



296498

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/01/2015	.	
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	.	
	.	

The Committee on Health Policy (Flores) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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



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11 458.347 Physician assistants.—

12 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

13 (e) A supervising ~~supervisory~~ physician may delegate to a
14 fully licensed physician assistant the authority to prescribe or
15 dispense any medication used in the supervising ~~supervisory~~
16 physician's practice unless such medication is listed on the
17 formulary created pursuant to paragraph (f). A fully licensed
18 physician assistant may only prescribe or dispense such
19 medication under the following circumstances:

20 1. A physician assistant must clearly identify to the
21 patient that he or she is a physician assistant. Furthermore,
22 the physician assistant must inform the patient that the patient
23 has the right to see the physician before ~~prior to~~ any
24 prescription is being prescribed or dispensed by the physician
25 assistant.

26 2. The supervising ~~supervisory~~ physician must notify the
27 department of his or her intent to delegate, on a department-
28 approved form, before delegating such authority and notify the
29 department of any change in prescriptive privileges of the
30 physician assistant. Authority to dispense may be delegated only
31 by a supervising physician who is registered as a dispensing
32 practitioner in compliance with s. 465.0276.

33 3. The physician assistant must acknowledge with ~~file with~~
34 the department ~~a signed affidavit~~ that he or she has completed a
35 minimum of 10 continuing medical education hours in the
36 specialty practice in which the physician assistant has
37 prescriptive privileges with each licensure renewal application.

38 4. The department may issue a prescriber number to the
39 physician assistant granting authority for the prescribing of



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40 medicinal drugs authorized within this paragraph upon completion
41 of the foregoing requirements. The physician assistant shall not
42 be required to independently register pursuant to s. 465.0276.

43 5. The prescription ~~may must~~ be ~~written~~ in paper or
44 electronic a form but must comply that complies with ss.
45 456.0392(1) and 456.42(1) and chapter 499 and must contain, in
46 addition to the supervising supervisory physician's name,
47 address, and telephone number, the physician assistant's
48 prescriber number. Unless it is a drug or drug sample dispensed
49 by the physician assistant, the prescription must be filled in a
50 pharmacy permitted under chapter 465 and must be dispensed in
51 that pharmacy by a pharmacist licensed under chapter 465. The
52 appearance of the prescriber number creates a presumption that
53 the physician assistant is authorized to prescribe the medicinal
54 drug and the prescription is valid.

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

57 (h) A licensed physician assistant may perform services
58 delegated by the supervising physician in the physician
59 assistant's practice in accordance with his or her education and
60 training unless expressly prohibited under this chapter, chapter
61 459, or rules adopted under this chapter or chapter 459.

62 (7) PHYSICIAN ASSISTANT LICENSURE.—

63 (a) Any person desiring to be licensed as a physician
64 assistant must apply to the department. The department shall
65 issue a license to any person certified by the council as having
66 met the following requirements:

- 67 1. Is at least 18 years of age.
68 2. Has satisfactorily passed a proficiency examination by



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69 an acceptable score established by the National Commission on
70 Certification of Physician Assistants. If an applicant does not
71 hold a current certificate issued by the National Commission on
72 Certification of Physician Assistants and has not actively
73 practiced as a physician assistant within the immediately
74 preceding 4 years, the applicant must retake and successfully
75 complete the entry-level examination of the National Commission
76 on Certification of Physician Assistants to be eligible for
77 licensure.

78 3. Has completed the application form and remitted an
79 application fee not to exceed \$300 as set by the boards. An
80 application for licensure made by a physician assistant must
81 include:

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

84 b. Acknowledgment ~~A sworn statement~~ of any prior felony
85 convictions.

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

88 d. ~~Two letters of recommendation.~~

89 e. A copy of course transcripts and a copy of the course
90 description from a physician assistant training program
91 describing course content in pharmacotherapy, if the applicant
92 wishes to apply for prescribing authority. These documents must
93 meet the evidence requirements for prescribing authority.

