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LEGISLATIVE ACTION

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| Senate | . | House |
| Comm: RCS | . | |
| 02/26/2016 | . | |
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The Committee on Appropriations (Grimsley) recommended the following:

1 **Senate Substitute for Amendment (556062) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Paragraph (g) of subsection (4) of section
7 458.347, Florida Statutes, is amended to read:

8 458.347 Physician assistants.—

9 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

10 (g) A supervisory physician may delegate to a licensed



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11 physician assistant the authority to, and the licensed physician
12 assistant acting under the direction of the supervisory
13 physician may, order any medication medications for
14 administration to the supervisory physician's patient ~~during his~~
15 ~~or her care~~ in a facility licensed under chapter 395 or part II
16 of chapter 400, notwithstanding any provisions in chapter 465 or
17 chapter 893 which may prohibit this delegation. For the purpose
18 of this paragraph, an order is not considered a prescription. A
19 licensed physician assistant working in a facility that is
20 licensed under chapter 395 or part II of chapter 400 may order
21 any medication under the direction of the supervisory physician.

22 Section 2. Paragraph (f) of subsection (4) of section
23 459.022, Florida Statutes, is amended to read:

24 459.022 Physician assistants.—

25 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

26 (f) A supervisory physician may delegate to a licensed
27 physician assistant the authority to, and the licensed physician
28 assistant acting under the direction of the supervisory
29 physician may, order any medication medications for
30 administration to the supervisory physician's patient ~~during his~~
31 ~~or her care~~ in a facility licensed under chapter 395 or part II
32 of chapter 400, notwithstanding any provisions in chapter 465 or
33 chapter 893 which may prohibit this delegation. For the purpose
34 of this paragraph, an order is not considered a prescription. A
35 licensed physician assistant working in a facility that is
36 licensed under chapter 395 or part II of chapter 400 may order
37 any medication under the direction of the supervisory physician.

38 Section 3. Paragraph (a) of subsection (3) of section
39 464.012, Florida Statutes, is amended to read:



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40 464.012 Certification of advanced registered nurse
41 practitioners; fees.—

42 (3) An advanced registered nurse practitioner shall perform
43 those functions authorized in this section within the framework
44 of an established protocol that is filed with the board upon
45 biennial license renewal and within 30 days after entering into
46 a supervisory relationship with a physician or changes to the
47 protocol. The board shall review the protocol to ensure
48 compliance with applicable regulatory standards for protocols.
49 The board shall refer to the department licensees submitting
50 protocols that are not compliant with the regulatory standards
51 for protocols. A practitioner currently licensed under chapter
52 458, chapter 459, or chapter 466 shall maintain supervision for
53 directing the specific course of medical treatment. Within the
54 established framework, an advanced registered nurse practitioner
55 may:

56 (a) Monitor and alter drug therapies and order any
57 medication for administration to a patient in a facility
58 licensed under chapter 395 or part II of chapter 400.

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

61 465.003 Definitions.—As used in this chapter, the term:

62 (14) "Prescription" includes any order for drugs or
63 medicinal supplies written or transmitted by any means of
64 communication by a ~~duly~~ licensed practitioner authorized by the
65 laws of this ~~the~~ state to prescribe such drugs or medicinal
66 supplies and intended to be dispensed by a pharmacist, except
67 for an order that is dispensed for administration. The term also
68 includes an orally transmitted order by the lawfully designated



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69 agent of such practitioner; ~~The term also includes~~ an order
70 written or transmitted by a practitioner licensed to practice in
71 a jurisdiction other than this state, but only if the pharmacist
72 called upon to dispense such order determines, in the exercise
73 of her or his professional judgment, that the order is valid and
74 necessary for the treatment of a chronic or recurrent illness;
75 and. ~~The term "prescription" also includes~~ a pharmacist's order
76 for a product selected from the formulary created pursuant to s.
77 465.186. Prescriptions may be retained in written form or the
78 pharmacist may cause them to be recorded in a data processing
79 system, provided that such order can be produced in printed form
80 upon lawful request.

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

83 893.02 Definitions.—The following words and phrases as used
84 in this chapter shall have the following meanings, unless the
85 context otherwise requires:

86 (1) "Administer" or "administration" means the direct
87 application of a controlled substance, whether by injection,
88 inhalation, ingestion, or any other means, to the body of a
89 person or animal.

90 (22) "Prescription" ~~means and~~ includes any ~~an~~ order for
91 drugs or medicinal supplies which is written, ~~signed,~~ or
92 transmitted by any ~~word of mouth, telephone, telegram, or other~~
93 means of communication by a ~~duly~~ licensed practitioner
94 authorized ~~licensed~~ by the laws of this ~~the~~ state to prescribe
95 such drugs or medicinal supplies, is issued in good faith and in
96 the course of professional practice, is intended to be filled,
97 ~~compounded, or~~ dispensed by a ~~another~~ person authorized ~~licensed~~



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98 by the laws of this ~~the~~ state to do so, and meets ~~meeting~~ the
99 requirements of s. 893.04.

