

By the Committees on Finance and Tax; and Health Policy; and
Senator Grimsley

593-04002-15

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1 A bill to be entitled
2 An act relating to the ordering of medication;
3 amending ss. 458.347 and 459.022, F.S.; revising the
4 authority of a licensed physician assistant to order
5 medication under the direction of a supervisory
6 physician for a specified patient; amending s.
7 464.012, F.S.; authorizing an advanced registered
8 nurse practitioner to order medication for
9 administration to a specified patient; amending s.
10 465.003, F.S.; revising the term "prescription" to
11 exclude an order for drugs or medicinal supplies by a
12 licensed practitioner that is dispensed for certain
13 administration; amending s. 893.02, F.S.; revising the
14 term "administer" to include the term
15 "administration"; revising the term "prescription" to
16 exclude an order for drugs or medicinal supplies by a
17 licensed practitioner that is dispensed for certain
18 administration; amending s. 893.04, F.S.; conforming
19 provisions to changes made by act; amending s. 893.05,
20 F.S.; authorizing a licensed practitioner to authorize
21 a licensed physician assistant or advanced registered
22 nurse practitioner to order controlled substances for
23 a specified patient under certain circumstances;
24 reenacting ss. 400.462(26), 401.445(1), 409.906(18),
25 and 766.103(3), F.S., to incorporate the amendments
26 made to ss. 458.347 and 459.022, F.S., in references
27 thereto; reenacting ss. 401.445(1) and 766.103(3),
28 F.S., to incorporate the amendment made to s. 464.012,
29 F.S., in references thereto; reenacting ss.

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30 409.9201(1)(a), 458.331(1)(pp), 459.015(1)(rr),
31 465.014(1), 465.015(2)(c), 465.016(1)(s),
32 465.022(5)(j), 465.023(1)(h), 465.1901, 499.003(43),
33 and 831.30(1), F.S., to incorporate the amendment made
34 to s. 465.003, F.S., in references thereto; reenacting
35 ss. 112.0455(5)(i), 381.986(7)(b), 440.102(1)(l),
36 458.331(1)(pp), 459.015(1)(rr), 465.015(3),
37 465.016(1)(s), 465.022(5)(j), 465.023(1)(h),
38 499.0121(14), 768.36(1)(b), 810.02(3)(f),
39 812.014(2)(c), 856.015(1)(c), 944.47(1)(a), 951.22(1),
40 985.711(1)(a), 1003.57(1)(i), and 1006.09(8), F.S., to
41 incorporate the amendment made to s. 893.02, F.S., in
42 references thereto; reenacting s. 893.0551(3)(e),
43 F.S., to incorporate the amendment made to s. 893.04,
44 F.S., in a reference thereto; reenacting s.
45 893.0551(3)(d), F.S., to incorporate the amendment
46 made to s. 893.05, F.S., in a reference thereto;
47 providing an effective date.
48

49 Be It Enacted by the Legislature of the State of Florida:
50
51

52 Section 1. Paragraph (g) of subsection (4) of section
53 458.347, Florida Statutes, is amended to read:

54 458.347 Physician assistants.—

55 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

56 (g) A supervisory physician may delegate to a licensed
57 physician assistant the authority to, and the licensed physician
58 assistant acting under the direction of the supervisory

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59 physician may, order any medication ~~medications~~ for
60 administration to the supervisory physician's patient ~~during his~~
61 ~~or her care~~ in a facility licensed under chapter 395,
62 ~~notwithstanding any provisions in chapter 465 or chapter 893~~
63 ~~which may prohibit this delegation. For the purpose of this~~
64 ~~paragraph, an order is not considered a prescription. A licensed~~
65 ~~physician assistant working in a facility that is licensed under~~
66 ~~chapter 395 may order any medication under the direction of the~~
67 ~~supervisory physician.~~

68 Section 2. Paragraph (f) of subsection (4) of section
69 459.022, Florida Statutes, is amended to read:

70 459.022 Physician assistants.—

71 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

72 (f) A supervisory physician may delegate to a licensed
73 physician assistant the authority to, and the licensed physician
74 assistant acting under the direction of the supervisory
75 physician may, order any medication ~~medications~~ for
76 administration to the supervisory physician's patient ~~during his~~
77 ~~or her care~~ in a facility licensed under chapter 395,
78 ~~notwithstanding any provisions in chapter 465 or chapter 893~~
79 ~~which may prohibit this delegation. For the purpose of this~~
80 ~~paragraph, an order is not considered a prescription. A licensed~~
81 ~~physician assistant working in a facility that is licensed under~~
82 ~~chapter 395 may order any medication under the direction of the~~
83 ~~supervisory physician.~~

84 Section 3. Paragraph (a) of subsection (3) of section
85 464.012, Florida Statutes, is amended to read:

86 464.012 Certification of advanced registered nurse
87 practitioners; fees.—

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88 (3) An advanced registered nurse practitioner shall perform
89 those functions authorized in this section within the framework
90 of an established protocol that is filed with the board upon
91 biennial license renewal and within 30 days after entering into
92 a supervisory relationship with a physician or changes to the
93 protocol. The board shall review the protocol to ensure
94 compliance with applicable regulatory standards for protocols.
95 The board shall refer to the department licensees submitting
96 protocols that are not compliant with the regulatory standards
97 for protocols. A practitioner currently licensed under chapter
98 458, chapter 459, or chapter 466 shall maintain supervision for
99 directing the specific course of medical treatment. Within the
100 established framework, an advanced registered nurse practitioner
101 may:

102 (a) Monitor and alter drug therapies and order any
103 medication for administration to a patient in a facility
104 licensed under chapter 395.

