

1 A bill to be entitled

2 An act relating to physician assistants; amending ss.
3 458.347 and 459.022, F.S.; deleting the requirement
4 that the Department of Health issue a license to a
5 physician assistant to prescribe medicinal drugs and
6 requiring only a prescription number; requiring a
7 physician assistant seeking to prescribe medicinal
8 drugs to submit certain evidence at the time of
9 initial licensure of completion of a course in
10 pharmacotherapeutics from an accredited school;
11 providing that a physician assistant wishing to apply
12 for a prescriber number must submit course transcripts
13 and a copy of the course description in addition to
14 other licensure application requirements; requiring a
15 physician assistant seeking to apply for a prescriber
16 number upon biennial licensure renewal to submit
17 evidence of completion of at least 3 classroom hours
18 in an approved program that covers prescribing
19 limitations, responsibilities, and privileges involved
20 in prescribing medicinal drugs; conforming provisions
21 to changes made by the act; providing an effective
22 date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Paragraphs (e) and (f) of subsection (4) and
27 paragraphs (a) and (c) of subsection (7) of section 458.347,
28 Florida Statutes, are amended to read:

29 458.347 Physician assistants.—

30 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

31 (e) A supervisory physician may delegate to a fully
 32 licensed physician assistant the authority to prescribe or
 33 dispense any medication used in the supervisory physician's
 34 practice unless such medication is listed on the formulary
 35 created pursuant to paragraph (f). A fully licensed physician
 36 assistant may only prescribe or dispense such medication under
 37 the following circumstances:

38 1. A physician assistant must clearly identify to the
 39 patient that he or she is a physician assistant. Furthermore,
 40 the physician assistant must inform the patient that the patient
 41 has the right to see the physician prior to any prescription
 42 being prescribed or dispensed by the physician assistant.

43 2. The supervisory physician must notify the department of
 44 his or her intent to delegate, on a department-approved form,
 45 before delegating such authority and notify the department of
 46 any change in prescriptive privileges of the physician
 47 assistant. Authority to dispense may be delegated only by a
 48 supervising physician who is registered as a dispensing
 49 practitioner in compliance with s. 465.0276.

50 3. The physician assistant must file with the department,
 51 at the time of initial application ~~before commencing to~~
 52 ~~prescribe or dispense~~, evidence that he or she has completed a
 53 ~~continuing medical education~~ course in pharmacotherapeutics, to
 54 include the initiation, selection, and modification of selected
 55 medications, and the limitations, responsibilities, and
 56 privileges involved in prescribing medicinal drugs. The course

57 must have been ~~of at least 3 classroom hours in prescriptive~~
58 ~~practice,~~ conducted by a an ~~accredited~~ program accredited by the
59 Commission on Accreditation of Allied Health Programs or its
60 successor organization. The department shall issue a prescriber
61 number if the evidence submitted meets the requirements. The
62 physician assistant must receive a prescriber number prior to
63 commencing to prescribe or dispense medicinal drugs ~~approved by~~
64 ~~the boards, which course covers the limitations,~~
65 ~~responsibilities, and privileges involved in prescribing~~
66 ~~medicinal drugs, or evidence that he or she has received~~
67 ~~education comparable to the continuing education course as part~~
68 ~~of an accredited physician assistant 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

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 (e).

126 (7) PHYSICIAN ASSISTANT LICENSURE.—

127 (a) Any person desiring to be licensed as a physician
128 assistant must apply to the department. The department shall
129 issue a license to any person certified by the council as having
130 met the following requirements:

131 1. Is at least 18 years of age.

132 2. Has satisfactorily passed a proficiency examination by
133 an acceptable score established by the National Commission on
134 Certification of Physician Assistants. If an applicant does not
135 hold a current certificate issued by the National Commission on
136 Certification of Physician Assistants and has not actively
137 practiced as a physician assistant within the immediately
138 preceding 4 years, the applicant must retake and successfully
139 complete the entry-level examination of the National Commission
140 on Certification of Physician Assistants to be eligible for

141 licensure.

142 3. Has completed the application form and remitted an
143 application fee not to exceed \$300 as set by the boards. An
144 application for licensure made by a physician assistant must
145 include:

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

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

149 c. A sworn statement of any previous revocation or denial
150 of licensure or certification in any state.

151 d. Two letters of recommendation.

152 e. A copy of course transcripts and a copy of the course
153 description from a physician assistant training program
154 describing a pharmacotherapy course pursuant to subparagraph
155 (4)(e)3., if the applicant wishes to apply for a prescriber
156 number. These documents must meet the evidence requirements for
157 prescribing authority.

158 (c) The license must be renewed biennially. Each renewal
159 must include:

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

161 2. A sworn statement of no felony convictions in the
162 previous 2 years.

163

164 A licensed physician assistant without prescribing authority may
165 request a prescriber number upon biennial licensure renewal
166 under this paragraph by submitting evidence that he or she has
167 completed a continuing medical education course of at least 3
168 classroom hours in prescriptive practice, covering the

169 limitations, responsibilities, and privileges involved in
170 prescribing medicinal drugs. The course must be conducted by an
171 accredited program approved by the boards. The physician
172 assistant must receive a prescriber number prior to commencing
173 to prescribe or dispense medicinal drugs.

