

1 A bill to be entitled

2 An act relating to physician assistants; amending s.
3 458.347, F.S.; authorizing a licensed physician
4 assistant to perform certain services as delegated by
5 a supervisory physician; revising circumstances under
6 which a physician assistant may prescribe medication;
7 revising physician assistant licensure and license
8 renewal requirements; deleting provisions related to
9 examination by the Department of Health; defining the
10 term "designated supervising physician"; requiring
11 licensed physician assistants to report any changes in
12 the designated supervising physician within a
13 specified time; requiring a designated supervising
14 physician to maintain a list of approved supervising
15 physicians at the practice or facility; amending s.
16 459.022, F.S.; authorizing a licensed physician
17 assistant to perform certain services as delegated by
18 a supervisory physician; revising circumstances under
19 which a physician assistant may prescribe medication;
20 revising physician assistant licensure and license
21 renewal requirements; defining the term "designated
22 supervising physician"; requiring licensed physician
23 assistants to report any changes in the designated
24 supervising physician within a specified time;
25 requiring a designated supervising physician to
26 maintain a list of approved supervising physicians at

27 | the practice or facility; providing an effective date.

28 |

29 | Be It Enacted by the Legislature of the State of Florida:

30 |

31 | Section 1. Paragraph (e) of subsection (4) of section
 32 | 458.347, Florida Statutes, is amended, paragraph (h) is added to
 33 | that subsection, paragraphs (c) through (h) of subsection (7)
 34 | are redesignated as paragraphs (b) through (g), respectively,
 35 | and present paragraphs (a), (b), (c), (e), and (f) of that
 36 | subsection are amended, to read:

37 | 458.347 Physician assistants.—

38 | (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

39 | (e) A supervisory physician may delegate to a fully
 40 | licensed physician assistant the authority to prescribe or
 41 | dispense any medication used in the supervisory physician's
 42 | practice unless such medication is listed on the formulary
 43 | created pursuant to paragraph (f). A fully licensed physician
 44 | assistant may only prescribe or dispense such medication under
 45 | the following circumstances:

46 | 1. A physician assistant must clearly identify to the
 47 | patient that he or she is a physician assistant. Furthermore,
 48 | the physician assistant must inform the patient that the patient
 49 | has the right to see the physician before ~~prior to~~ any
 50 | prescription is being prescribed or dispensed by the physician
 51 | assistant.

52 | 2. The supervisory physician must notify the department of

53 his or her intent to delegate, on a department-approved form,
54 before delegating such authority and notify the department of
55 any change in prescriptive privileges of the physician
56 assistant. Authority to dispense may be delegated only by a
57 supervising physician who is registered as a dispensing
58 practitioner in compliance with s. 465.0276.

59 3. The physician assistant must certify to ~~file with~~ the
60 department ~~a signed affidavit~~ that he or she has completed a
61 minimum of 10 continuing medical education hours in the
62 specialty practice in which the physician assistant has
63 prescriptive privileges with each licensure renewal application.

64 4. The department may issue a prescriber number to the
65 physician assistant granting authority for the prescribing of
66 medicinal drugs authorized within this paragraph upon completion
67 of the foregoing requirements. The physician assistant shall not
68 be required to independently register pursuant to s. 465.0276.

69 5. The prescription may ~~must~~ be written or electronic but
70 must be in a form that complies with ss. 456.0392(1) and
71 456.42(1) ~~chapter 499~~ and must contain, in addition to the
72 supervisory physician's name, address, and telephone number, the
73 physician assistant's prescriber number. Unless it is a drug or
74 drug sample dispensed by the physician assistant, the
75 prescription must be filled in a pharmacy permitted under
76 chapter 465 and must be dispensed in that pharmacy by a
77 pharmacist licensed under chapter 465. The appearance of the
78 prescriber number creates a presumption that the physician

79 assistant is authorized to prescribe the medicinal drug and the
80 prescription is valid.

81 6. The physician assistant must note the prescription or
82 dispensing of medication in the appropriate medical record.