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

97 a. ~~Has completed the application form and remitted a~~



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98 ~~nonrefundable application fee not to exceed \$500 and an~~
99 ~~examination fee not to exceed \$300, plus the actual cost to the~~
100 ~~department to provide the examination. The examination fee is~~
101 ~~refundable if the applicant is found to be ineligible to take~~
102 ~~the examination. The department shall not require the applicant~~
103 ~~to pass a separate practical component of the examination. For~~
104 ~~examinations given after July 1, 1998, competencies measured~~
105 ~~through practical examinations shall be incorporated into the~~
106 ~~written examination through a multiple-choice format. The~~
107 ~~department shall translate the examination into the native~~
108 ~~language of any applicant who requests and agrees to pay all~~
109 ~~costs of such translation, provided that the translation request~~
110 ~~is filed with the board office no later than 9 months before the~~
111 ~~scheduled examination and the applicant remits translation fees~~
112 ~~as specified by the department no later than 6 months before the~~
113 ~~scheduled examination, and provided that the applicant~~
114 ~~demonstrates to the department the ability to communicate orally~~
115 ~~in basic English. If the applicant is unable to pay translation~~
116 ~~costs, the applicant may take the next available examination in~~
117 ~~English if the applicant submits a request in writing by the~~
118 ~~application deadline and if the applicant is otherwise eligible~~
119 ~~under this section. To demonstrate the ability to communicate~~
120 ~~orally in basic English, a passing score or grade is required,~~
121 ~~as determined by the department or organization that developed~~
122 ~~it, on the test for spoken English (TSE) by the Educational~~
123 ~~Testing Service (ETS), the test of English as a foreign language~~
124 ~~(TOEFL) by ETS, a high school or college level English course,~~
125 ~~or the English examination for citizenship, Bureau of~~
126 ~~Citizenship and Immigration Services. A notarized copy of an~~



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127 ~~Educational Commission for Foreign Medical Graduates (ECFMG)~~
128 ~~certificate may also be used to demonstrate the ability to~~
129 ~~communicate in basic English; and~~

130 ~~b. Is an unlicensed physician who graduated from a foreign~~
131 ~~medical school listed with the World Health Organization who has~~
132 ~~not previously taken and failed the examination of the National~~
133 ~~Commission on Certification of Physician Assistants and who has~~
134 ~~been certified by the Board of Medicine as having met the~~
135 ~~requirements for licensure as a medical doctor by examination as~~
136 ~~set forth in s. 458.311(1), (3), (4), and (5), with the~~
137 ~~exception that the applicant is not required to have completed~~
138 ~~an approved residency of at least 1 year and the applicant is~~
139 ~~not required to have passed the licensing examination specified~~
140 ~~under s. 458.311 or hold a valid, active certificate issued by~~
141 ~~the Educational Commission for Foreign Medical Graduates; was~~
142 ~~eligible and made initial application for certification as a~~
143 ~~physician assistant in this state between July 1, 1990, and June~~
144 ~~30, 1991; and was a resident of this state on July 1, 1990, or~~
145 ~~was licensed or certified in any state in the United States as a~~
146 ~~physician assistant on July 1, 1990.~~

147 ~~2. The department may grant temporary licensure to an~~
148 ~~applicant who meets the requirements of subparagraph 1. Between~~
149 ~~meetings of the council, the department may grant temporary~~
150 ~~licensure to practice based on the completion of all temporary~~
151 ~~licensure requirements. All such administratively issued~~
152 ~~licenses shall be reviewed and acted on at the next regular~~
153 ~~meeting of the council. A temporary license expires 30 days~~
154 ~~after receipt and notice of scores to the licenseholder from the~~
155 ~~first available examination specified in subparagraph 1.~~



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156 ~~following licensure by the department. An applicant who fails~~
157 ~~the proficiency examination is no longer temporarily licensed,~~
158 ~~but may apply for a one-time extension of temporary licensure~~
159 ~~after reapplying for the next available examination. Extended~~
160 ~~licensure shall expire upon failure of the licenseholder to sit~~
161 ~~for the next available examination or upon receipt and notice of~~
162 ~~scores to the licenseholder from such examination.~~

163 ~~3. Notwithstanding any other provision of law, the~~
164 ~~examination specified pursuant to subparagraph 1. shall be~~
165 ~~administered by the department only five times. Applicants~~
166 ~~certified by the board for examination shall receive at least 6~~
167 ~~months' notice of eligibility prior to the administration of the~~
168 ~~initial examination. Subsequent examinations shall be~~
169 ~~administered at 1-year intervals following the reporting of the~~
170 ~~scores of the first and subsequent examinations. For the~~
171 ~~purposes of this paragraph, the department may develop, contract~~
172 ~~for the development of, purchase, or approve an examination that~~
173 ~~adequately measures an applicant's ability to practice with~~
174 ~~reasonable skill and safety. The minimum passing score on the~~
175 ~~examination shall be established by the department, with the~~
176 ~~advice of the board. Those applicants failing to pass that~~
177 ~~examination or any subsequent examination shall receive notice~~
178 ~~of the administration of the next examination with the notice of~~
179 ~~scores following such examination. Any applicant who passes the~~
180 ~~examination and meets the requirements of this section shall be~~
181 ~~licensed as a physician assistant with all rights defined~~
182 ~~thereby.~~

183 ~~(e) The license must be renewed biennially. Each renewal~~
184 ~~must include:~~



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

186 2. Acknowledgment ~~A sworn statement~~ of no felony
187 convictions in the previous 2 years.

