

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; requiring a physician assistant seeking to
12 prescribe medicinal drugs to submit certain evidence
13 at the time of initial licensure of completion of a
14 course in pharmacotherapeutics from an accredited
15 school; providing that a physician assistant wishing
16 to apply for a prescriber number must submit course
17 transcripts and a copy of the course description in
18 addition to other licensure application requirements;
19 requiring a physician assistant seeking to apply for a
20 prescriber number upon biennial licensure renewal to
21 submit evidence of completion of at least 3 classroom
22 hours in an approved program that covers prescribing
23 limitations, responsibilities, and privileges involved
24 in prescribing medicinal drugs; conforming provisions
25 to changes made by the act; providing an effective
26 date.

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

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

458.307 Board of Medicine.—

(2) Twelve members of the board must be licensed physicians in good standing in this state who are residents of the state and who have been engaged in the active practice or teaching of medicine for at least 4 years immediately preceding their appointment. One of the physicians must be on the full-time faculty of a medical school in this state, and one of the physicians must be in private practice and on the full-time staff of a statutory teaching hospital in this state as defined in s. 408.07. At least one of the physicians must be a graduate of a foreign medical school. One member must be a physician assistant licensed under this chapter with prescribing authority who has worked in the state for at least 4 years. The remaining two ~~three~~ members must be residents of the state who are not, and never have been, licensed health care practitioners. One member must be a health care risk manager licensed under s. 395.10974. At least one member of the board must be 60 years of age or older.

Section 2. Paragraphs (e) and (f) of subsection (4) and paragraphs (a) and (c) of subsection (7) of section 458.347, Florida Statutes, are amended to read:

458.347 Physician assistants.—

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

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

57 dispense any medication used in the supervisory physician's
 58 practice unless such medication is listed on the formulary
 59 created pursuant to paragraph (f). A fully licensed physician
 60 assistant may only prescribe or dispense such medication under
 61 the following circumstances:

62 1. A physician assistant must clearly identify to the
 63 patient that he or she is a physician assistant. Furthermore,
 64 the physician assistant must inform the patient that the patient
 65 has the right to see the physician prior to any prescription
 66 being prescribed or dispensed by the physician assistant.

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

74 3. The physician assistant must file with the department,
 75 at the time of initial application ~~before commencing to~~
 76 ~~prescribe or dispense,~~ evidence that he or she has completed a
 77 ~~continuing medical education~~ course in pharmacotherapeutics, to
 78 include the initiation, selection, and modification of selected
 79 medications, and the limitations, responsibilities, and
 80 privileges involved in prescribing medicinal drugs. The course
 81 must have been ~~of at least 3 classroom hours in prescriptive~~
 82 ~~practice,~~ conducted by a an accredited program accredited by the
 83 Commission on Accreditation of Allied Health Programs or its
 84 successor organization. The department shall issue a prescriber

85 number if the evidence submitted meets the requirements. The
86 physician assistant must receive a prescriber number prior to
87 commencing to prescribe or dispense medicinal drugs ~~approved by~~
88 ~~the boards, which course covers the limitations,~~
89 ~~responsibilities, and privileges involved in prescribing~~
90 ~~medicinal drugs, or evidence that he or she has received~~
91 ~~education comparable to the continuing education course as part~~
92 ~~of an accredited physician assistant training program.~~

93 4. The physician assistant must file with the department a
94 signed affidavit that he or she has completed a minimum of 10
95 continuing medical education hours in the specialty practice in
96 which the physician assistant has prescriptive privileges with
97 each licensure renewal application.

98 5. The department shall issue ~~a license and~~ a prescriber
99 number to the physician assistant granting authority for the
100 prescribing of medicinal drugs authorized within this paragraph
101 upon completion of the foregoing requirements. The physician
102 assistant shall not be required to independently register
103 pursuant to s. 465.0276.

104 6. The prescription must be written in a form that
105 complies with chapter 499 and must contain, in addition to the
106 supervisory physician's name, address, and telephone number, the
107 physician assistant's prescriber number. Unless it is a drug or
108 drug sample dispensed by the physician assistant, the
109 prescription must be filled in a pharmacy permitted under
110 chapter 465 and must be dispensed in that pharmacy by a
111 pharmacist licensed under chapter 465. The appearance of the
112 prescriber number creates a presumption that the physician

113 assistant is authorized to prescribe the medicinal drug and the
114 prescription is valid.

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

117 8. This paragraph does not prohibit a supervisory
118 physician from delegating to a physician assistant the authority
119 to order medication for a hospitalized patient of the
120 supervisory physician.

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122 This paragraph does not apply to facilities licensed pursuant to
123 chapter 395.

124 (f)1. The council shall establish a formulary of medicinal
125 drugs that a fully licensed physician assistant having
126 prescribing authority, ~~licensed~~ under this section or s.
127 459.022~~7~~ may not prescribe. The formulary must include
128 controlled substances as defined in chapter 893, general
129 anesthetics, and radiographic contrast materials.

