

1 A bill to be entitled

2 An act relating to prescription medication; amending
3 ss. 458.347 and 459.022, F.S.; authorizing a licensed
4 physician assistant acting under the direction of a
5 supervisory physician to order medication for
6 administration to a specified patient; conforming
7 provisions; amending s. 464.012, F.S.; authorizing an
8 advanced registered nurse practitioner to order
9 medication for administration to a specified patient;
10 amending ss. 465.003 and 893.02, F.S.; revising the
11 definition of the term "prescription" to exclude an
12 order that is dispensed for administration to a
13 specified patient; amending ss. 465.187 and 893.04,
14 F.S.; conforming provisions; amending s. 893.05, F.S.;
15 authorizing a licensed physician assistant or advanced
16 registered nurse practitioner acting under the
17 supervision of a physician to order a controlled
18 substance for administration to a specified patient;
19 providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Paragraph (g) of subsection (4) of section
24 458.347, Florida Statutes, is amended to read:

25 458.347 Physician assistants.—

26 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

27 (g) A supervisory physician may delegate to a licensed
 28 physician assistant the authority to, and the licensed physician
 29 assistant acting under the direction of the supervisory
 30 physician may, order medication ~~medications~~ for administration
 31 to the supervisory physician's patient ~~during his or her care~~ in
 32 a facility licensed under chapter 395, ~~notwithstanding any~~
 33 ~~provisions in chapter 465 or chapter 893 which may prohibit this~~
 34 ~~delegation. For the purpose of this paragraph, an order is not~~
 35 ~~considered a prescription. A licensed physician assistant~~
 36 ~~working in a facility that is licensed under chapter 395 may~~
 37 ~~order any medication under the direction of the supervisory~~
 38 ~~physician.~~

39 Section 2. Paragraph (f) of subsection (4) of section
 40 459.022, Florida Statutes, is amended to read:

41 459.022 Physician assistants.—

42 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

43 (f) A supervisory physician may delegate to a licensed
 44 physician assistant the authority to, and the licensed physician
 45 assistant acting under the direction of the supervisory
 46 physician may, order medication ~~medications~~ for administration
 47 to the supervisory physician's patient ~~during his or her care~~ in
 48 a facility licensed under chapter 395, ~~notwithstanding any~~
 49 ~~provisions in chapter 465 or chapter 893 which may prohibit this~~
 50 ~~delegation. For the purpose of this paragraph, an order is not~~
 51 ~~considered a prescription. A licensed physician assistant~~
 52 ~~working in a facility that is licensed under chapter 395 may~~

53 ~~order any medication under the direction of the supervisory~~
 54 ~~physician.~~

55 Section 3. Paragraph (e) is added to subsection (3) of
 56 section 464.012, Florida Statutes, to read:

57 464.012 Certification of advanced registered nurse
 58 practitioners; fees.—

59 (3) An advanced registered nurse practitioner shall
 60 perform those functions authorized in this section within the
 61 framework of an established protocol that is filed with the
 62 board upon biennial license renewal and within 30 days after
 63 entering into a supervisory relationship with a physician or
 64 changes to the protocol. The board shall review the protocol to
 65 ensure compliance with applicable regulatory standards for
 66 protocols. The board shall refer to the department licensees
 67 submitting protocols that are not compliant with the regulatory
 68 standards for protocols. A practitioner currently licensed under
 69 chapter 458, chapter 459, or chapter 466 shall maintain
 70 supervision for directing the specific course of medical
 71 treatment. Within the established framework, an advanced
 72 registered nurse practitioner may:

73 (e) Order medication for administration to a patient in a
 74 facility licensed under chapter 395.

75 Section 4. Subsection (14) of section 465.003, Florida
 76 Statutes, is amended to read:

77 465.003 Definitions.—As used in this chapter, the term:

78 (14) "Prescription" includes any order for drugs or

79 medicinal supplies written or transmitted by any means of
80 communication by a duly licensed practitioner authorized by the
81 laws of the state to prescribe such drugs or medicinal supplies
82 and intended to be dispensed by a pharmacist. The term also
83 includes an orally transmitted order by the lawfully designated
84 agent of such practitioner. The term also includes an order
85 written or transmitted by a practitioner licensed to practice in
86 a jurisdiction other than this state, but only if the pharmacist
87 called upon to dispense such order determines, in the exercise
88 of her or his professional judgment, that the order is valid and
89 necessary for the treatment of a chronic or recurrent illness.
90 The term "prescription" also includes a pharmacist's order for a
91 product selected from the formulary created pursuant to s.
92 465.186. The term "prescription" does not include an order that
93 is dispensed for administration to a patient in a facility
94 licensed under chapter 395. Prescriptions may be retained in
95 written form or the pharmacist may cause them to be recorded in
96 a data processing system, provided that such order can be
97 produced in printed form upon lawful request.

98 Section 5. Section 465.187, Florida Statutes, is amended
99 to read:

100 465.187 Sale of medicinal drugs.—The sale of medicinal
101 drugs dispensed upon the prescription ~~order~~ of a practitioner
102 pursuant to this chapter shall be entitled to the exemption from
103 sales tax provided for in s. 212.08.