188 (d)1.(e) Upon employment as a physician assistant, a
189 licensed physician assistant must notify the department in
190 writing within 30 days after such employment or after any
191 subsequent change ~~changes~~ in the supervising physician or the
192 designated supervising physician. The notification must include
193 the full name, Florida medical license number, specialty, and
194 address of the supervising physician or the designated
195 supervising physician. For purposes of this paragraph, the term
196 "designated supervising physician" means a physician designated
197 by the facility or practice to be the primary contact and
198 supervising physician for the physician assistants in a practice
199 where physician assistants are supervised by multiple
200 supervising physicians.

201 2. A licensed physician assistant shall notify the
202 department of any subsequent change in the designated
203 supervising physician within 30 days after the change.
204 Assignment of a designated supervising physician does not
205 preclude a physician assistant from practicing under the
206 supervision of a physician other than the designated supervising
207 physician.

208 3. The designated supervising physician shall maintain a
209 list of all supervising physicians at the practice or facility.
210 Such list must include the name of each supervising physician
211 and his or her area of practice, must be kept up to date with
212 respect to additions and terminations, and must be provided, in
213 a timely manner, to the department upon written request.



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214 (e)~~(f)~~ Notwithstanding subparagraph (a)2., the department
215 may grant to a recent graduate of an approved program, as
216 specified in subsection (6), who expects to take the first
217 examination administered by the National Commission on
218 Certification of Physician Assistants available for registration
219 after the applicant's graduation, a temporary license. The
220 temporary license shall expire 30 days after receipt of scores
221 of the proficiency examination administered by the National
222 Commission on Certification of Physician Assistants. Between
223 meetings of the council, the department may grant a temporary
224 license to practice based on the completion of all temporary
225 licensure requirements. All such administratively issued
226 licenses shall be reviewed and acted on at the next regular
227 meeting of the council. The recent graduate may be licensed
228 before ~~prior to~~ employment~~,~~ but must comply with paragraph (d)
229 ~~(e)~~. An applicant who has passed the proficiency examination may
230 be granted permanent licensure. An applicant failing the
231 proficiency examination is no longer temporarily licensed~~,~~ but
232 may reapply for a 1-year extension of temporary licensure. An
233 applicant may not be granted more than two temporary licenses
234 and may not be licensed as a physician assistant until he or she
235 passes the examination administered by the National Commission
236 on Certification of Physician Assistants. As prescribed by board
237 rule, the council may require an applicant who does not pass the
238 licensing examination after five or more attempts to complete
239 additional remedial education or training. The council shall
240 prescribe the additional requirements in a manner that permits
241 the applicant to complete the requirements and be reexamined
242 within 2 years after the date the applicant petitions the



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243 council to retake the examination a sixth or subsequent time.

244 Section 2. Paragraph (e) of subsection (4) of section
245 459.022, Florida Statutes, is amended, paragraph (g) is added to
246 that subsection, and paragraphs (a), (b), and (d) of subsection
247 (7) of that section are amended, to read:

248 459.022 Physician assistants.—

249 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

250 (e) A supervising ~~supervisory~~ physician may delegate to a
251 fully licensed physician assistant the authority to prescribe or
252 dispense any medication used in the supervising ~~supervisory~~
253 physician's practice unless such medication is listed on the
254 formulary created pursuant to s. 458.347. A fully licensed
255 physician assistant may only prescribe or dispense such
256 medication under the following circumstances:

257 1. A physician assistant must clearly identify to the
258 patient that she or he is a physician assistant. Furthermore,
259 the physician assistant must inform the patient that the patient
260 has the right to see the physician before ~~prior to~~ any
261 prescription is being prescribed or dispensed by the physician
262 assistant.

263 2. The supervising ~~supervisory~~ physician must notify the
264 department of her or his intent to delegate, on a department-
265 approved form, before delegating such authority and notify the
266 department of any change in prescriptive privileges of the
267 physician assistant. Authority to dispense may be delegated only
268 by a supervising ~~supervisory~~ physician who is registered as a
269 dispensing practitioner in compliance with s. 465.0276.

270 3. The physician assistant must acknowledge with ~~file with~~
271 the department ~~a signed affidavit~~ that she or he has completed a



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272 minimum of 10 continuing medical education hours in the
273 specialty practice in which the physician assistant has
274 prescriptive privileges with each licensure renewal application.

275 4. The department may issue a prescriber number to the
276 physician assistant granting authority for the prescribing of
277 medicinal drugs authorized within this paragraph upon completion
278 of the foregoing requirements. The physician assistant shall not
279 be required to independently register pursuant to s. 465.0276.