130 2. In establishing the formulary, the council shall
131 consult with a pharmacist licensed under chapter 465, but not
132 licensed under this chapter or chapter 459, who shall be
133 selected by the State Surgeon General.

134 3. Only the council shall add to, delete from, or modify
135 the formulary. Any person who requests an addition, deletion, or
136 modification of a medicinal drug listed on such formulary has
137 the burden of proof to show cause why such addition, deletion,
138 or modification should be made.

139 4. The boards shall adopt the formulary required by this
140 paragraph, and each addition, deletion, or modification to the

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141 formulary, by rule. Notwithstanding any provision of chapter 120
142 to the contrary, the formulary rule shall be effective 60 days
143 after the date it is filed with the Secretary of State. Upon
144 adoption of the formulary, the department shall mail a copy of
145 such formulary to each fully licensed physician assistant having
146 prescribing authority, ~~licensed~~ under this section or s.
147 459.022, and to each pharmacy licensed by the state. The boards
148 shall establish, by rule, a fee not to exceed \$200 to fund the
149 provisions of this paragraph and paragraph (e).

150 (7) PHYSICIAN ASSISTANT LICENSURE.—

151 (a) Any person desiring to be licensed as a physician
152 assistant must apply to the department. The department shall
153 issue a license to any person certified by the council as having
154 met the following requirements:

- 155 1. Is at least 18 years of age.
- 156 2. Has satisfactorily passed a proficiency examination by
157 an acceptable score established by the National Commission on
158 Certification of Physician Assistants. If an applicant does not
159 hold a current certificate issued by the National Commission on
160 Certification of Physician Assistants and has not actively
161 practiced as a physician assistant within the immediately
162 preceding 4 years, the applicant must retake and successfully
163 complete the entry-level examination of the National Commission
164 on Certification of Physician Assistants to be eligible for
165 licensure.
- 166 3. Has completed the application form and remitted an
167 application fee not to exceed \$300 as set by the boards. An
168 application for licensure made by a physician assistant must

169 include:

- 170 a. A certificate of completion of a physician assistant
171 training program specified in subsection (6).
172 b. A sworn statement of any prior felony convictions.
173 c. A sworn statement of any previous revocation or denial
174 of licensure or certification in any state.
175 d. Two letters of recommendation.
176 e. A copy of course transcripts and a copy of the course
177 description from a physician assistant training program
178 describing a pharmacotherapy course pursuant to subparagraph
179 (4) (e)3., if the applicant wishes to apply for a prescriber
180 number. These documents must meet the evidence requirements for
181 prescribing authority.

182 (c) The license must be renewed biennially. Each renewal
183 must include:

- 184 1. A renewal fee not to exceed \$500 as set by the boards.
185 2. A sworn statement of no felony convictions in the
186 previous 2 years.

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188 A licensed physician assistant without prescribing authority may
189 request a prescriber number upon biennial licensure renewal
190 under this paragraph by submitting evidence that he or she has
191 completed a continuing medical education course of at least 3
192 classroom hours in prescriptive practice, covering the
193 limitations, responsibilities, and privileges involved in
194 prescribing medicinal drugs. The course must be conducted by an
195 accredited program approved by the boards. The physician
196 assistant must receive a prescriber number prior to commencing

197 to prescribe or dispense medicinal drugs.

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

200 459.004 Board of Osteopathic Medicine.—

201 (2) Five members of the board must be licensed osteopathic
 202 physicians in good standing in this state who are residents of
 203 this state and who have been engaged in the practice of
 204 osteopathic medicine for at least 4 years immediately prior to
 205 their appointment. One member must be a physician assistant
 206 licensed under this chapter with prescribing authority who has
 207 worked in the state for at least 4 years. The remaining member
 208 ~~two members~~ must be a citizen ~~citizens~~ of the state who is ~~are~~
 209 not, and has ~~have~~ never been, a licensed health care
 210 practitioner ~~practitioners~~. At least one member of the board
 211 must be 60 years of age or older.

212 Section 4. Paragraph (e) of subsection (4) and paragraphs
 213 (a) and (b) of subsection (7) of section 459.022, Florida
 214 Statutes, are amended to read:

215 459.022 Physician assistants.—

216 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

217 (e) A supervisory physician may delegate to a fully
 218 licensed physician assistant the authority to prescribe or
 219 dispense any medication used in the supervisory physician's
 220 practice unless such medication is listed on the formulary
 221 created pursuant to s. 458.347. A fully licensed physician
 222 assistant may only prescribe or dispense such medication under
 223 the following circumstances:

224 1. A physician assistant must clearly identify to the

225 patient that she or he is a physician assistant. Furthermore,
226 the physician assistant must inform the patient that the patient
227 has the right to see the physician prior to any prescription
228 being prescribed or dispensed by the physician assistant.

229 2. The supervisory physician must notify the department of
230 her or his intent to delegate, on a department-approved form,
231 before delegating such authority and notify the department of
232 any change in prescriptive privileges of the physician
233 assistant. Authority to dispense may be delegated only by a
234 supervisory physician who is registered as a dispensing
235 practitioner in compliance with s. 465.0276.