100 (a) The term also includes an order for drugs or medicinal
101 supplies ~~se~~ transmitted or written by a physician, dentist,
102 veterinarian, or other practitioner licensed to practice in a
103 state other than Florida, but only if the pharmacist called upon
104 to fill such an order determines, in the exercise of his or her
105 professional judgment, that the order was issued pursuant to a
106 valid patient-physician relationship, that it is authentic, and
107 that the drugs or medicinal supplies ~~se~~ ordered are considered
108 necessary for the continuation of treatment of a chronic or
109 recurrent illness.

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

114 (c) ~~However,~~ If the physician writing the prescription is
115 not known to the pharmacist, the pharmacist shall obtain proof
116 to a reasonable certainty of the validity of the ~~said~~
117 prescription.

118 (d) A prescription ~~order~~ for a controlled substance may
119 ~~shall~~ not be issued on the same prescription blank with another
120 prescription ~~order~~ for a controlled substance that ~~which~~ is
121 named or described in a different schedule or with another, ~~nor~~
122 ~~shall any prescription order for a controlled substance be~~
123 ~~issued on the same prescription blank as a prescription order~~
124 for a medicinal drug, as defined in s. 465.003(8), that is ~~which~~
125 ~~does not fall within the definition of a controlled substance as~~
126 ~~defined in this act.~~



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

129 893.04 Pharmacist and practitioner.—

130 (2) (a) A pharmacist may not dispense a controlled substance
131 listed in Schedule II, Schedule III, or Schedule IV to any
132 patient or patient's agent without first determining, in the
133 exercise of her or his professional judgment, that the
134 prescription order is valid. The pharmacist may dispense the
135 controlled substance, in the exercise of her or his professional
136 judgment, when the pharmacist or pharmacist's agent has obtained
137 satisfactory patient information from the patient or the
138 patient's agent.

139 (d) Each ~~written~~ prescription written ~~prescribed~~ by a
140 practitioner in this state for a controlled substance listed in
141 Schedule II, Schedule III, or Schedule IV must include ~~both~~ a
142 written and a numerical notation of the quantity of the
143 controlled substance prescribed and a notation of the date in
144 numerical, month/day/year format, or with the abbreviated month
145 written out, or the month written out in whole. A pharmacist
146 may, upon verification by the prescriber, document any
147 information required by this paragraph. If the prescriber is not
148 available to verify a prescription, the pharmacist may dispense
149 the controlled substance, but may insist that the person to whom
150 the controlled substance is dispensed provide valid photographic
151 identification. If a prescription includes a numerical notation
152 of the quantity of the controlled substance or date, but does
153 not include the quantity or date written out in textual format,
154 the pharmacist may dispense the controlled substance without
155 verification by the prescriber of the quantity or date if the



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156 pharmacy previously dispensed another prescription for the
157 person to whom the prescription was written.

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

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

163 893.05 Practitioners and persons administering controlled
164 substances in their absence.—

165 (1) (a) A practitioner, in good faith and in the course of
166 his or her professional practice only, may prescribe,
167 administer, dispense, mix, or otherwise prepare a controlled
168 substance, or the practitioner may cause the controlled
169 substance ~~same~~ to be administered by a licensed nurse or an
170 intern practitioner under his or her direction and supervision
171 only.

172 (b) Pursuant to s. 458.347(4)(g), s. 459.022(4)(f), or s.
173 464.012(3), as applicable, a practitioner who supervises a
174 licensed physician assistant or advanced registered nurse
175 practitioner may authorize the licensed physician assistant or
176 advanced registered nurse practitioner to order controlled
177 substances for administration to a patient in a facility
178 licensed under chapter 395 or part II of chapter 400.

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

184 (d) A certified optometrist licensed under chapter 463 may



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185 not administer or prescribe a controlled substance listed in
186 Schedule I or Schedule II of s. 893.03.

187 Section 8. Subsection (26) of s. 400.462, subsection (1) of
188 s. 401.445, subsection (18) of s. 409.906, and subsection (3) of
189 s. 766.103, Florida Statutes, are reenacted for the purpose of
190 incorporating the amendments made by this act to ss. 458.347 and
191 459.022, Florida Statutes, in references thereto.

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

196 Section 10. Paragraph (a) of subsection (1) of s. 409.9201,
197 paragraph (pp) of subsection (1) of s. 458.331, paragraph (rr)
198 of subsection (1) of s. 459.015, subsection (1) of s. 465.014,
199 paragraph (c) of subsection (2) of s. 465.015, paragraph (s) of
200 subsection (1) of s. 465.016, paragraph (j) of subsection (5) of
201 s. 465.022, paragraph (h) of subsection (1) of s. 465.023, s.
202 465.1901, subsection (43) of s. 499.003, and subsection (1) of
203 s. 831.30, Florida Statutes, are reenacted for the purpose of
204 incorporating the amendments made by this act to s. 465.003,
205 Florida Statutes, in references thereto.

