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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AD/2R

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03/09/2012 11:33 PM

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Senator Hays moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraphs (e) and (f) of subsection (4) and  
paragraph (a) 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  
dispense any medication used in the supervisory physician's  
practice unless such medication is listed on the formulary



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14 created pursuant to paragraph (f). A fully licensed physician  
15 assistant may only prescribe or dispense such medication under  
16 the following circumstances:

17 1. A physician assistant must clearly identify to the  
18 patient that he or she is a physician assistant. Furthermore,  
19 the physician assistant must inform the patient that the patient  
20 has the right to see the physician prior to any prescription  
21 being prescribed or dispensed by the physician assistant.

22 2. The supervisory physician must notify the department of  
23 his or her intent to delegate, on a department-approved form,  
24 before delegating such authority and notify the department of  
25 any change in prescriptive privileges of the physician  
26 assistant. Authority to dispense may be delegated only by a  
27 supervising physician who is registered as a dispensing  
28 practitioner in compliance with s. 465.0276.

29 ~~3. The physician assistant must file with the department,~~  
30 ~~before commencing to prescribe or dispense, evidence that he or~~  
31 ~~she has completed a continuing medical education course of at~~  
32 ~~least 3 classroom hours in prescriptive practice, conducted by~~  
33 ~~an accredited program approved by the boards, which course~~  
34 ~~covers the limitations, responsibilities, and privileges~~  
35 ~~involved in prescribing medicinal drugs, or evidence that he or~~  
36 ~~she has received education comparable to the continuing~~  
37 ~~education course as part of an accredited physician assistant~~  
38 ~~training program.~~

39 3.4. The physician assistant must file with the department  
40 a signed affidavit that he or she has completed a minimum of 10  
41 continuing medical education hours in the specialty practice in  
42 which the physician assistant has prescriptive privileges with



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43 each licensure renewal application.

44 ~~4.5.~~ The department may ~~shall~~ issue ~~a license and~~ a  
45 prescriber number to the physician assistant granting authority  
46 for the prescribing of medicinal drugs authorized within this  
47 paragraph upon completion of the foregoing requirements. The  
48 physician assistant shall not be required to independently  
49 register pursuant to s. 465.0276.

50 ~~5.6.~~ The prescription must be written in a form that  
51 complies with chapter 499 and must contain, in addition to the  
52 supervisory physician's name, address, and telephone number, the  
53 physician assistant's prescriber number. Unless it is a drug or  
54 drug sample dispensed by the physician assistant, the  
55 prescription must be filled in a pharmacy permitted under  
56 chapter 465 and must be dispensed in that pharmacy by a  
57 pharmacist licensed under chapter 465. The appearance of the  
58 prescriber number creates a presumption that the physician  
59 assistant is authorized to prescribe the medicinal drug and the  
60 prescription is valid.

61 ~~6.7.~~ The physician assistant must note the prescription or  
62 dispensing of medication in the appropriate medical record.

63 ~~7.8.~~ This paragraph does not prohibit a supervisory  
64 physician from delegating to a physician assistant the authority  
65 to order medication for a hospitalized patient of the  
66 supervisory physician.

67  
68 This paragraph does not apply to facilities licensed pursuant to  
69 chapter 395.

70 (f)1. The council shall establish a formulary of medicinal  
71 drugs that a fully licensed physician assistant having



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72 prescribing authority, ~~licensed~~ under this section or s.  
73 459.022, may not prescribe. The formulary must include  
74 controlled substances as defined in chapter 893, general  
75 anesthetics, and radiographic contrast materials.

76 2. In establishing the formulary, the council shall consult  
77 with a pharmacist licensed under chapter 465, but not licensed  
78 under this chapter or chapter 459, who shall be selected by the  
79 State Surgeon General.

80 3. Only the council shall add to, delete from, or modify  
81 the formulary. Any person who requests an addition, deletion, or  
82 modification of a medicinal drug listed on such formulary has  
83 the burden of proof to show cause why such addition, deletion,  
84 or modification should be made.