236 3. The physician assistant must file with the department,
237 at the time of the initial application ~~before commencing to~~
238 ~~prescribe or dispense~~, evidence that she or he has completed a
239 ~~continuing medical education~~ course in pharmacotherapeutics, to
240 include the initiation, selection, and modification of selected
241 medications, and the limitations, responsibilities, and
242 privileges involved in prescribing medicinal drugs. The course
243 must have been of at least 3 classroom hours in prescriptive
244 ~~practice~~, conducted by a an-accredited program accredited by the
245 Commission on Accreditation of Allied Health Programs or its
246 successor organization. The department shall issue a prescriber
247 number if the evidence submitted meets the requirements. The
248 physician assistant must receive a prescriber number prior to
249 commencing to prescribe or dispense medicinal drugs ~~approved by~~
250 ~~the boards, which course covers the limitations,~~
251 ~~responsibilities, and privileges involved in prescribing~~
252 ~~medicinal drugs, or evidence that she or he has received~~

253 ~~education comparable to the continuing education course as part~~
254 ~~of an accredited physician assistant training program.~~

255 4. The physician assistant must file with the department a
256 signed affidavit that she or he has completed a minimum of 10
257 continuing medical education hours in the specialty practice in
258 which the physician assistant has prescriptive privileges with
259 each licensure renewal application.

260 5. The department shall issue ~~a license and~~ a prescriber
261 number to the physician assistant granting authority for the
262 prescribing of medicinal drugs authorized within this paragraph
263 upon completion of the foregoing requirements. The physician
264 assistant shall not be required to independently register
265 pursuant to s. 465.0276.

266 6. The prescription must be written in a form that
267 complies with chapter 499 and must contain, in addition to the
268 supervisory physician's name, address, and telephone number, the
269 physician assistant's prescriber number. Unless it is a drug or
270 drug sample dispensed by the physician assistant, the
271 prescription must be filled in a pharmacy permitted under
272 chapter 465, and must be dispensed in that pharmacy by a
273 pharmacist licensed under chapter 465. The appearance of the
274 prescriber number creates a presumption that the physician
275 assistant is authorized to prescribe the medicinal drug and the
276 prescription is valid.

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

279 8. This paragraph does not prohibit a supervisory
280 physician from delegating to a physician assistant the authority

281 to order medication for a hospitalized patient of the
 282 supervisory physician.

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284 This paragraph does not apply to facilities licensed pursuant to
 285 chapter 395.

286 (7) PHYSICIAN ASSISTANT LICENSURE.—

287 (a) Any person desiring to be licensed as a physician
 288 assistant must apply to the department. The department shall
 289 issue a license to any person certified by the council as having
 290 met the following requirements:

291 1. Is at least 18 years of age.

292 2. Has satisfactorily passed a proficiency examination by
 293 an acceptable score established by the National Commission on
 294 Certification of Physician Assistants. If an applicant does not
 295 hold a current certificate issued by the National Commission on
 296 Certification of Physician Assistants and has not actively
 297 practiced as a physician assistant within the immediately
 298 preceding 4 years, the applicant must retake and successfully
 299 complete the entry-level examination of the National Commission
 300 on Certification of Physician Assistants to be eligible for
 301 licensure.

302 3. Has completed the application form and remitted an
 303 application fee not to exceed \$300 as set by the boards. An
 304 application for licensure made by a physician assistant must
 305 include:

306 a. A certificate of completion of a physician assistant
 307 training program specified in subsection (6).

308 b. A sworn statement of any prior felony convictions.

309 c. A sworn statement of any previous revocation or denial
310 of licensure or certification in any state.

311 d. Two letters of recommendation.

312 e. A copy of course transcripts and a copy of the course
313 description from a physician assistant training program
314 describing a pharmacotherapy course pursuant to subparagraph
315 (4)(e)3., if the applicant wishes to apply for a prescriber
316 number. These documents must meet the evidence requirements for
317 prescribing authority.

318 (b) The licensure must be renewed biennially. Each renewal
319 must include:

320 1. A renewal fee not to exceed \$500 as set by the boards.

321 2. A sworn statement of no felony convictions in the
322 previous 2 years.

323
324 A licensed physician assistant without prescribing authority may
325 request a prescriber number upon biennial licensure renewal
326 under this paragraph by submitting evidence that she or he has
327 completed a continuing medical education course of at least 3
328 classroom hours in prescriptive practice, covering the
329 limitations, responsibilities, and privileges involved in
330 prescribing medicinal drugs. The course must be conducted by an
331 accredited program approved by the boards. The physician
332 assistant must receive a prescriber number prior to commencing
333 to prescribe or dispense medicinal drugs.

334 Section 5. The amendment of sections 458.307 and 459.004,
335 Florida Statutes, by this act to change the composition of the
336 membership on the Board of Medicine and the Board of Osteopathic

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337 | Medicine shall be implemented as vacancies on those boards occur
338 | and allow.

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