174 Section 2. Paragraph (e) of subsection (4) and paragraphs
175 (a) and (b) of subsection (7) of section 459.022, Florida
176 Statutes, are amended to read:

177 459.022 Physician assistants.—

178 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

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

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

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

197 practitioner in compliance with s. 465.0276.

198 3. The physician assistant must file with the department,
 199 at the time of the initial application ~~before commencing to~~
 200 ~~prescribe or dispense,~~ evidence that she or he has completed a
 201 ~~continuing medical education~~ course in pharmacotherapeutics, to
 202 include the initiation, selection, and modification of selected
 203 medications, and the limitations, responsibilities, and
 204 privileges involved in prescribing medicinal drugs. The course
 205 must have been ~~of at least 3 classroom hours in prescriptive~~
 206 ~~practice,~~ conducted by a an-accredited program accredited by the
 207 Commission on Accreditation of Allied Health Programs or its
 208 successor organization. The department shall issue a prescriber
 209 number if the evidence submitted meets the requirements. The
 210 physician assistant must receive a prescriber number prior to
 211 commencing to prescribe or dispense medicinal drugs ~~approved by~~
 212 ~~the boards, which course covers the limitations,~~
 213 ~~responsibilities, and privileges involved in prescribing~~
 214 ~~medicinal drugs, or evidence that she or he has received~~
 215 ~~education comparable to the continuing education course as part~~
 216 ~~of an accredited physician assistant training program.~~

217 4. The physician assistant must file with the department a
 218 signed affidavit that she or he has completed a minimum of 10
 219 continuing medical education hours in the specialty practice in
 220 which the physician assistant has prescriptive privileges with
 221 each licensure renewal application.

222 5. The department shall issue ~~a license and~~ a prescriber
 223 number to the physician assistant granting authority for the
 224 prescribing of medicinal drugs authorized within this paragraph

225 upon completion of the foregoing requirements. The physician
 226 assistant shall not be required to independently register
 227 pursuant to s. 465.0276.

228 6. The prescription must be written in a form that
 229 complies with chapter 499 and must contain, in addition to the
 230 supervisory physician's name, address, and telephone number, the
 231 physician assistant's prescriber number. Unless it is a drug or
 232 drug sample dispensed by the physician assistant, the
 233 prescription must be filled in a pharmacy permitted under
 234 chapter 465, and must be dispensed in that pharmacy by a
 235 pharmacist licensed under chapter 465. The appearance of the
 236 prescriber number creates a presumption that the physician
 237 assistant is authorized to prescribe the medicinal drug and the
 238 prescription is valid.

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

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

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

248 (7) PHYSICIAN ASSISTANT LICENSURE.—

249 (a) Any person desiring to be licensed as a physician
 250 assistant must apply to the department. The department shall
 251 issue a license to any person certified by the council as having
 252 met the following requirements:

- 253 1. Is at least 18 years of age.
- 254 2. Has satisfactorily passed a proficiency examination by
 255 an acceptable score established by the National Commission on
 256 Certification of Physician Assistants. If an applicant does not
 257 hold a current certificate issued by the National Commission on
 258 Certification of Physician Assistants and has not actively
 259 practiced as a physician assistant within the immediately
 260 preceding 4 years, the applicant must retake and successfully
 261 complete the entry-level examination of the National Commission
 262 on Certification of Physician Assistants to be eligible for
 263 licensure.
- 264 3. Has completed the application form and remitted an
 265 application fee not to exceed \$300 as set by the boards. An
 266 application for licensure made by a physician assistant must
 267 include:
- 268 a. A certificate of completion of a physician assistant
 269 training program specified in subsection (6).
- 270 b. A sworn statement of any prior felony convictions.
- 271 c. A sworn statement of any previous revocation or denial
 272 of licensure or certification in any state.
- 273 d. Two letters of recommendation.
- 274 e. A copy of course transcripts and a copy of the course
 275 description from a physician assistant training program
 276 describing a pharmacotherapy course pursuant to subparagraph
 277 (4) (e)3., if the applicant wishes to apply for a prescriber
 278 number. These documents must meet the evidence requirements for
 279 prescribing authority.
- 280 (b) The licensure must be renewed biennially. Each renewal

CS/CS/CS/HB 363

2012

281 must include:

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

283 2. A sworn statement of no felony convictions in the
284 previous 2 years.

285

286 A licensed physician assistant without prescribing authority may
287 request a prescriber number upon biennial licensure renewal
288 under this paragraph by submitting evidence that she or he has
289 completed a continuing medical education course of at least 3
290 classroom hours in prescriptive practice, covering the
291 limitations, responsibilities, and privileges involved in
292 prescribing medicinal drugs. The course must be conducted by an
293 accredited program approved by the boards. The physician
294 assistant must receive a prescriber number prior to commencing
295 to prescribe or dispense medicinal drugs.

296 Section 3. This act shall take effect July 1, 2012.