

1 A bill to be entitled
 2 An act relating to physician assistants; amending ss.
 3 458.307 and 459.004, F.S.; revising the composition of
 4 the membership on the Board of Medicine and the Board
 5 of Osteopathic Medicine; providing for the appointment
 6 of new members as vacancies occur and allow; amending
 7 ss. 458.347 and 459.022, F.S.; deleting the
 8 requirement that the Department of Health issue a
 9 license to a physician assistant to prescribe
 10 medicinal drugs and requiring only a prescription
 11 number; conforming provisions to changes made by the
 12 act; providing an effective date.

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

15
 16 Section 1. Subsection (2) of section 458.307, Florida
 17 Statutes, is amended to read:

18 458.307 Board of Medicine.—

19 (2) Twelve members of the board must be licensed
 20 physicians in good standing in this state who are residents of
 21 the state and who have been engaged in the active practice or
 22 teaching of medicine for at least 4 years immediately preceding
 23 their appointment. One of the physicians must be on the full-
 24 time faculty of a medical school in this state, and one of the
 25 physicians must be in private practice and on the full-time
 26 staff of a statutory teaching hospital in this state as defined
 27 in s. 408.07. At least one of the physicians must be a graduate
 28 of a foreign medical school. One member must be a physician

29 assistant licensed under this chapter with prescribing authority
 30 who has worked in the state for at least 4 years. The remaining
 31 two ~~three~~ members must be residents of the state who are not,
 32 and never have been, licensed health care practitioners. One
 33 member must be a health care risk manager licensed under s.
 34 395.10974. At least one member of the board must be 60 years of
 35 age or older.

36 Section 2. Paragraphs (e) and (f) of subsection (4) of
 37 section 458.347, Florida Statutes, are amended to read:

38 458.347 Physician assistants.—

39 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

40 (e) A supervisory physician may delegate to a fully
 41 licensed physician assistant the authority to prescribe or
 42 dispense any medication used in the supervisory physician's
 43 practice unless such medication is listed on the formulary
 44 created pursuant to paragraph (f). A fully licensed physician
 45 assistant may only prescribe or dispense such medication under
 46 the following circumstances:

47 1. A physician assistant must clearly identify to the
 48 patient that he or she is a physician assistant. Furthermore,
 49 the physician assistant must inform the patient that the patient
 50 has the right to see the physician prior to any prescription
 51 being prescribed or dispensed by the physician assistant.

52 2. The supervisory physician must notify the department of
 53 his or her intent to delegate, on a department-approved form,
 54 before delegating such authority and notify the department of
 55 any change in prescriptive privileges of the physician
 56 assistant. Authority to dispense may be delegated only by a

57 supervising physician who is registered as a dispensing
58 practitioner in compliance with s. 465.0276.

59 3. The physician assistant must file with the department,
60 before commencing to prescribe or dispense, evidence that he or
61 she has completed a continuing medical education course of at
62 least 3 classroom hours in prescriptive practice, conducted by
63 an accredited program approved by the boards, which course
64 covers the limitations, responsibilities, and privileges
65 involved in prescribing medicinal drugs, or evidence that he or
66 she has received education comparable to the continuing
67 education course as part of an accredited physician assistant
68 training program.

69 4. The physician assistant must file with the department a
70 signed affidavit that he or she has completed a minimum of 10
71 continuing medical education hours in the specialty practice in
72 which the physician assistant has prescriptive privileges with
73 each licensure renewal application.

74 5. The department shall issue ~~a license and~~ a prescriber
75 number to the physician assistant granting authority for the
76 prescribing of medicinal drugs authorized within this paragraph
77 upon completion of the foregoing requirements. The physician
78 assistant shall not be required to independently register
79 pursuant to s. 465.0276.

80 6. The prescription must be written in a form that
81 complies with chapter 499 and must contain, in addition to the
82 supervisory physician's name, address, and telephone number, the
83 physician assistant's prescriber number. Unless it is a drug or
84 drug sample dispensed by the physician assistant, the

85 prescription must be filled in a pharmacy permitted under
 86 chapter 465 and must be dispensed in that pharmacy by a
 87 pharmacist licensed under chapter 465. The appearance of the
 88 prescriber number creates a presumption that the physician
 89 assistant is authorized to prescribe the medicinal drug and the
 90 prescription is valid.

91 7. The physician assistant must note the prescription or
 92 dispensing of medication in the appropriate medical record.

93 8. 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 (f)1. The council shall establish a formulary of medicinal
 101 drugs that a fully licensed physician assistant having
 102 prescribing authority, ~~licensed~~ under this section or s.
 103 459.022, may not prescribe. The formulary must include
 104 controlled substances as defined in chapter 893, general
 105 anesthetics, and radiographic contrast materials.

106 2. In establishing the formulary, the council shall
 107 consult with a pharmacist licensed under chapter 465, but not
 108 licensed under this chapter or chapter 459, who shall be
 109 selected by the State Surgeon General.

