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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2012	.	
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The Committee on Health Regulation (Fasano) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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



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13 faculty of a medical school in this state, and one of the  
14 physicians must be in private practice and on the full-time  
15 staff of a statutory teaching hospital in this state as defined  
16 in s. 408.07. At least one of the physicians must be a graduate  
17 of a foreign medical school. One member must be a physician  
18 assistant licensed under this chapter who has prescribing  
19 authority and who has worked in the state for at least 4 years.  
20 The remaining two ~~three~~ members must be residents of the state  
21 who are not, and never have been, licensed health care  
22 practitioners. One member must be a health care risk manager  
23 licensed under s. 395.10974. At least one member of the board  
24 must be 60 years of age or older.

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

28 458.347 Physician assistants.—

29 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

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

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



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

49           3. The physician assistant must file with the department,  
50 at the time of initial application ~~before commencing to~~  
51 ~~prescribe or dispense,~~ evidence that he or she has completed a  
52 ~~continuing medical education~~ course in pharmacotherapeutics, to  
53 include the initiation, selection, and modification of selected  
54 medications, and the limitations, responsibilities, and  
55 privileges involved in prescribing medicinal drugs. The course  
56 must have been ~~of at least 3 classroom hours in prescriptive~~  
57 ~~practice,~~ conducted by a ~~an~~ accredited program accredited by the  
58 Commission on Accreditation of Allied Health Programs or its  
59 successor organization. The department shall issue a prescriber  
60 number if the evidence submitted meets the requirements. The  
61 physician assistant must receive a prescriber number before  
62 commencing to prescribe or dispense medicinal drugs ~~approved by~~  
63 ~~the boards, which course covers the limitations,~~  
64 ~~responsibilities, and privileges involved in prescribing~~  
65 ~~medicinal drugs, or evidence that he or she has received~~  
66 ~~education comparable to the continuing education course as part~~  
67 ~~of an accredited physician assistant training program.~~

68           4. The physician assistant must file with the department a  
69 signed affidavit that he or she has completed a minimum of 10  
70 continuing medical education hours in the specialty practice in



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71 which the physician assistant has prescriptive privileges with  
72 each licensure renewal application.

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

79 6. The prescription must be written in a form that complies  
80 with chapter 499 and must contain, in addition to the  
81 supervisory physician's name, address, and telephone number, the  
82 physician assistant's prescriber number. Unless it is a drug or  
83 drug sample dispensed by the physician assistant, the  
84 prescription must be filled in a pharmacy permitted under  
85 chapter 465 and must be dispensed in that pharmacy by a  
86 pharmacist licensed under chapter 465. The appearance of the  
87 prescriber number creates a presumption that the physician  
88 assistant is authorized to prescribe the medicinal drug and the  
89 prescription is valid.

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

92 8. This paragraph does not prohibit a supervisory physician  
93 from delegating to a physician assistant the authority to order  
94 medication for a hospitalized patient of the supervisory  
95 physician.

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97 This paragraph does not apply to facilities licensed pursuant to  
98 chapter 395.

99 (f)1. The council shall establish a formulary of medicinal



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100 drugs that a fully licensed physician assistant having  
101 prescribing authority, ~~licensed~~ under this section or s.  
102 459.022, may not prescribe. The formulary must include  
103 controlled substances as defined in chapter 893, general  
104 anesthetics, and radiographic contrast materials.

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

109 3. Only the council shall add to, delete from, or modify  
110 the formulary. Any person who requests an addition, deletion, or  
111 modification of a medicinal drug listed on such formulary has  
112 the burden of proof to show cause why such addition, deletion,  
113 or modification should be made.

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

125 (7) PHYSICIAN ASSISTANT LICENSURE.—

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



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129 met the following requirements:

130 1. Is at least 18 years of age.

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

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

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

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

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

150 d. Two letters of recommendation.

