

By Senator Flores

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

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

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:

458.347 Physician assistants.—

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

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

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

2. The supervising ~~supervisory~~ physician must notify the department of his or her intent to delegate, on a department-approved form, before delegating such authority and notify the department of any change in prescriptive privileges of the physician assistant. Authority to dispense may be delegated only

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59 by a supervising physician who is registered as a dispensing  
60 practitioner in compliance with s. 465.0276.

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

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

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

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

85 (h) A licensed physician assistant may perform services  
86 related to his or her practice in accordance with his or her  
87 education and training as delegated by the supervising physician

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88 unless expressly prohibited under this chapter, chapter 459, or  
89 rules adopted under this chapter or chapter 459.

90 (7) PHYSICIAN ASSISTANT LICENSURE.—

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

95 1. Is at least 18 years of age.

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

106 3. Has completed the application form and remitted an  
107 application fee not to exceed \$300 as set by the boards. An  
108 application for licensure made by a physician assistant must  
109 include:

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

112 b. Acknowledgment ~~A sworn statement~~ of any prior felony  
113 convictions.

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

116 d. ~~Two letters of recommendation.~~

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

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

125 a. ~~Has completed the application form and remitted a~~  
126 ~~nonrefundable application fee not to exceed \$500 and an~~  
127 ~~examination fee not to exceed \$300, plus the actual cost to the~~  
128 ~~department to provide the examination. The examination fee is~~  
129 ~~refundable if the applicant is found to be ineligible to take~~  
130 ~~the examination. The department shall not require the applicant~~  
131 ~~to pass a separate practical component of the examination. For~~  
132 ~~examinations given after July 1, 1998, competencies measured~~  
133 ~~through practical examinations shall be incorporated into the~~  
134 ~~written examination through a multiple choice format. The~~  
135 ~~department shall translate the examination into the native~~  
136 ~~language of any applicant who requests and agrees to pay all~~  
137 ~~costs of such translation, provided that the translation request~~  
138 ~~is filed with the board office no later than 9 months before the~~  
139 ~~scheduled examination and the applicant remits translation fees~~  
140 ~~as specified by the department no later than 6 months before the~~  
141 ~~scheduled examination, and provided that the applicant~~  
142 ~~demonstrates to the department the ability to communicate orally~~  
143 ~~in basic English. If the applicant is unable to pay translation~~  
144 ~~costs, the applicant may take the next available examination in~~  
145 ~~English if the applicant submits a request in writing by the~~

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146 ~~application deadline and if the applicant is otherwise eligible~~  
147 ~~under this section. To demonstrate the ability to communicate~~  
148 ~~orally in basic English, a passing score or grade is required,~~  
149 ~~as determined by the department or organization that developed~~  
150 ~~it, on the test for spoken English (TSE) by the Educational~~  
151 ~~Testing Service (ETS), the test of English as a foreign language~~  
152 ~~(TOEFL) by ETS, a high school or college level English course,~~  
153 ~~or the English examination for citizenship, Bureau of~~  
154 ~~Citizenship and Immigration Services. A notarized copy of an~~  
155 ~~Educational Commission for Foreign Medical Graduates (ECFMG)~~  
156 ~~certificate may also be used to demonstrate the ability to~~  
157 ~~communicate in basic English; and~~

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

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175           ~~2. The department may grant temporary licensure to an~~  
176 ~~applicant who meets the requirements of subparagraph 1. Between~~  
177 ~~meetings of the council, the department may grant temporary~~  
178 ~~licensure to practice based on the completion of all temporary~~  
179 ~~licensure requirements. All such administratively issued~~  
180 ~~licenses shall be reviewed and acted on at the next regular~~  
181 ~~meeting of the council. A temporary license expires 30 days~~  
182 ~~after receipt and notice of scores to the licenseholder from the~~  
183 ~~first available examination specified in subparagraph 1.~~  
184 ~~following licensure by the department. An applicant who fails~~  
185 ~~the proficiency examination is no longer temporarily licensed,~~  
186 ~~but may apply for a one-time extension of temporary licensure~~  
187 ~~after reapplying for the next available examination. Extended~~  
188 ~~licensure shall expire upon failure of the licenseholder to sit~~  
189 ~~for the next available examination or upon receipt and notice of~~  
190 ~~scores to the licenseholder from such examination.~~

191           ~~3. Notwithstanding any other provision of law, the~~  
192 ~~examination specified pursuant to subparagraph 1. shall be~~  
193 ~~administered by the department only five times. Applicants~~  
194 ~~certified by the board for examination shall receive at least 6~~  
195 ~~months' notice of eligibility prior to the administration of the~~  
196 ~~initial examination. Subsequent examinations shall be~~  
197 ~~administered at 1-year intervals following the reporting of the~~  
198 ~~scores of the first and subsequent examinations. For the~~  
199 ~~purposes of this paragraph, the department may develop, contract~~  
200 ~~for the development of, purchase, or approve an examination that~~  
201 ~~adequately measures an applicant's ability to practice with~~  
202 ~~reasonable skill and safety. The minimum passing score on the~~  
203 ~~examination shall be established by the department, with the~~

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204 ~~advice of the board. Those applicants failing to pass that~~  
205 ~~examination or any subsequent examination shall receive notice~~  
206 ~~of the administration of the next examination with the notice of~~  
207 ~~scores following such examination. Any applicant who passes the~~  
208 ~~examination and meets the requirements of this section shall be~~  
209 ~~licensed as a physician assistant with all rights defined~~  
210 ~~thereby.~~

211 ~~(e)~~ The license must be renewed biennially. Each renewal  
212 must include:

- 213 1. A renewal fee not to exceed \$500 as set by the boards.  
214 2. Acknowledgment ~~A sworn statement~~ of no felony  
215 convictions in the previous 2 years.