83 (h) A licensed physician assistant may perform services
84 related to his or her practice, in accordance with his or her
85 education and training, as delegated by the supervisory
86 physician unless expressly prohibited under this chapter or
87 chapter 459 or rules adopted thereunder.

88 (7) PHYSICIAN ASSISTANT LICENSURE.—

89 (a) Any person desiring to be licensed as a physician
90 assistant must apply to the department. The department shall
91 issue a license to any person certified by the council as having
92 met the following requirements:

93 1. Is at least 18 years of age.

94 2. Has satisfactorily passed a proficiency examination by
95 an acceptable score established by the National Commission on
96 Certification of Physician Assistants. If an applicant does not
97 hold a current certificate issued by the National Commission on
98 Certification of Physician Assistants and has not actively
99 practiced as a physician assistant within the immediately
100 preceding 4 years, the applicant must retake and successfully
101 complete the entry-level examination of the National Commission
102 on Certification of Physician Assistants to be eligible for
103 licensure.

104 3. Has completed the application form and remitted an

105 application fee not to exceed \$300 as set by the boards. An
 106 application for licensure made by a physician assistant must
 107 include:

108 a. A certificate of completion of a physician assistant
 109 training program specified in subsection (6).

110 b. Acknowledgment ~~A sworn statement~~ of any prior felony
 111 convictions.

112 c. Acknowledgment ~~A sworn statement~~ of any previous
 113 revocation or denial of licensure or certification in any state.

114 ~~d. Two letters of recommendation.~~

115 ~~d.e.~~ A copy of course transcripts and a copy of the course
 116 description from a physician assistant training program
 117 describing course content in pharmacotherapy, if the applicant
 118 wishes to apply for prescribing authority. These documents must
 119 meet the evidence requirements for prescribing authority.

120 ~~(b)1. Notwithstanding subparagraph (a)2. and sub-~~
 121 ~~subparagraph (a)3.a., the department shall examine each~~
 122 ~~applicant who the Board of Medicine certifies:~~

123 ~~a. Has completed the application form and remitted a~~
 124 ~~nonrefundable application fee not to exceed \$500 and an~~
 125 ~~examination fee not to exceed \$300, plus the actual cost to the~~
 126 ~~department to provide the examination. The examination fee is~~
 127 ~~refundable if the applicant is found to be ineligible to take~~
 128 ~~the examination. The department shall not require the applicant~~
 129 ~~to pass a separate practical component of the examination. For~~
 130 ~~examinations given after July 1, 1998, competencies measured~~

131 ~~through practical examinations shall be incorporated into the~~
132 ~~written examination through a multiple-choice format. The~~
133 ~~department shall translate the examination into the native~~
134 ~~language of any applicant who requests and agrees to pay all~~
135 ~~costs of such translation, provided that the translation request~~
136 ~~is filed with the board office no later than 9 months before the~~
137 ~~scheduled examination and the applicant remits translation fees~~
138 ~~as specified by the department no later than 6 months before the~~
139 ~~scheduled examination, and provided that the applicant~~
140 ~~demonstrates to the department the ability to communicate orally~~
141 ~~in basic English. If the applicant is unable to pay translation~~
142 ~~costs, the applicant may take the next available examination in~~
143 ~~English if the applicant submits a request in writing by the~~
144 ~~application deadline and if the applicant is otherwise eligible~~
145 ~~under this section. To demonstrate the ability to communicate~~
146 ~~orally in basic English, a passing score or grade is required,~~
147 ~~as determined by the department or organization that developed~~
148 ~~it, on the test for spoken English (TSE) by the Educational~~
149 ~~Testing Service (ETS), the test of English as a foreign language~~
150 ~~(TOEFL) by ETS, a high school or college level English course,~~
151 ~~or the English examination for citizenship, Bureau of~~
152 ~~Citizenship and Immigration Services. A notarized copy of an~~
153 ~~Educational Commission for Foreign Medical Graduates (ECFMG)~~
154 ~~certificate may also be used to demonstrate the ability to~~
155 ~~communicate in basic English; and~~
156 ~~b. Is an unlicensed physician who graduated from a foreign~~

