 ~~submitted to the board.~~

83 ~~(d) A physician who supervises an office in addition to the~~
84 ~~physician's primary practice location must conspicuously post in~~
85 ~~each of the physician's offices a current schedule of the~~
86 ~~regular hours when the physician is present in that office and~~
87 ~~the hours when the office is open while the physician is not~~

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88 present.

89 ~~(c) This subsection does not apply to health care services~~
90 ~~provided in facilities licensed under chapter 395 or in~~
91 ~~conjunction with a college of medicine, a college of nursing, an~~
92 ~~accredited graduate medical program, or a nursing education~~
93 ~~program; not-for-profit, family-planning clinics that are not~~
94 ~~licensed pursuant to chapter 390; rural and federally qualified~~
95 ~~health centers; health care services provided in a nursing home~~
96 ~~licensed under part II of chapter 400, an assisted living~~
97 ~~facility licensed under part I of chapter 429, a continuing care~~
98 ~~facility licensed under chapter 651, or a retirement community~~
99 ~~consisting of independent living units and a licensed nursing~~
100 ~~home or assisted living facility; anesthesia services provided~~
101 ~~in accordance with law; health care services provided in a~~
102 ~~designated rural health clinic; health care services provided to~~
103 ~~persons enrolled in a program designed to maintain elderly~~
104 ~~persons and persons with disabilities in a home or community-~~
105 ~~based setting; university primary care student health centers;~~
106 ~~school health clinics; or health care services provided in~~
107 ~~federal, state, or local government facilities. Subsection (3)~~
108 ~~and this subsection do not apply to offices at which the~~
109 ~~exclusive service being performed is laser hair removal by an~~
110 ~~advanced registered nurse practitioner or physician assistant.~~

111 ~~(5) REQUIREMENTS FOR NOTICE AND REVIEW. Upon initial~~
112 ~~referral of a patient by another practitioner, the physician~~
113 ~~receiving the referral must ensure that the patient is informed~~
114 ~~of the type of license held by the physician and the type of~~
115 ~~license held by any other practitioner who will be providing~~
116 ~~services to the patient. When scheduling the initial examination~~

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117 ~~or consultation following such referral, the patient may decide~~
118 ~~to see the physician or any other licensed practitioner~~
119 ~~supervised by the physician and, before the initial examination~~
120 ~~or consultation, shall sign a form indicating the patient's~~
121 ~~choice of practitioner. The supervising physician must review~~
122 ~~the medical record of the initial examination or consultation~~
123 ~~and ensure that a written report of the initial examination or~~
124 ~~consultation is furnished to the referring practitioner within~~
125 ~~10 business days following the completion of the initial~~
126 ~~examination or consultation.~~

127 Section 2. Present subsection (5) of section 459.025,
128 Florida Statutes, is redesignated as subsection (4), and
129 subsection (3) and present subsection (4) of that section are
130 amended, to read:

131 459.025 Formal supervisory relationships, standing orders,
132 and established protocols; notice; standards.—

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

144 (a) ~~An osteopathic physician who is engaged in providing~~
145 ~~primary health care services may not supervise more than four~~

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146 ~~offices in addition to the osteopathic physician's primary~~
147 ~~practice location. For the purpose of this subsection, "primary~~
148 ~~health care" means health care services that are commonly~~
149 ~~provided to patients without referral from another practitioner,~~
150 ~~including obstetrical and gynecological services, and excludes~~
151 ~~practices providing primarily dermatologic and skin care~~
152 ~~services, which include aesthetic skin care services.~~

153 ~~(b) An osteopathic physician who is engaged in providing~~
154 ~~specialty health care services may not supervise more than two~~
155 ~~offices in addition to the osteopathic physician's primary~~
156 ~~practice location. For the purpose of this subsection,~~
157 ~~"specialty health care" means health care services that are~~
158 ~~commonly provided to patients with a referral from another~~
159 ~~practitioner and excludes practices providing primarily~~
160 ~~dermatologic and skin care services, which include aesthetic~~
161 ~~skin care services.~~

162 ~~(c) An osteopathic physician who supervises an advanced~~
163 ~~registered nurse practitioner or physician assistant at a~~
164 ~~medical office other than the osteopathic physician's primary~~
165 ~~practice location, where the advanced registered nurse~~
166 ~~practitioner or physician assistant is not under the onsite~~
167 ~~supervision of a supervising osteopathic physician and the~~
168 ~~services offered at the office are primarily dermatologic or~~
169 ~~skin care services, which include aesthetic skin care services~~
170 ~~other than plastic surgery, must comply with the standards~~
171 ~~listed in subparagraphs 1-4. Notwithstanding s.~~
172 ~~459.022 (4) (e) 7., an osteopathic physician supervising a~~
173 ~~physician assistant pursuant to this paragraph may not be~~
174 ~~required to review and cosign charts or medical records prepared~~

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175 by such physician assistant.

