

By the Committee on Health Regulation; and Senator Hays

588-02038-12

2012774c1

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

27
28 Be It Enacted by the Legislature of the State of Florida:
29

588-02038-12

2012774c1

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

32 458.307 Board of Medicine.—

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

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

53 458.347 Physician assistants.—

54 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

55 (e) A supervisory physician may delegate to a fully
56 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

588-02038-12

2012774c1

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 before
87 commencing to prescribe or dispense medicinal drugs ~~approved by~~

588-02038-12

2012774c1

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 complies
105 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.

588-02038-12

2012774c1

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

121
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, 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 consult
131 with a pharmacist licensed under chapter 465, but not licensed
132 under this chapter or chapter 459, who shall be selected by the
133 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
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

588-02038-12

2012774c1

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.

588-02038-12

2012774c1

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.

187
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 before commencing to
197 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

588-02038-12

2012774c1

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 who has prescribing authority and
207 who has worked in the state for at least 4 years. The remaining
208 member ~~two members~~ must be a citizen ~~citizens~~ of the state who
209 is ~~are~~ 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

588-02038-12

2012774c1

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 before
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

588-02038-12

2012774c1

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 complies
267 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 physician
280 from delegating to a physician assistant the authority to order
281 medication for a hospitalized patient of the supervisory
282 physician.

283

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:

588-02038-12

2012774c1

- 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:

588-02038-12

2012774c1

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 before commencing to
333 prescribe or dispense medicinal drugs.

334 Section 5. The amendment of sections 458.307 and 459.004,
335 Florida Statutes, made by this act to change the composition of
336 the membership on the Board of Medicine and the Board of
337 Osteopathic Medicine shall be implemented as vacancies on those
338 boards occur and allow.

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