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

157 (c) The license must be renewed biennially. Each renewal



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158 must include:

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

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

162

163 A licensed physician assistant without prescribing authority may  
164 request a prescriber number upon biennial licensure renewal  
165 under this paragraph by submitting evidence that he or she has  
166 completed a continuing medical education course of at least 3  
167 classroom hours in prescriptive practice, covering the  
168 limitations, responsibilities, and privileges involved in  
169 prescribing medicinal drugs. The course must be conducted by an  
170 accredited program approved by the boards. The physician  
171 assistant must receive a prescriber number before commencing to  
172 prescribe or dispense medicinal drugs.

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

175 459.004 Board of Osteopathic Medicine.—

176 (2) Five members of the board must be licensed osteopathic  
177 physicians in good standing in this state who are residents of  
178 this state and who have been engaged in the practice of  
179 osteopathic medicine for at least 4 years immediately prior to  
180 their appointment. One member must be a physician assistant  
181 licensed under this chapter who has prescribing authority and  
182 who has worked in the state for at least 4 years. The remaining  
183 member ~~two members~~ must be a citizen ~~citizens~~ of the state who  
184 is ~~are~~ not, and has ~~have~~ never been, a licensed health care  
185 practitioner ~~practitioners~~. At least one member of the board  
186 must be 60 years of age or older.



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

190           459.022 Physician assistants.—

191           (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

192           (e) A supervisory physician may delegate to a fully  
193 licensed physician assistant the authority to prescribe or  
194 dispense any medication used in the supervisory physician's  
195 practice unless such medication is listed on the formulary  
196 created pursuant to s. 458.347. A fully licensed physician  
197 assistant may only prescribe or dispense such medication under  
198 the following circumstances:

199           1. A physician assistant must clearly identify to the  
200 patient that she or he is a physician assistant. Furthermore,  
201 the physician assistant must inform the patient that the patient  
202 has the right to see the physician prior to any prescription  
203 being prescribed or dispensed by the physician assistant.

204           2. The supervisory physician must notify the department of  
205 her or his intent to delegate, on a department-approved form,  
206 before delegating such authority and notify the department of  
207 any change in prescriptive privileges of the physician  
208 assistant. Authority to dispense may be delegated only by a  
209 supervisory physician who is registered as a dispensing  
210 practitioner in compliance with s. 465.0276.

211           3. The physician assistant must file with the department,  
212 at the time of the initial application ~~before commencing to~~  
213 ~~prescribe or dispense~~, evidence that she or he has completed a  
214 ~~continuing medical education~~ course in pharmacotherapeutics, to  
215 include the initiation, selection, and modification of selected





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216 medications, and the limitations, responsibilities, and  
217 privileges involved in prescribing medicinal drugs. The course  
218 must have been of at least 3 classroom hours in prescriptive  
219 practice, conducted by a an-accredited program accredited by the  
220 Commission on Accreditation of Allied Health Programs or its  
221 successor organization. The department shall issue a prescriber  
222 number if the evidence submitted meets the requirements. The  
223 physician assistant must receive a prescriber number before  
224 commencing to prescribe or dispense medicinal drugs approved by  
225 the boards, which course covers the limitations,  
226 responsibilities, and privileges involved in prescribing  
227 medicinal drugs, or evidence that she or he has received  
228 education comparable to the continuing education course as part  
229 of an accredited physician assistant training program.

230 4. The physician assistant must file with the department a  
231 signed affidavit that she or he has completed a minimum of 10  
232 continuing medical education hours in the specialty practice in  
233 which the physician assistant has prescriptive privileges with  
234 each licensure renewal application.

235 5. The department shall issue ~~a license and~~ a prescriber  
236 number to the physician assistant granting authority for the  
237 prescribing of medicinal drugs authorized within this paragraph  
238 upon completion of the foregoing requirements. The physician  
239 assistant shall not be required to independently register  
240 pursuant to s. 465.0276.

241 6. The prescription must be written in a form that complies  
242 with chapter 499 and must contain, in addition to the  
243 supervisory physician's name, address, and telephone number, the  
244 physician assistant's prescriber number. Unless it is a drug or



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245 drug sample dispensed by the physician assistant, the  
246 prescription must be filled in a pharmacy permitted under  
247 chapter 465, and must be dispensed in that pharmacy by a  
248 pharmacist licensed under chapter 465. The appearance of the  
249 prescriber number creates a presumption that the physician  
250 assistant is authorized to prescribe the medicinal drug and the  
251 prescription is valid.