85 4. The boards shall adopt the formulary required by this  
86 paragraph, and each addition, deletion, or modification to the  
87 formulary, by rule. Notwithstanding any provision of chapter 120  
88 to the contrary, the formulary rule shall be effective 60 days  
89 after the date it is filed with the Secretary of State. Upon  
90 adoption of the formulary, the department shall mail a copy of  
91 such formulary to each fully licensed physician assistant having  
92 prescribing authority, ~~licensed~~ under this section or s.  
93 459.022, and to each pharmacy licensed by the state. The boards  
94 shall establish, by rule, a fee not to exceed \$200 to fund the  
95 provisions of this paragraph and paragraph (e).

96 (7) PHYSICIAN ASSISTANT LICENSURE.—

97 (a) Any person desiring to be licensed as a physician  
98 assistant must apply to the department. The department shall  
99 issue a license to any person certified by the council as having  
100 met the following requirements:



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101 1. Is at least 18 years of age.

102 2. Has satisfactorily passed a proficiency examination by  
103 an acceptable score established by the National Commission on  
104 Certification of Physician Assistants. If an applicant does not  
105 hold a current certificate issued by the National Commission on  
106 Certification of Physician Assistants and has not actively  
107 practiced as a physician assistant within the immediately  
108 preceding 4 years, the applicant must retake and successfully  
109 complete the entry-level examination of the National Commission  
110 on Certification of Physician Assistants to be eligible for  
111 licensure.

112 3. Has completed the application form and remitted an  
113 application fee not to exceed \$300 as set by the boards. An  
114 application for licensure made by a physician assistant must  
115 include:

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

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

119 c. A sworn statement of any previous revocation or denial  
120 of licensure or certification in any state.

121 d. Two letters of recommendation.

122 e. A copy of course transcripts and a copy of the course  
123 description from a physician assistant training program  
124 describing course content in pharmacotherapy, if the applicant  
125 wishes to apply for prescribing authority. These documents must  
126 meet the evidence requirements for prescribing authority.

127 Section 2. Paragraph (e) of subsection (4) and paragraph  
128 (a) of subsection (7) of section 459.022, Florida Statutes, are  
129 amended to read:



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130 459.022 Physician assistants.—

131 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

132 (e) A supervisory physician may delegate to a fully  
133 licensed physician assistant the authority to prescribe or  
134 dispense any medication used in the supervisory physician's  
135 practice unless such medication is listed on the formulary  
136 created pursuant to s. 458.347. A fully licensed physician  
137 assistant may only prescribe or dispense such medication under  
138 the following circumstances:

139 1. A physician assistant must clearly identify to the  
140 patient that she or he is a physician assistant. Furthermore,  
141 the physician assistant must inform the patient that the patient  
142 has the right to see the physician prior to any prescription  
143 being prescribed or dispensed by the physician assistant.

144 2. The supervisory physician must notify the department of  
145 her or his intent to delegate, on a department-approved form,  
146 before delegating such authority and notify the department of  
147 any change in prescriptive privileges of the physician  
148 assistant. Authority to dispense may be delegated only by a  
149 supervisory physician who is registered as a dispensing  
150 practitioner in compliance with s. 465.0276.

151 ~~3. The physician assistant must file with the department,~~  
152 ~~before commencing to prescribe or dispense, evidence that she or~~  
153 ~~he has completed a continuing medical education course of at~~  
154 ~~least 3 classroom hours in prescriptive practice, conducted by~~  
155 ~~an accredited program approved by the boards, which course~~  
156 ~~covers the limitations, responsibilities, and privileges~~  
157 ~~involved in prescribing medicinal drugs, or evidence that she or~~  
158 ~~he has received education comparable to the continuing education~~



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159 ~~course as part of an accredited physician assistant training~~  
160 ~~program.~~

161 ~~3.4.~~ The physician assistant must file with the department  
162 a signed affidavit that she or he has completed a minimum of 10  
163 continuing medical education hours in the specialty practice in  
164 which the physician assistant has prescriptive privileges with  
165 each licensure renewal application.

166 ~~4.5.~~ The department may ~~shall~~ issue ~~a license and a~~  
167 prescriber number to the physician assistant granting authority  
168 for the prescribing of medicinal drugs authorized within this  
169 paragraph upon completion of the foregoing requirements. The  
170 physician assistant shall not be required to independently  
171 register pursuant to s. 465.0276.