110 3. Only the council shall add to, delete from, or modify
 111 the formulary. Any person who requests an addition, deletion, or
 112 modification of a medicinal drug listed on such formulary has

HB 363

2012

113 the burden of proof to show cause why such addition, deletion,
 114 or modification should be made.

115 4. The boards shall adopt the formulary required by this
 116 paragraph, and each addition, deletion, or modification to the
 117 formulary, by rule. Notwithstanding any provision of chapter 120
 118 to the contrary, the formulary rule shall be effective 60 days
 119 after the date it is filed with the Secretary of State. Upon
 120 adoption of the formulary, the department shall mail a copy of
 121 such formulary to each fully licensed physician assistant having
 122 prescribing authority, ~~licensed~~ under this section or s.
 123 459.022, and to each pharmacy licensed by the state. ~~The boards~~
 124 ~~shall establish, by rule, a fee not to exceed \$200 to fund the~~
 125 ~~provisions of this paragraph and paragraph (c).~~

126 Section 3. Subsection (2) of section 459.004, Florida
 127 Statutes, is amended to read:

128 459.004 Board of Osteopathic Medicine.—

129 (2) Five members of the board must be licensed osteopathic
 130 physicians in good standing in this state who are residents of
 131 this state and who have been engaged in the practice of
 132 osteopathic medicine for at least 4 years immediately prior to
 133 their appointment. One member must be a physician assistant
 134 licensed under this chapter with prescribing authority who has
 135 worked in the state for at least 4 years. The remaining member
 136 ~~two members~~ must be a citizen ~~citizens~~ of the state who is ~~are~~
 137 not, and has ~~have~~ never been, a licensed health care
 138 practitioner ~~practitioners~~. At least one member of the board
 139 must be 60 years of age or older.

140 Section 4. Paragraph (e) of subsection (4) of section

141 459.022, Florida Statutes, is amended to read:

142 459.022 Physician assistants.—

143 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

144 (e) A supervisory physician may delegate to a fully
145 licensed physician assistant the authority to prescribe or
146 dispense any medication used in the supervisory physician's
147 practice unless such medication is listed on the formulary
148 created pursuant to s. 458.347. A fully licensed physician
149 assistant may only prescribe or dispense such medication under
150 the following circumstances:

151 1. A physician assistant must clearly identify to the
152 patient that she or he is a physician assistant. Furthermore,
153 the physician assistant must inform the patient that the patient
154 has the right to see the physician prior to any prescription
155 being prescribed or dispensed by the physician assistant.

156 2. The supervisory physician must notify the department of
157 her or his intent to delegate, on a department-approved form,
158 before delegating such authority and notify the department of
159 any change in prescriptive privileges of the physician
160 assistant. Authority to dispense may be delegated only by a
161 supervisory physician who is registered as a dispensing
162 practitioner in compliance with s. 465.0276.

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

HB 363

2012

169 involved in prescribing medicinal drugs, or evidence that she or
170 he has received education comparable to the continuing education
171 course as part of an accredited physician assistant training
172 program.

173 4. The physician assistant must file with the department a
174 signed affidavit that she or he has completed a minimum of 10
175 continuing medical education hours in the specialty practice in
176 which the physician assistant has prescriptive privileges with
177 each licensure renewal application.

178 5. The department shall issue ~~a license and~~ a prescriber
179 number to the physician assistant granting authority for the
180 prescribing of medicinal drugs authorized within this paragraph
181 upon completion of the foregoing requirements. The physician
182 assistant shall not be required to independently register
183 pursuant to s. 465.0276.

184 6. The prescription must be written in a form that
185 complies with chapter 499 and must contain, in addition to the
186 supervisory physician's name, address, and telephone number, the
187 physician assistant's prescriber number. Unless it is a drug or
188 drug sample dispensed by the physician assistant, the
189 prescription must be filled in a pharmacy permitted under
190 chapter 465, and must be dispensed in that pharmacy by a
191 pharmacist licensed under chapter 465. The appearance of the
192 prescriber number creates a presumption that the physician
193 assistant is authorized to prescribe the medicinal drug and the
194 prescription is valid.

195 7. The physician assistant must note the prescription or
196 dispensing of medication in the appropriate medical record.

HB 363

2012

197 8. This paragraph does not prohibit a supervisory
198 physician from delegating to a physician assistant the authority
199 to order medication for a hospitalized patient of the
200 supervisory physician.

201
202 This paragraph does not apply to facilities licensed pursuant to
203 chapter 395.

204 Section 5. The amendment of sections 458.307 and 459.004,
205 Florida Statutes, by this act to change the composition of the
206 membership on the Board of Medicine and the Board of Osteopathic
207 Medicine shall be implemented as vacancies on those boards occur
208 and allow.

209 Section 6. This act shall take effect July 1, 2012.