

By Senator Grimsley

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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
12 dispensed for administration; amending s. 893.02,
13 F.S.; revising the term "administer" to include the
14 term "administration"; revising the term
15 "prescription" to exclude an order for drugs or
16 medicinal supplies dispensed for administration;
17 amending s. 893.04, F.S.; conforming provisions to
18 changes made by act; amending s. 893.05, F.S.;
19 authorizing a licensed practitioner to authorize a
20 licensed physician assistant or advanced registered
21 nurse practitioner to order controlled substances for
22 a specified patient under certain circumstances;
23 reenacting ss. 400.462(26), 401.445(1), 409.906(18),
24 and 766.103(3), F.S., to incorporate the amendments
25 made to ss. 458.347 and 459.022, F.S., in references
26 thereto; reenacting ss. 401.445(1) and 766.103(3),
27 F.S., to incorporate the amendment made to s. 464.012,
28 F.S., in references thereto; reenacting ss.
29 409.9201(1)(a), 458.331(1)(pp), 459.015(1)(rr),

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

47

48 Be It Enacted by the Legislature of the State of Florida:

49

50 Section 1. Paragraph (g) of subsection (4) of section
 51 458.347, Florida Statutes, is amended to read:

52 458.347 Physician assistants.—

53 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

54 (g) A supervisory physician may delegate to a licensed
 55 physician assistant the authority to, and the licensed physician
 56 assistant acting under the direction of the supervisory
 57 physician may, order any medication ~~medications~~ for
 58 administration to the supervisory physician's patient ~~during his~~

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

66 Section 2. Paragraph (f) of subsection (4) of section
67 459.022, Florida Statutes, is amended to read:

68 459.022 Physician assistants.—

69 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

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

82 Section 3. Paragraph (a) of subsection (3) of section
83 464.012, Florida Statutes, is amended to read:

84 464.012 Certification of advanced registered nurse
85 practitioners; fees.—

86 (3) An advanced registered nurse practitioner shall perform
87 those functions authorized in this section within the framework

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

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

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

105 465.003 Definitions.—As used in this chapter, the term:

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

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

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

127 893.02 Definitions.—The following words and phrases as used
128 in this chapter shall have the following meanings, unless the
129 context otherwise requires:

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

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

144 (a) The term also includes an order for drugs or medicinal
145 supplies ~~so~~ transmitted or written by a physician, dentist,

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

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

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

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

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

173 893.04 Pharmacist and practitioner.—

174 (2) (a) A pharmacist may not dispense a controlled substance

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175 listed in Schedule II, Schedule III, or Schedule IV to any
176 patient or patient's agent without first determining, in the
177 exercise of her or his professional judgment, that the
178 prescription ~~order~~ is valid. The pharmacist may dispense the
179 controlled substance, in the exercise of her or his professional
180 judgment, when the pharmacist or pharmacist's agent has obtained
181 satisfactory patient information from the patient or the
182 patient's agent.

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

202 (f) A pharmacist may not knowingly dispense ~~fill~~ a
203 prescription that has been forged for a controlled substance

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204 listed in Schedule II, Schedule III, or Schedule IV.

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

207 893.05 Practitioners and persons administering controlled
208 substances in their absence.—

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

216 (b) Pursuant to s. 458.347(4)(g), s. 459.022(4)(f), or s.
217 464.012(3), as applicable, a practitioner who supervises a
218 licensed physician assistant or advanced registered nurse
219 practitioner may authorize the licensed physician assistant or
220 advanced registered nurse practitioner to order controlled
221 substances for administration to a patient in a facility
222 licensed under chapter 395.

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

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

231 Section 8. Subsection (26) of s. 400.462, subsection (1) of
232 s. 401.445, subsection (18) of s. 409.906, and subsection (3) of

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233 s. 766.103, Florida Statutes, are reenacted for the purpose of
234 incorporating the amendments made by this act to ss. 458.347 and
235 459.022, Florida Statutes, in references thereto.

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

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

250 Section 11. Paragraph (i) of subsection (5) of s. 112.0455,
251 paragraph (b) of subsection (7) of s. 381.986, paragraph (l) of
252 subsection (1) of s. 440.102, paragraph (pp) of subsection (1)
253 of s. 458.331, paragraph (rr) of subsection (1) of s. 459.015,
254 subsection (3) of s. 465.015, paragraph (s) of subsection (1) of
255 s. 465.016, paragraph (j) of subsection (5) of s. 465.022,
256 paragraph (h) of subsection (1) of s. 465.023, subsection (14)
257 of s. 499.0121, paragraph (b) of subsection (1) of s. 768.36,
258 paragraph (f) of subsection (3) of s. 810.02, paragraph (c) of
259 subsection (2) of s. 812.014, paragraph (c) of subsection (1) of
260 s. 856.015, paragraph (a) of subsection (1) of s. 944.47,
261 subsection (1) of s. 951.22, paragraph (a) of subsection (1) of

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

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

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

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