172 ~~5.6.~~ The prescription must be written in a form that  
173 complies with chapter 499 and must contain, in addition to the  
174 supervisory physician's name, address, and telephone number, the  
175 physician assistant's prescriber number. Unless it is a drug or  
176 drug sample dispensed by the physician assistant, the  
177 prescription must be filled in a pharmacy permitted under  
178 chapter 465, and must be dispensed in that pharmacy by a  
179 pharmacist licensed under chapter 465. The appearance of the  
180 prescriber number creates a presumption that the physician  
181 assistant is authorized to prescribe the medicinal drug and the  
182 prescription is valid.

183 ~~6.7.~~ The physician assistant must note the prescription or  
184 dispensing of medication in the appropriate medical record.

185 ~~7.8.~~ This paragraph does not prohibit a supervisory  
186 physician from delegating to a physician assistant the authority  
187 to order medication for a hospitalized patient of the



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188 supervisory physician.

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190 This paragraph does not apply to facilities licensed pursuant to  
191 chapter 395.

192 (7) PHYSICIAN ASSISTANT LICENSURE.—

193 (a) Any person desiring to be licensed as a physician  
194 assistant must apply to the department. The department shall  
195 issue a license to any person certified by the council as having  
196 met the following requirements:

197 1. Is at least 18 years of age.

198 2. Has satisfactorily passed a proficiency examination by  
199 an acceptable score established by the National Commission on  
200 Certification of Physician Assistants. If an applicant does not  
201 hold a current certificate issued by the National Commission on  
202 Certification of Physician Assistants and has not actively  
203 practiced as a physician assistant within the immediately  
204 preceding 4 years, the applicant must retake and successfully  
205 complete the entry-level examination of the National Commission  
206 on Certification of Physician Assistants to be eligible for  
207 licensure.

208 3. Has completed the application form and remitted an  
209 application fee not to exceed \$300 as set by the boards. An  
210 application for licensure made by a physician assistant must  
211 include:

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

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

215 c. A sworn statement of any previous revocation or denial  
216 of licensure or certification in any state.





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217 d. Two letters of recommendation.

218 e. A copy of course transcripts and a copy of the course  
219 description from a physician assistant training program  
220 describing course content in pharmacotherapy, if the applicant  
221 wishes to apply for prescribing authority. These documents must  
222 meet the evidence requirements for prescribing authority.

223 (b) The licensure must be renewed biennially. Each renewal  
224 must include:

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

228 Section 3. Paragraph (c) of subsection (4) of section  
229 458.348, Florida Statutes, is amended to read:

230 458.348 Formal supervisory relationships, standing orders,  
231 and established protocols; notice; standards.—

232 (4) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—A  
233 physician who supervises an advanced registered nurse  
234 practitioner or physician assistant at a medical office other  
235 than the physician's primary practice location, where the  
236 advanced registered nurse practitioner or physician assistant is  
237 not under the onsite supervision of a supervising physician,  
238 must comply with the standards set forth in this subsection. For  
239 the purpose of this subsection, a physician's "primary practice  
240 location" means the address reflected on the physician's profile  
241 published pursuant to s. 456.041.

242 (c) A physician who supervises an advanced registered nurse  
243 practitioner or physician assistant at a medical office other  
244 than the physician's primary practice location, where the  
245 advanced registered nurse practitioner or physician assistant is



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246 not under the onsite supervision of a supervising physician and  
247 the services offered at the office are primarily dermatologic or  
248 skin care services, which include aesthetic skin care services  
249 other than plastic surgery, must comply with the standards  
250 listed in subparagraphs 1.-4. Notwithstanding s. 458.347(4)(e)6.  
251 ~~458.347(4)(e)7.~~, a physician supervising a physician assistant  
252 pursuant to this paragraph may not be required to review and  
253 cosign charts or medical records prepared by such physician  
254 assistant.

255 1. The physician shall submit to the board the addresses of  
256 all offices where he or she is supervising an advanced  
257 registered nurse practitioner or a physician's assistant which  
258 are not the physician's primary practice location.

259 2. The physician must be board certified or board eligible  
260 in dermatology or plastic surgery as recognized by the board  
261 pursuant to s. 458.3312.

262 3. All such offices that are not the physician's primary  
263 place of practice must be within 25 miles of the physician's  
264 primary place of practice or in a county that is contiguous to  
265 the county of the physician's primary place of practice.  
266 However, the distance between any of the offices may not exceed  
267 75 miles.