157 ~~medical school listed with the World Health Organization who has~~
158 ~~not previously taken and failed the examination of the National~~
159 ~~Commission on Certification of Physician Assistants and who has~~
160 ~~been certified by the Board of Medicine as having met the~~
161 ~~requirements for licensure as a medical doctor by examination as~~
162 ~~set forth in s. 458.311(1), (3), (4), and (5), with the~~
163 ~~exception that the applicant is not required to have completed~~
164 ~~an approved residency of at least 1 year and the applicant is~~
165 ~~not required to have passed the licensing examination specified~~
166 ~~under s. 458.311 or hold a valid, active certificate issued by~~
167 ~~the Educational Commission for Foreign Medical Graduates; was~~
168 ~~eligible and made initial application for certification as a~~
169 ~~physician assistant in this state between July 1, 1990, and June~~
170 ~~30, 1991; and was a resident of this state on July 1, 1990, or~~
171 ~~was licensed or certified in any state in the United States as a~~
172 ~~physician assistant on July 1, 1990.~~

173 ~~2. The department may grant temporary licensure to an~~
174 ~~applicant who meets the requirements of subparagraph 1. Between~~
175 ~~meetings of the council, the department may grant temporary~~
176 ~~licensure to practice based on the completion of all temporary~~
177 ~~licensure requirements. All such administratively issued~~
178 ~~licenses shall be reviewed and acted on at the next regular~~
179 ~~meeting of the council. A temporary license expires 30 days~~
180 ~~after receipt and notice of scores to the licenseholder from the~~
181 ~~first available examination specified in subparagraph 1.~~
182 ~~following licensure by the department. An applicant who fails~~

183 ~~the proficiency examination is no longer temporarily licensed,~~
184 ~~but may apply for a one-time extension of temporary licensure~~
185 ~~after reapplying for the next available examination. Extended~~
186 ~~licensure shall expire upon failure of the licenseholder to sit~~
187 ~~for the next available examination or upon receipt and notice of~~
188 ~~scores to the licenseholder from such examination.~~

189 ~~3. Notwithstanding any other provision of law, the~~
190 ~~examination specified pursuant to subparagraph 1. shall be~~
191 ~~administered by the department only five times. Applicants~~
192 ~~certified by the board for examination shall receive at least 6~~
193 ~~months' notice of eligibility prior to the administration of the~~
194 ~~initial examination. Subsequent examinations shall be~~
195 ~~administered at 1-year intervals following the reporting of the~~
196 ~~scores of the first and subsequent examinations. For the~~
197 ~~purposes of this paragraph, the department may develop, contract~~
198 ~~for the development of, purchase, or approve an examination that~~
199 ~~adequately measures an applicant's ability to practice with~~
200 ~~reasonable skill and safety. The minimum passing score on the~~
201 ~~examination shall be established by the department, with the~~
202 ~~advice of the board. Those applicants failing to pass that~~
203 ~~examination or any subsequent examination shall receive notice~~
204 ~~of the administration of the next examination with the notice of~~
205 ~~scores following such examination. Any applicant who passes the~~
206 ~~examination and meets the requirements of this section shall be~~
207 ~~licensed as a physician assistant with all rights defined~~
208 ~~thereby.~~

209 (b)~~(e)~~ The license must be renewed biennially. Each
 210 renewal must include:
 211 1. A renewal fee not to exceed \$500 as set by the boards.
 212 2. Acknowledgment ~~A sworn statement~~ of no felony
 213 convictions in the previous 2 years.
 214 (d)1.~~(e)~~ Upon employment as a physician assistant, a
 215 licensed physician assistant must notify the department in
 216 writing within 30 days after such employment or after any
 217 subsequent change ~~changes~~ in the designated supervising
 218 physician. The notification must include the full name, Florida
 219 medical license number, specialty, and address of the designated
 220 supervising physician. For purposes of this paragraph, the term
 221 "designated supervising physician" means a physician designated
 222 by the facility or practice to be the primary contact and
 223 supervising physician for the physician assistants in a practice
 224 where physician assistants are supervised by multiple
 225 supervising physicians.
 226 2. A licensed physician assistant shall notify the
 227 department of any subsequent change in the designated
 228 supervising physician within 30 days after the change.
 229 Assignment of a designated supervising physician does not
 230 preclude a physician assistant from practicing under the
 231 supervision of a physician other than the designated supervising
 232 physician.
 233 3. The designated supervising physician shall maintain a
 234 list of all approved supervising physicians at the practice or