216 (d)1. ~~(e)~~ Upon employment as a physician assistant, a  
217 licensed physician assistant must notify the department in  
218 writing within 30 days after such employment or after any  
219 subsequent change ~~changes~~ in the supervising physician or the  
220 designated supervising physician. The notification must include  
221 the full name, Florida medical license number, specialty, and  
222 address of the supervising physician or the designated  
223 supervising physician. For purposes of this paragraph, the term  
224 "designated supervising physician" means a physician designated  
225 by the facility or practice to be the primary contact and  
226 supervising physician for the physician assistants in a practice  
227 where physician assistants are supervised by multiple  
228 supervising physicians.

229 2. A licensed physician assistant shall notify the  
230 department of any subsequent change in the designated  
231 supervising physician within 30 days after the change.  
232 Assignment of a designated supervising physician does not



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233 preclude a physician assistant from practicing under the  
234 supervision of a physician other than the designated supervising  
235 physician.

236 3. The designated supervising physician shall maintain a  
237 list of all approved supervising physicians at the practice or  
238 facility. Such list must include the name of each supervising  
239 physician and his or her area of practice, must be kept up to  
240 date with respect to additions and terminations, and must be  
241 provided, in a timely manner, to the department upon written  
242 request.

243 (e) ~~(f)~~ Notwithstanding subparagraph (a)2., the department  
244 may grant to a recent graduate of an approved program, as  
245 specified in subsection (6), who expects to take the first  
246 examination administered by the National Commission on  
247 Certification of Physician Assistants available for registration  
248 after the applicant's graduation, a temporary license. The  
249 temporary license shall expire 30 days after receipt of scores  
250 of the proficiency examination administered by the National  
251 Commission on Certification of Physician Assistants. Between  
252 meetings of the council, the department may grant a temporary  
253 license to practice based on the completion of all temporary  
254 licensure requirements. All such administratively issued  
255 licenses shall be reviewed and acted on at the next regular  
256 meeting of the council. The recent graduate may be licensed  
257 before ~~prior to~~ employment, but must comply with paragraph (d)  
258 ~~(e)~~. An applicant who has passed the proficiency examination may  
259 be granted permanent licensure. An applicant failing the  
260 proficiency examination is no longer temporarily licensed, but  
261 may reapply for a 1-year extension of temporary licensure. An

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

273 Section 2. Paragraph (e) of subsection (4) of section  
274 459.022, Florida Statutes, is amended, paragraph (g) is added to  
275 that subsection, and paragraphs (a), (b), and (d) of subsection  
276 (7) of that section are amended, to read:

277 459.022 Physician assistants.—

278 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

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

286 1. A physician assistant must clearly identify to the  
287 patient that she or he is a physician assistant. Furthermore,  
288 the physician assistant must inform the patient that the patient  
289 has the right to see the physician before ~~prior to~~ any  
290 prescription is being ~~is~~ prescribed or dispensed by the physician

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291 assistant.

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

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

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

309 5. The prescription may ~~must~~ be written or electronic but  
310 must be in a form that complies with ss. 456.0392(1) and  
311 456.42(1) ~~chapter 499~~ and must contain, in addition to the  
312 supervising ~~supervisory~~ physician's name, address, and telephone  
313 number, the physician assistant's prescriber number. Unless it  
314 is a drug or drug sample dispensed by the physician assistant,  
315 the prescription must be filled in a pharmacy permitted under  
316 chapter 465, and must be dispensed in that pharmacy by a  
317 pharmacist licensed under chapter 465. The appearance of the  
318 prescriber number creates a presumption that the physician  
319 assistant is authorized to prescribe the medicinal drug and the

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320 prescription is valid.

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

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

328 (7) PHYSICIAN ASSISTANT LICENSURE.—

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

333 1. Is at least 18 years of age.

334 2. Has satisfactorily passed a proficiency examination by  
335 an acceptable score established by the National Commission on  
336 Certification of Physician Assistants. If an applicant does not  
337 hold a current certificate issued by the National Commission on  
338 Certification of Physician Assistants and has not actively  
339 practiced as a physician assistant within the immediately  
340 preceding 4 years, the applicant must retake and successfully  
341 complete the entry-level examination of the National Commission  
342 on Certification of Physician Assistants to be eligible for  
343 licensure.

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

348 a. A certificate of completion of a physician assistant

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349 training program specified in subsection (6).

350 b. Acknowledgment ~~A sworn statement~~ of any prior felony  
351 convictions.

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

354 d. ~~Two letters of recommendation.~~

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

360 (b) The licensure must be renewed biennially. Each renewal  
361 must include:

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

363 2. Acknowledgment ~~A sworn statement~~ of no felony  
364 convictions in the previous 2 years.

365 (d) 1. Upon employment as a physician assistant, a licensed  
366 physician assistant must notify the department in writing within  
367 30 days after such employment or after any subsequent changes in  
368 the supervising physician or the designated supervising  
369 physician. The notification must include the full name, Florida  
370 medical license number, specialty, and address of the  
371 supervising physician or the designated supervising physician.  
372 For purposes of this paragraph, the term "designated supervising  
373 physician" means a physician designated by the facility or  
374 practice to be the primary contact and supervising physician for  
375 the physician assistants in a practice where physician  
376 assistants are supervised by multiple supervising physicians.

377 2. A licensed physician assistant shall notify the

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378 department of any subsequent change in the designated  
379 supervising physician within 30 days after the change.  
380 Assignment of a designated supervising physician does not  
381 preclude a physician assistant from practicing under the  
382 supervision of a physician other than the designated supervising  
383 physician.

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

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