268 4. The physician may supervise only one office other than  
269 the physician's primary place of practice except that until July  
270 1, 2011, the physician may supervise up to two medical offices  
271 other than the physician's primary place of practice if the  
272 addresses of the offices are submitted to the board before July  
273 1, 2006. Effective July 1, 2011, the physician may supervise  
274 only one office other than the physician's primary place of



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275 practice, regardless of when the addresses of the offices were  
276 submitted to the board.

277 Section 4. Paragraph (c) of subsection (3) of section  
278 459.025, Florida Statutes, is amended to read:

279 459.025 Formal supervisory relationships, standing orders,  
280 and established protocols; notice; standards.—

281 (3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—

282 An osteopathic physician who supervises an advanced registered  
283 nurse practitioner or physician assistant at a medical office  
284 other than the osteopathic physician's primary practice  
285 location, where the advanced registered nurse practitioner or  
286 physician assistant is not under the onsite supervision of a  
287 supervising osteopathic physician, must comply with the  
288 standards set forth in this subsection. For the purpose of this  
289 subsection, an osteopathic physician's "primary practice  
290 location" means the address reflected on the physician's profile  
291 published pursuant to s. 456.041.

292 (c) An osteopathic physician who supervises an advanced  
293 registered nurse practitioner or physician assistant at a  
294 medical office other than the osteopathic physician's primary  
295 practice location, where the advanced registered nurse  
296 practitioner or physician assistant is not under the onsite  
297 supervision of a supervising osteopathic physician and the  
298 services offered at the office are primarily dermatologic or  
299 skin care services, which include aesthetic skin care services  
300 other than plastic surgery, must comply with the standards  
301 listed in subparagraphs 1.-4. Notwithstanding s. 459.022(4)(e)6.  
302 ~~459.022(4)(e)7.~~, an osteopathic physician supervising a  
303 physician assistant pursuant to this paragraph may not be



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304 required to review and cosign charts or medical records prepared  
305 by such physician assistant.

306 1. The osteopathic physician shall submit to the Board of  
307 Osteopathic Medicine the addresses of all offices where he or  
308 she is supervising or has a protocol with an advanced registered  
309 nurse practitioner or a physician's assistant which are not the  
310 osteopathic physician's primary practice location.

311 2. The osteopathic physician must be board certified or  
312 board eligible in dermatology or plastic surgery as recognized  
313 by the Board of Osteopathic Medicine pursuant to s. 459.0152.

314 3. All such offices that are not the osteopathic  
315 physician's primary place of practice must be within 25 miles of  
316 the osteopathic physician's primary place of practice or in a  
317 county that is contiguous to the county of the osteopathic  
318 physician's primary place of practice. However, the distance  
319 between any of the offices may not exceed 75 miles.

320 4. The osteopathic physician may supervise only one office  
321 other than the osteopathic physician's primary place of practice  
322 except that until July 1, 2011, the osteopathic physician may  
323 supervise up to two medical offices other than the osteopathic  
324 physician's primary place of practice if the addresses of the  
325 offices are submitted to the Board of Osteopathic Medicine  
326 before July 1, 2006. Effective July 1, 2011, the osteopathic  
327 physician may supervise only one office other than the  
328 osteopathic physician's primary place of practice, regardless of  
329 when the addresses of the offices were submitted to the Board of  
330 Osteopathic Medicine.

331 Section 5. This act shall take effect July 1, 2012.

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333 ===== T I T L E A M E N D M E N T =====

334 And the title is amended as follows:

335 Delete everything before the enacting clause

336 and insert:

337 A bill to be entitled

338 An act relating to physician assistants; amending ss.  
339 458.347 and 459.022, F.S.; revising requirements for  
340 physician assistants to prescribe or dispense  
341 medicinal drugs; authorizing, rather than requiring,  
342 the Department of Health to issue a prescriber number  
343 to physician assistants granting authority to  
344 prescribe medicinal drugs; providing that a physician  
345 assistant applying for prescribing authority must  
346 submit course transcripts and a copy of the course  
347 description in addition to other licensure application  
348 requirements; conforming provisions to changes made by  
349 the act; amending ss. 458.348 and 459.025, F.S.;  
350 conforming cross-references; providing an effective  
351 date.