235 facility. Such list must include the name of each supervising
236 physician and his or her area of practice, must be kept up to
237 date with respect to additions and terminations, and must be
238 provided, in a timely manner, to the department upon written
239 request.

240 (e)~~(f)~~ Notwithstanding subparagraph (a)2., the department
241 may grant to a recent graduate of an approved program, as
242 specified in subsection (6), who expects to take the first
243 examination administered by the National Commission on
244 Certification of Physician Assistants available for registration
245 after the applicant's graduation, a temporary license. The
246 temporary license shall expire 30 days after receipt of scores
247 of the proficiency examination administered by the National
248 Commission on Certification of Physician Assistants. Between
249 meetings of the council, the department may grant a temporary
250 license to practice based on the completion of all temporary
251 licensure requirements. All such administratively issued
252 licenses shall be reviewed and acted on at the next regular
253 meeting of the council. The recent graduate may be licensed
254 before ~~prior to~~ employment, but must comply with paragraph (d)
255 ~~(e)~~. An applicant who has passed the proficiency examination may
256 be granted permanent licensure. An applicant failing the
257 proficiency examination is no longer temporarily licensed, but
258 may reapply for a 1-year extension of temporary licensure. An
259 applicant may not be granted more than two temporary licenses
260 and may not be licensed as a physician assistant until he or she

261 passes the examination administered by the National Commission
 262 on Certification of Physician Assistants. As prescribed by board
 263 rule, the council may require an applicant who does not pass the
 264 licensing examination after five or more attempts to complete
 265 additional remedial education or training. The council shall
 266 prescribe the additional requirements in a manner that permits
 267 the applicant to complete the requirements and be reexamined
 268 within 2 years after the date the applicant petitions the
 269 council to retake the examination a sixth or subsequent time.

270 Section 2. Paragraph (e) of subsection (4) of section
 271 459.022, Florida Statutes, is amended, paragraph (g) is added to
 272 that subsection, and paragraphs (a), (b), and (d) of subsection
 273 (7) of that section are amended, to read:

274 459.022 Physician assistants.—

275 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

276 (e) A supervisory physician may delegate to a fully
 277 licensed physician assistant the authority to prescribe or
 278 dispense any medication used in the supervisory physician's
 279 practice unless such medication is listed on the formulary
 280 created pursuant to s. 458.347. A fully licensed physician
 281 assistant may only prescribe or dispense such medication under
 282 the following circumstances:

283 1. A physician assistant must clearly identify to the
 284 patient that she or he is a physician assistant. Furthermore,
 285 the physician assistant must inform the patient that the patient
 286 has the right to see the physician before ~~prior to~~ any

287 prescription is ~~being~~ prescribed or dispensed by the physician
288 assistant.

289 2. The supervisory physician must notify the department of
290 her or his intent to delegate, on a department-approved form,
291 before delegating such authority and notify the department of
292 any change in prescriptive privileges of the physician
293 assistant. Authority to dispense may be delegated only by a
294 supervisory physician who is registered as a dispensing
295 practitioner in compliance with s. 465.0276.

296 3. The physician assistant must certify to ~~file with~~ the
297 department ~~a signed affidavit~~ that she or he has completed a
298 minimum of 10 continuing medical education hours in the
299 specialty practice in which the physician assistant has
300 prescriptive privileges with each licensure renewal application.

301 4. The department may issue a prescriber number to the
302 physician assistant granting authority for the prescribing of
303 medicinal drugs authorized within this paragraph upon completion
304 of the foregoing requirements. The physician assistant shall not
305 be required to independently register pursuant to s. 465.0276.