280 5. The prescription ~~may~~ must be ~~written~~ in paper or
281 electronic ~~a form~~ but must comply that complies with ss.
282 456.0392(1) and 456.42(1) and chapter 499 and must contain, in
283 addition to the supervising ~~supervisory~~ physician's name,
284 address, and telephone number, the physician assistant's
285 prescriber number. Unless it is a drug or drug sample dispensed
286 by the physician assistant, the prescription must be filled in a
287 pharmacy permitted under chapter 465, and must be dispensed in
288 that pharmacy by a pharmacist licensed under chapter 465. The
289 appearance of the prescriber number creates a presumption that
290 the physician assistant is authorized to prescribe the medicinal
291 drug and the prescription is valid.

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

294 (g) A licensed physician assistant may perform services
295 delegated by the supervising physician in the physician
296 assistant's practice in accordance with his or her education and
297 training unless expressly prohibited under this chapter, chapter
298 458, or rules adopted under this chapter or chapter 458.

299 (7) PHYSICIAN ASSISTANT LICENSURE.—

300 (a) Any person desiring to be licensed as a physician



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301 assistant must apply to the department. The department shall
302 issue a license to any person certified by the council as having
303 met the following requirements:

304 1. Is at least 18 years of age.

305 2. Has satisfactorily passed a proficiency examination by
306 an acceptable score established by the National Commission on
307 Certification of Physician Assistants. If an applicant does not
308 hold a current certificate issued by the National Commission on
309 Certification of Physician Assistants and has not actively
310 practiced as a physician assistant within the immediately
311 preceding 4 years, the applicant must retake and successfully
312 complete the entry-level examination of the National Commission
313 on Certification of Physician Assistants to be eligible for
314 licensure.

315 3. Has completed the application form and remitted an
316 application fee not to exceed \$300 as set by the boards. An
317 application for licensure made by a physician assistant must
318 include:

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

321 b. Acknowledgment ~~A sworn statement~~ of any prior felony
322 convictions.

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

325 d. ~~Two letters of recommendation.~~

326 e. A copy of course transcripts and a copy of the course
327 description from a physician assistant training program
328 describing course content in pharmacotherapy, if the applicant
329 wishes to apply for prescribing authority. These documents must



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330 meet the evidence requirements for prescribing authority.

331 (b) The licensure must be renewed biennially. Each renewal
332 must include:

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

334 2. Acknowledgment ~~A sworn statement~~ of no felony
335 convictions in the previous 2 years.

336 (d)1. Upon employment as a physician assistant, a licensed
337 physician assistant must notify the department in writing within
338 30 days after such employment or after any subsequent changes in
339 the supervising physician or the designated supervising
340 physician. The notification must include the full name, Florida
341 medical license number, specialty, and address of the
342 supervising physician or the designated supervising physician.
343 For purposes of this paragraph, the term "designated supervising
344 physician" means a physician designated by the facility or
345 practice to be the primary contact and supervising physician for
346 the physician assistants in a practice where physician
347 assistants are supervised by multiple supervising physicians.

348 2. A licensed physician assistant shall notify the
349 department of any subsequent change in the designated
350 supervising physician within 30 days after the change.
351 Assignment of a designated supervising physician does not
352 preclude a physician assistant from practicing under the
353 supervision of a physician other than the designated supervising
354 physician.

355 3. The designated supervising physician shall maintain a
356 list of all supervising physicians at the practice or facility.
357 Such list must include the name of each supervising physician
358 and his or her area of practice, must be kept up to date with



359 respect to additions and terminations, and must be provided, in
360 a timely manner, to the department upon written request.

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

362

363 ===== T I T L E A M E N D M E N T =====

364 And the title is amended as follows:

365 Delete everything before the enacting clause
366 and insert:

367 A bill to be entitled

368 An act relating to physician assistants; amending s.
369 458.347, F.S.; revising circumstances under which a
370 physician assistant may prescribe medication;
371 authorizing a licensed physician assistant to perform
372 certain services as delegated by a supervising
373 physician; revising physician assistant licensure and
374 license renewal requirements; removing a requirement
375 for letters of recommendation; deleting provisions
376 related to examination by the Department of Health;
377 defining the term "designated supervising physician";
378 requiring licensed physician assistants to report any
379 changes in the designated supervising physician within
380 a specified time; requiring a designated supervising
381 physician to maintain a list of approved supervising
382 physicians at the practice or facility; amending s.
383 459.022, F.S.; revising circumstances under which a
384 physician assistant may prescribe medication;
385 authorizing a licensed physician assistant to perform
386 certain services as delegated by a supervising
387 physician; revising physician assistant licensure and



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388 license renewal requirements; removing a requirement
389 for letters of recommendation; defining the term
390 "designated supervising physician"; requiring licensed
391 physician assistants to report any changes in the
392 designated supervising physician within a specified
393 time; requiring a designated supervising physician to
394 maintain a list of approved supervising physicians at
395 the practice or facility; providing an effective date.