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

107 465.003 Definitions.—As used in this chapter, the term:

108 (14) "Prescription" includes any order for drugs or
109 medicinal supplies written or transmitted by any means of
110 communication by a ~~duly~~ licensed practitioner authorized by the
111 laws of this ~~the~~ state to prescribe such drugs or medicinal
112 supplies and intended to be dispensed by a pharmacist, except
113 for an order that is dispensed for administration. The term also
114 includes an orally transmitted order by the lawfully designated
115 agent of such practitioner; ~~-. The term also includes an order~~
116 written or transmitted by a practitioner licensed to practice in

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117 a jurisdiction other than this state, but only if the pharmacist
118 called upon to dispense such order determines, in the exercise
119 of her or his professional judgment, that the order is valid and
120 necessary for the treatment of a chronic or recurrent illness;
121 and. ~~The term "prescription" also includes~~ a pharmacist's order
122 for a product selected from the formulary created pursuant to s.
123 465.186. Prescriptions may be retained in written form or the
124 pharmacist may cause them to be recorded in a data processing
125 system, provided that such order can be produced in printed form
126 upon lawful request.

127 Section 5. Subsections (1) and (22) of section 893.02,
128 Florida Statutes, are amended to read:

129 893.02 Definitions.—The following words and phrases as used
130 in this chapter shall have the following meanings, unless the
131 context otherwise requires:

132 (1) "Administer" or "administration" means the direct
133 application of a controlled substance, whether by injection,
134 inhalation, ingestion, or any other means, to the body of a
135 person or animal.

136 (22) "Prescription" ~~means and includes~~ any an order for
137 drugs or medicinal supplies which is written, ~~signed,~~ or
138 transmitted by any ~~word of mouth, telephone, telegram, or other~~
139 means of communication by a ~~duly~~ licensed practitioner
140 authorized licensed by the laws of this ~~the~~ state to prescribe
141 such drugs or medicinal supplies, is issued in good faith and in
142 the course of professional practice, is intended to be filled,
143 ~~compounded, or~~ dispensed by a another person authorized licensed
144 by the laws of this ~~the~~ state to do so, and meets ~~meeting~~ the
145 requirements of s. 893.04.

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146 (a) The term also includes an order for drugs or medicinal
147 supplies ~~se~~ transmitted or written by a physician, dentist,
148 veterinarian, or other practitioner licensed to practice in a
149 state other than Florida, but only if the pharmacist called upon
150 to fill such an order determines, in the exercise of his or her
151 professional judgment, that the order was issued pursuant to a
152 valid patient-physician relationship, that it is authentic, and
153 that the drugs or medicinal supplies ~~se~~ ordered are considered
154 necessary for the continuation of treatment of a chronic or
155 recurrent illness.

156 (b) The term does not include an order that is dispensed
157 for administration by a licensed practitioner authorized by the
158 laws of this state to administer such drugs or medicinal
159 supplies.

160 (c) ~~However,~~ If the physician writing the prescription is
161 not known to the pharmacist, the pharmacist shall obtain proof
162 to a reasonable certainty of the validity of the said
163 prescription.

164 (d) A prescription ~~order~~ for a controlled substance may
165 ~~shall~~ not be issued on the same prescription blank with another
166 prescription ~~order~~ for a controlled substance that which is
167 named or described in a different schedule or with another, ~~nor~~
168 ~~shall any prescription order for a controlled substance be~~
169 ~~issued on the same prescription blank as a prescription order~~
170 for a medicinal drug, as defined in s. 465.003(8), that is which
171 ~~does not fall within the definition of a controlled substance as~~
172 ~~defined in this act.~~

173 Section 6. Paragraphs (a), (d), and (f) of subsection (2)
174 of section 893.04, Florida Statutes, are amended to read:

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175 893.04 Pharmacist and practitioner.—

176 (2) (a) A pharmacist may not dispense a controlled substance
177 listed in Schedule II, Schedule III, or Schedule IV to any
178 patient or patient's agent without first determining, in the
179 exercise of her or his professional judgment, that the
180 prescription ~~order~~ is valid. The pharmacist may dispense the
181 controlled substance, in the exercise of her or his professional
182 judgment, when the pharmacist or pharmacist's agent has obtained
183 satisfactory patient information from the patient or the
184 patient's agent.