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

254 8. This paragraph does not prohibit a supervisory physician  
255 from delegating to a physician assistant the authority to order  
256 medication for a hospitalized patient of the supervisory  
257 physician.

258  
259 This paragraph does not apply to facilities licensed pursuant to  
260 chapter 395.

261 (7) PHYSICIAN ASSISTANT LICENSURE.—

262 (a) Any person desiring to be licensed as a physician  
263 assistant must apply to the department. The department shall  
264 issue a license to any person certified by the council as having  
265 met the following requirements:

266 1. Is at least 18 years of age.

267 2. Has satisfactorily passed a proficiency examination by  
268 an acceptable score established by the National Commission on  
269 Certification of Physician Assistants. If an applicant does not  
270 hold a current certificate issued by the National Commission on  
271 Certification of Physician Assistants and has not actively  
272 practiced as a physician assistant within the immediately  
273 preceding 4 years, the applicant must retake and successfully



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274 complete the entry-level examination of the National Commission  
275 on Certification of Physician Assistants to be eligible for  
276 licensure.

277 3. Has completed the application form and remitted an  
278 application fee not to exceed \$300 as set by the boards. An  
279 application for licensure made by a physician assistant must  
280 include:

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

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

284 c. A sworn statement of any previous revocation or denial  
285 of licensure or certification in any state.

286 d. Two letters of recommendation.

287 e. A copy of course transcripts and a copy of the course  
288 description from a physician assistant training program  
289 describing a pharmacotherapy course pursuant to subparagraph  
290 (4)(e)3., if the applicant wishes to apply for a prescriber  
291 number. These documents must meet the evidence requirements for  
292 prescribing authority.

293 (b) The licensure must be renewed biennially. Each renewal  
294 must include:

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

296 2. A sworn statement of no felony convictions in the  
297 previous 2 years.

298  
299 A licensed physician assistant without prescribing authority may  
300 request a prescriber number upon biennial licensure renewal  
301 under this paragraph by submitting evidence that she or he has  
302 completed a continuing medical education course of at least 3



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303 classroom hours in prescriptive practice, covering the  
304 limitations, responsibilities, and privileges involved in  
305 prescribing medicinal drugs. The course must be conducted by an  
306 accredited program approved by the boards. The physician  
307 assistant must receive a prescriber number before commencing to  
308 prescribe or dispense medicinal drugs.

309       Section 5. The amendment of sections 458.307 and 459.004,  
310 Florida Statutes, made by this act to change the composition of  
311 the membership on the Board of Medicine and the Board of  
312 Osteopathic Medicine shall be implemented as vacancies on those  
313 boards occur and allow.

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

315  
316 ===== T I T L E   A M E N D M E N T =====

317 And the title is amended as follows:

318       Delete everything before the enacting clause  
319 and insert:

320                               A bill to be entitled  
321       An act relating to physician assistants; amending ss.  
322       458.307 and 459.004, F.S.; revising the composition of  
323       the membership on the Board of Medicine and the Board  
324       of Osteopathic Medicine; providing for the appointment  
325       of new members as vacancies occur and allow; amending  
326       ss. 458.347 and 459.022, F.S.; deleting the  
327       requirement that the Department of Health issue a  
328       license to a physician assistant to prescribe  
329       medicinal drugs and requiring only a prescription  
330       number; requiring that a physician assistant seeking  
331       to prescribe medicinal drugs submit certain evidence



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332 at the time of initial licensure of completion of a  
333 course in pharmacotherapeutics from an accredited  
334 program; providing that a physician assistant wishing  
335 to apply for a prescriber number must submit course  
336 transcripts and a copy of the course description in  
337 addition to other licensure application requirements;  
338 requiring that a physician assistant seeking to apply  
339 for a prescriber number upon biennial licensure  
340 renewal submit evidence of completion of at least a  
341 certain number of classroom hours in an approved  
342 program that covers prescribing limitations,  
343 responsibilities, and privileges involved in  
344 prescribing medicinal drugs; conforming provisions to  
345 changes made by the act; providing an effective date.