

By the Committee on Health Policy; and Senator Flores

588-01772A-16

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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 supervising physicians
16 at the practice or facility; amending s. 459.022,
17 F.S.; revising circumstances under which a physician
18 assistant may prescribe medication; authorizing a
19 licensed physician assistant to perform certain
20 services as delegated by a supervising physician;
21 revising physician assistant licensure and license
22 renewal requirements; removing a requirement for
23 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 supervising physicians at the
29 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) and 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 delegated by the supervising physician in the physician
87 assistant's practice in accordance with his or her education and

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88 training unless expressly prohibited under this chapter, chapter
89 459, or 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 supervising physicians at the practice or facility.
238 Such list must include the name of each supervising physician
239 and his or her area of practice, must be kept up to date with
240 respect to additions and terminations, and must be provided, in
241 a timely manner, to the department upon written request.

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

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

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

276 459.022 Physician assistants.—

277 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

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

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

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

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

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

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

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

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

327 (7) PHYSICIAN ASSISTANT LICENSURE.—

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

332 1. Is at least 18 years of age.

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

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

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

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- 349 b. Acknowledgment ~~A sworn statement~~ of any prior felony
350 convictions.
- 351 c. Acknowledgment ~~A sworn statement~~ of any previous
352 revocation or denial of licensure or certification in any state.
- 353 d. ~~Two letters of recommendation.~~
- 354 e. A copy of course transcripts and a copy of the course
355 description from a physician assistant training program
356 describing course content in pharmacotherapy, if the applicant
357 wishes to apply for prescribing authority. These documents must
358 meet the evidence requirements for prescribing authority.
- 359 (b) The licensure must be renewed biennially. Each renewal
360 must include:
- 361 1. A renewal fee not to exceed \$500 as set by the boards.
- 362 2. Acknowledgment ~~A sworn statement~~ of no felony
363 convictions in the previous 2 years.
- 364 (d)1. Upon employment as a physician assistant, a licensed
365 physician assistant must notify the department in writing within
366 30 days after such employment or after any subsequent changes in
367 the supervising physician or the designated supervising
368 physician. The notification must include the full name, Florida
369 medical license number, specialty, and address of the
370 supervising physician or the designated supervising physician.
371 For purposes of this paragraph, the term "designated supervising
372 physician" means a physician designated by the facility or
373 practice to be the primary contact and supervising physician for
374 the physician assistants in a practice where physician
375 assistants are supervised by multiple supervising physicians.
- 376 2. A licensed physician assistant shall notify the
377 department of any subsequent change in the designated

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

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

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