185 (d) Each ~~written~~ prescription written ~~prescribed~~ by a
186 practitioner in this state for a controlled substance listed in
187 Schedule II, Schedule III, or Schedule IV must include ~~both~~ a
188 written and a numerical notation of the quantity of the
189 controlled substance prescribed and a notation of the date in
190 numerical, month/day/year format, or with the abbreviated month
191 written out, or the month written out in whole. A pharmacist
192 may, upon verification by the prescriber, document any
193 information required by this paragraph. If the prescriber is not
194 available to verify a prescription, the pharmacist may dispense
195 the controlled substance, but may insist that the person to whom
196 the controlled substance is dispensed provide valid photographic
197 identification. If a prescription includes a numerical notation
198 of the quantity of the controlled substance or date, but does
199 not include the quantity or date written out in textual format,
200 the pharmacist may dispense the controlled substance without
201 verification by the prescriber of the quantity or date if the
202 pharmacy previously dispensed another prescription for the
203 person to whom the prescription was written.

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

207 Section 7. Subsection (1) of section 893.05, Florida
208 Statutes, is amended to read:

209 893.05 Practitioners and persons administering controlled
210 substances in their absence.—

211 (1) (a) A practitioner, in good faith and in the course of
212 his or her professional practice only, may prescribe,
213 administer, dispense, mix, or otherwise prepare a controlled
214 substance, or the practitioner may cause the controlled
215 substance ~~same~~ to be administered by a licensed nurse or an
216 intern practitioner under his or her direction and supervision
217 only.

218 (b) Pursuant to s. 458.347(4)(g), s. 459.022(4)(f), or s.
219 464.012(3), as applicable, a practitioner who supervises a
220 licensed physician assistant or advanced registered nurse
221 practitioner may authorize the licensed physician assistant or
222 advanced registered nurse practitioner to order controlled
223 substances for administration to a patient in a facility
224 licensed under chapter 395.

225 (c) A veterinarian may ~~se~~ prescribe, administer, dispense,
226 mix, or prepare a controlled substance for use on animals only,
227 and may cause the controlled substance ~~it~~ to be administered by
228 an assistant or orderly under the veterinarian's direction and
229 supervision only.

230 (d) A certified optometrist licensed under chapter 463 may
231 not administer or prescribe a controlled substance listed in
232 Schedule I or Schedule II of s. 893.03.

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233 Section 8. Subsection (26) of s. 400.462, subsection (1) of
234 s. 401.445, subsection (18) of s. 409.906, and subsection (3) of
235 s. 766.103, Florida Statutes, are reenacted for the purpose of
236 incorporating the amendments made by this act to ss. 458.347 and
237 459.022, Florida Statutes, in references thereto.

238 Section 9. Subsection (1) of s. 401.445 and subsection (3)
239 of s. 766.103, Florida Statutes, are reenacted for the purpose
240 of incorporating the amendment made by this act to s. 464.012,
241 Florida Statutes, in references thereto.

242 Section 10. Paragraph (a) of subsection (1) of s. 409.9201,
243 paragraph (pp) of subsection (1) of s. 458.331, paragraph (rr)
244 of subsection (1) of s. 459.015, subsection (1) of s. 465.014,
245 paragraph (c) of subsection (2) of s. 465.015, paragraph (s) of
246 subsection (1) of s. 465.016, paragraph (j) of subsection (5) of
247 s. 465.022, paragraph (h) of subsection (1) of s. 465.023, s.
248 465.1901, subsection (43) of s. 499.003, and subsection (1) of
249 s. 831.30, Florida Statutes, are reenacted for the purpose of
250 incorporating the amendments made by this act to s. 465.003,
251 Florida Statutes, in references thereto.

252 Section 11. Paragraph (i) of subsection (5) of s. 112.0455,
253 paragraph (b) of subsection (7) of s. 381.986, paragraph (l) of
254 subsection (1) of s. 440.102, paragraph (pp) of subsection (1)
255 of s. 458.331, paragraph (rr) of subsection (1) of s. 459.015,
256 subsection (3) of s. 465.015, paragraph (s) of subsection (1) of
257 s. 465.016, paragraph (j) of subsection (5) of s. 465.022,
258 paragraph (h) of subsection (1) of s. 465.023, subsection (14)
259 of s. 499.0121, paragraph (b) of subsection (1) of s. 768.36,
260 paragraph (f) of subsection (3) of s. 810.02, paragraph (c) of
261 subsection (2) of s. 812.014, paragraph (c) of subsection (1) of

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262 s. 856.015, paragraph (a) of subsection (1) of s. 944.47,
263 subsection (1) of s. 951.22, paragraph (a) of subsection (1) of
264 s. 985.711, paragraph (i) of subsection (1) of s. 1003.57, and
265 subsection (8) of s. 1006.09, Florida Statutes, are reenacted
266 for the purpose of incorporating the amendments made by this act
267 to s. 893.02, Florida Statutes, in references thereto.

268 Section 12. Paragraph (e) of subsection (3) of s. 893.0551,
269 Florida Statutes, is reenacted for the purpose of incorporating
270 the amendments made by this act to s. 893.04, Florida Statutes,
271 in a reference thereto.

272 Section 13. Paragraph (d) of subsection (3) of s. 893.0551,
273 Florida Statutes, is reenacted for the purpose of incorporating
274 the amendments made by this act to s. 893.05, Florida Statutes,
275 in a reference thereto.

276 Section 14. This act shall take effect July 1, 2015.