104 Section 6. Subsection (22) of section 893.02, Florida

105 Statutes, is amended to read:

106 893.02 Definitions.—The following words and phrases as
 107 used in this chapter shall have the following meanings, unless
 108 the context otherwise requires:

109 (22) "Prescription" means and includes an order for drugs
 110 or medicinal supplies written, signed, or transmitted by any
 111 ~~word of mouth, telephone, telegram, or other~~ means of
 112 communication by a duly licensed practitioner authorized
 113 ~~licensed~~ by the laws of the state to prescribe such drugs or
 114 medicinal supplies, issued in good faith and in the course of
 115 professional practice, intended to be ~~filled, compounded, or~~
 116 dispensed by a another person authorized ~~licensed~~ by the laws of
 117 the state to do so, and meeting the requirements of s. 893.04.
 118 The term also includes an order for drugs or medicinal supplies
 119 so transmitted or written by a physician, dentist, veterinarian,
 120 or other practitioner licensed to practice in a state other than
 121 Florida, but only if the pharmacist called upon to fill such an
 122 order determines, in the exercise of his or her professional
 123 judgment, that the order was issued pursuant to a valid patient-
 124 physician relationship, that it is authentic, and that the drugs
 125 or medicinal supplies so ordered are considered necessary for
 126 the continuation of treatment of a chronic or recurrent illness.
 127 However, if the physician writing the prescription is not known
 128 to the pharmacist, the pharmacist shall obtain proof to a
 129 reasonable certainty of the validity of said prescription. A
 130 prescription order for a controlled substance shall not be

131 issued on the same prescription blank with another prescription
132 order for a controlled substance which is named or described in
133 a different schedule, nor shall any prescription order for a
134 controlled substance be issued on the same prescription blank as
135 a prescription order for a medicinal drug, as defined in s.
136 465.003(8), which does not fall within the definition of a
137 controlled substance as defined in this act. The term
138 "prescription" does not include an order that is dispensed for
139 administration to a patient in a facility licensed under chapter
140 395.

141 Section 7. Subsection (2) of section 893.04, Florida
142 Statutes, is amended to read:

143 893.04 Pharmacist and practitioner.—

144 (2) (a) A pharmacist may not dispense a controlled
145 substance listed in Schedule II, Schedule III, or Schedule IV to
146 any patient or patient's agent without first determining, in the
147 exercise of her or his professional judgment, that the
148 prescription ~~order~~ is valid. The pharmacist may dispense the
149 controlled substance, in the exercise of her or his professional
150 judgment, when the pharmacist or pharmacist's agent has obtained
151 satisfactory patient information from the patient or the
152 patient's agent.

153 (b) Any pharmacist who dispenses by mail a controlled
154 substance listed in Schedule II, Schedule III, or Schedule IV is
155 exempt from the requirement to obtain suitable identification
156 for the prescription dispensed by mail if the pharmacist has

157 obtained the patient's identification through the patient's
158 prescription benefit plan.

159 (c) Any controlled substance listed in Schedule III or
160 Schedule IV may be dispensed by a pharmacist upon an oral
161 prescription if, before filling the prescription, the pharmacist
162 reduces it to writing or records the prescription electronically
163 if permitted by federal law. Such prescriptions must contain the
164 date of the oral authorization.

165 (d) Each ~~written~~ prescription written ~~prescribed~~ by a
166 practitioner in this state for a controlled substance listed in
167 Schedule II, Schedule III, or Schedule IV must include both a
168 written and a numerical notation of the quantity of the
169 controlled substance prescribed and a notation of the date in
170 numerical, month/day/year format, or with the abbreviated month
171 written out, or the month written out in whole. A pharmacist
172 may, upon verification by the prescriber, document any
173 information required by this paragraph. If the prescriber is not
174 available to verify a prescription, the pharmacist may dispense
175 the controlled substance but may insist that the person to whom
176 the controlled substance is dispensed provide valid photographic
177 identification. If a prescription includes a numerical notation
178 of the quantity of the controlled substance or date, but does
179 not include the quantity or date written out in textual format,
180 the pharmacist may dispense the controlled substance without
181 verification by the prescriber of the quantity or date if the
182 pharmacy previously dispensed another prescription for the

183 person to whom the prescription was written.

184 (e) A pharmacist may not dispense more than a 30-day
185 supply of a controlled substance listed in Schedule III upon an
186 oral prescription issued in this state.

187 (f) A pharmacist may not knowingly dispense ~~fill~~ a
188 prescription that has been forged for a controlled substance
189 listed in Schedule II, Schedule III, or Schedule IV.

190 Section 8. Subsection (1) of section 893.05, Florida
191 Statutes, is amended to read:

192 893.05 Practitioners and persons administering controlled
193 substances in their absence.—

194 (1) A practitioner, in good faith and in the course of his
195 or her professional practice only, may prescribe, administer,
196 dispense, mix, or otherwise prepare a controlled substance, or
197 the practitioner may cause the controlled substance ~~same~~ to be
198 administered by a licensed nurse or an intern practitioner under
199 his or her direction and supervision only. A veterinarian may so
200 prescribe, administer, dispense, mix, or prepare a controlled
201 substance for use on animals only, and may cause it to be
202 administered by an assistant or orderly under the veterinarian's
203 direction and supervision only. A certified optometrist licensed
204 under chapter 463 may not administer or prescribe a controlled
205 substance listed in Schedule I or Schedule II of s. 893.03. A
206 licensed physician assistant or advanced registered nurse
207 practitioner, acting under the supervision of a physician, may
208 order a controlled substance for administration to a patient,

CS/HB 281

2015

209 | consistent with the requirements of s. 458.347, s. 459.022, or
210 | s. 464.012.

211 | Section 9. This act shall take effect July 1, 2015.