306 5. The prescription may ~~must~~ be written or electronic but
307 must be in a form that complies with ss. 456.0392(1) and
308 456.42(1) ~~chapter 499~~ and must contain, in addition to the
309 supervisory physician's name, address, and telephone number, the
310 physician assistant's prescriber number. Unless it is a drug or
311 drug sample dispensed by the physician assistant, the
312 prescription must be filled in a pharmacy permitted under

313 chapter 465, and must be dispensed in that pharmacy by a
314 pharmacist licensed under chapter 465. The appearance of the
315 prescriber number creates a presumption that the physician
316 assistant is authorized to prescribe the medicinal drug and the
317 prescription is valid.

318 6. The physician assistant must note the prescription or
319 dispensing of medication in the appropriate medical record.

320 (g) A licensed physician assistant may perform services
321 related to his or her practice, in accordance with his or her
322 education and training, as delegated by the supervisory
323 physician unless expressly prohibited under chapter 458 or this
324 chapter or rules adopted thereunder.

325 (7) PHYSICIAN ASSISTANT LICENSURE.—

326 (a) Any person desiring to be licensed as a physician
327 assistant must apply to the department. The department shall
328 issue a license to any person certified by the council as having
329 met the following requirements:

- 330 1. Is at least 18 years of age.
- 331 2. Has satisfactorily passed a proficiency examination by
332 an acceptable score established by the National Commission on
333 Certification of Physician Assistants. If an applicant does not
334 hold a current certificate issued by the National Commission on
335 Certification of Physician Assistants and has not actively
336 practiced as a physician assistant within the immediately
337 preceding 4 years, the applicant must retake and successfully
338 complete the entry-level examination of the National Commission

339 on Certification of Physician Assistants to be eligible for
340 licensure.

341 3. Has completed the application form and remitted an
342 application fee not to exceed \$300 as set by the boards. An
343 application for licensure made by a physician assistant must
344 include:

345 a. A certificate of completion of a physician assistant
346 training program specified in subsection (6).

347 b. Acknowledgment ~~A sworn statement~~ of any prior felony
348 convictions.

349 c. Acknowledgment ~~A sworn statement~~ of any previous
350 revocation or denial of licensure or certification in any state.

351 ~~d. Two letters of recommendation.~~

352 d.e. A copy of course transcripts and a copy of the course
353 description from a physician assistant training program
354 describing course content in pharmacotherapy, if the applicant
355 wishes to apply for prescribing authority. These documents must
356 meet the evidence requirements for prescribing authority.

357 (b) The licensure must be renewed biennially. Each renewal
358 must include:

359 1. A renewal fee not to exceed \$500 as set by the boards.

360 2. Acknowledgment ~~A sworn statement~~ of no felony
361 convictions in the previous 2 years.

362 (d)1. Upon employment as a physician assistant, a licensed
363 physician assistant must notify the department in writing within
364 30 days after such employment or after any subsequent changes in

365 the designated supervising physician. The notification must
366 include the full name, Florida medical license number,
367 specialty, and address of the designated supervising physician.
368 For purposes of this paragraph, the term "designated supervising
369 physician" means a physician designated by the facility or
370 practice to be the primary contact and supervising physician for
371 the physician assistants in a practice where physician
372 assistants are supervised by multiple supervising physicians.

373 2. Any subsequent change in the designated supervising
374 physician shall be reported to the department within 30 days
375 after the change. Assignment of a designated supervising
376 physician does not preclude a physician assistant from
377 practicing under the supervision of a physician other than the
378 designated supervising physician.

379 3. The designated supervising physician shall maintain a
380 list of all approved supervising physicians at the practice or
381 facility. Such list must include the name of each supervising
382 physician and his or her area of practice, must be kept up to
383 date with respect to additions and terminations, and must be
384 provided, in a timely manner, to the department upon written
385 request.

386 Section 3. This act shall take effect July 1, 2016.