206 Section 11. Paragraph (i) of subsection (5) of s. 112.0455,
207 paragraph (b) of subsection (7) of s. 381.986, paragraph (l) of
208 subsection (1) of s. 440.102, paragraph (pp) of subsection (1)
209 of s. 458.331, paragraph (rr) of subsection (1) of s. 459.015,
210 subsection (3) of s. 465.015, paragraph (s) of subsection (1) of
211 s. 465.016, paragraph (j) of subsection (5) of s. 465.022,
212 paragraph (h) of subsection (1) of s. 465.023, subsection (14)
213 of s. 499.0121, paragraph (b) of subsection (1) of s. 768.36,



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214 paragraph (f) of subsection (3) of s. 810.02, paragraph (c) of
215 subsection (2) of s. 812.014, paragraph (c) of subsection (1) of
216 s. 856.015, paragraph (a) of subsection (1) of s. 944.47,
217 subsection (1) of s. 951.22, paragraph (a) of subsection (1) of
218 s. 985.711, paragraph (i) of subsection (1) of s. 1003.57, and
219 subsection (8) of s. 1006.09, Florida Statutes, are reenacted
220 for the purpose of incorporating the amendments made by this act
221 to s. 893.02, Florida Statutes, in references thereto.

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

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

230 Section 14. This act shall take effect July 1, 2016.

231
232
233 ===== T I T L E A M E N D M E N T =====

234 And the title is amended as follows:

235 Delete everything before the enacting clause
236 and insert:

237 A bill to be entitled
238 An act relating to the ordering of medication;
239 amending s. 381.887, F.S.; clarifying the provision
240 that authorizes a health care practitioner to
241 prescribe and dispense an emergency opioid antagonist;
242 deleting a requirement that certain prescriptions be



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243 issued in the name of the patient or caregiver;
244 amending ss. 458.347 and 459.022, F.S.; revising the
245 authority of a licensed physician assistant to order
246 medication under the direction of a supervisory
247 physician for a specified patient; authorizing a
248 supervisory physician to delegate to a licensed
249 physician assistant the authority to order medications
250 for a patient at a licensed nursing home facility;
251 amending s. 464.012, F.S.; authorizing an advanced
252 registered nurse practitioner to order medication for
253 administration to patients in specialized facilities;
254 amending s. 465.003, F.S.; revising the term
255 "prescription" to exclude an order for drugs or
256 medicinal supplies dispensed for administration;
257 amending s. 893.02, F.S.; revising the term
258 "administer" to include the term "administration";
259 revising the term "prescription" to exclude an order
260 for drugs or medicinal supplies dispensed for
261 administration; amending s. 893.04, F.S.; conforming
262 provisions to changes made by act; amending s. 893.05,
263 F.S.; authorizing a licensed practitioner to authorize
264 a licensed physician assistant or advanced registered
265 nurse practitioner to order controlled substances for
266 administration to patients in specified facilities
267 under certain circumstances; reenacting ss.
268 400.462(26), 401.445(1), 409.906(18), and 766.103(3),
269 F.S., to incorporate the amendments made to ss.
270 458.347 and 459.022, F.S., in references thereto;
271 reenacting ss. 401.445(1) and 766.103(3), F.S., to



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272 incorporate the amendment made to s. 464.012, F.S., in
273 references thereto; reenacting ss. 409.9201(1)(a),
274 458.331(1)(pp), 459.015(1)(rr), 465.014(1),
275 465.015(2)(c), 465.016(1)(s), 465.022(5)(j),
276 465.023(1)(h), 465.1901, 499.003(43), and 831.30(1),
277 F.S., to incorporate the amendment made to s. 465.003,
278 F.S., in references thereto; reenacting ss.
279 112.0455(5)(i), 381.986(7)(b), 440.102(1)(l),
280 458.331(1)(pp), 459.015(1)(rr), 465.015(3),
281 465.016(1)(s), 465.022(5)(j), 465.023(1)(h),
282 499.0121(14), 768.36(1)(b), 810.02(3)(f),
283 812.014(2)(c), 856.015(1)(c), 944.47(1)(a), 951.22(1),
284 985.711(1)(a), 1003.57(1)(i), and 1006.09(8), F.S., to
285 incorporate the amendment made to s. 893.02, F.S., in
286 references thereto; reenacting s. 893.0551(3)(e),
287 F.S., to incorporate the amendment made to s. 893.04,
288 F.S., in a reference thereto; reenacting s.
289 893.0551(3)(d), F.S., to incorporate the amendment
290 made to s. 893.05, F.S., in a reference thereto;
291 providing an effective date.