176 ~~1. The osteopathic physician shall submit to the Board of~~
177 ~~Osteopathic Medicine the addresses of all offices where he or~~
178 ~~she is supervising or has a protocol with an advanced registered~~
179 ~~nurse practitioner or a physician's assistant which are not the~~
180 ~~osteopathic physician's primary practice location.~~

181 ~~2. The osteopathic physician must be board certified or~~
182 ~~board eligible in dermatology or plastic surgery as recognized~~
183 ~~by the Board of Osteopathic Medicine pursuant to s. 459.0152.~~

184 ~~3. All such offices that are not the osteopathic~~
185 ~~physician's primary place of practice must be within 25 miles of~~
186 ~~the osteopathic physician's primary place of practice or in a~~
187 ~~county that is contiguous to the county of the osteopathic~~
188 ~~physician's primary place of practice. However, the distance~~
189 ~~between any of the offices may not exceed 75 miles.~~

190 ~~4. The osteopathic physician may supervise only one office~~
191 ~~other than the osteopathic physician's primary place of practice~~
192 ~~except that until July 1, 2011, the osteopathic physician may~~
193 ~~supervise up to two medical offices other than the osteopathic~~
194 ~~physician's primary place of practice if the addresses of the~~
195 ~~offices are submitted to the Board of Osteopathic Medicine~~
196 ~~before July 1, 2006. Effective July 1, 2011, the osteopathic~~
197 ~~physician may supervise only one office other than the~~
198 ~~osteopathic physician's primary place of practice, regardless of~~
199 ~~when the addresses of the offices were submitted to the Board of~~
200 ~~Osteopathic Medicine.~~

201 ~~(d) An osteopathic physician who supervises an office in~~
202 ~~addition to the osteopathic physician's primary practice~~
203 ~~location must conspicuously post in each of the osteopathic~~

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204 ~~physician's offices a current schedule of the regular hours when~~
205 ~~the osteopathic physician is present in that office and the~~
206 ~~hours when the office is open while the osteopathic physician is~~
207 ~~not present.~~

208 ~~(c) This subsection does not apply to health care services~~
209 ~~provided in facilities licensed under chapter 395 or in~~
210 ~~conjunction with a college of medicine or college of nursing or~~
211 ~~an accredited graduate medical or nursing education program;~~
212 ~~offices where the only service being performed is hair removal~~
213 ~~by an advanced registered nurse practitioner or physician~~
214 ~~assistant; not for profit, family planning clinics that are not~~
215 ~~licensed pursuant to chapter 390; rural and federally qualified~~
216 ~~health centers; health care services provided in a nursing home~~
217 ~~licensed under part II of chapter 400, an assisted living~~
218 ~~facility licensed under part I of chapter 429, a continuing care~~
219 ~~facility licensed under chapter 651, or a retirement community~~
220 ~~consisting of independent living units and either a licensed~~
221 ~~nursing home or assisted living facility; anesthesia services~~
222 ~~provided in accordance with law; health care services provided~~
223 ~~in a designated rural health clinic; health care services~~
224 ~~provided to persons enrolled in a program designed to maintain~~
225 ~~elderly persons and persons with disabilities in a home or~~
226 ~~community based setting; university primary care student health~~
227 ~~centers; school health clinics; or health care services provided~~
228 ~~in federal, state, or local government facilities.~~

229 ~~(4) REQUIREMENTS FOR NOTICE AND REVIEW. Upon initial~~
230 ~~referral of a patient by another practitioner, the osteopathic~~
231 ~~physician receiving the referral must ensure that the patient is~~
232 ~~informed of the type of license held by the osteopathic~~

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233 ~~physician and the type of license held by any other practitioner~~
234 ~~who will be providing services to the patient. When scheduling~~
235 ~~the initial examination or consultation following such referral,~~
236 ~~the patient may decide to see the osteopathic physician or any~~
237 ~~other licensed practitioner supervised by the osteopathic~~
238 ~~physician and, before the initial examination or consultation,~~
239 ~~shall sign a form indicating the patient's choice of~~
240 ~~practitioner. The supervising osteopathic physician must review~~
241 ~~the medical record of the initial examination or consultation~~
242 ~~and ensure that a written report of the initial examination or~~
243 ~~consultation is furnished to the referring practitioner within~~
244 ~~10 business days following the completion of the initial~~
245 ~~examination or consultation.~~

246 Section 3. This act shall take effect July 1, 2011.