



901970

LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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03/09/2016 05:48 PM

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Senator Bean moved the following:

1 **Senate Amendment to Amendment (510114) (with title**
2 **amendment)**

3
4 Delete line 109
5 and insert:

6 Section 4. Paragraph (e) of subsection (4) of section
7 458.347, Florida Statutes, is amended, and paragraph (c) of
8 subsection (9) of that section is republished, to read:

9 458.347 Physician assistants.—

10 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

11 (e) A supervisory physician may delegate to a fully



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

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

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

30 3. The physician assistant must file with the department a
31 signed affidavit that he or she has completed a minimum of 10
32 continuing medical education hours in the specialty practice in
33 which the physician assistant has prescriptive privileges with
34 each licensure renewal application. Three of the 10 hours must
35 consist of a continuing education course on the safe and
36 effective prescribing of controlled substance medications which
37 is offered by a statewide professional association of physicians
38 in this state accredited to provide educational activities
39 designated for the American Medical Association Physician's
40 Recognition Award Category 1 credit or designated by the



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41 American Academy of Physician Assistants as a Category 1 credit.

42 4. The department may issue a prescriber number to the
43 physician assistant granting authority for the prescribing of
44 medicinal drugs authorized within this paragraph upon completion
45 of the foregoing requirements. The physician assistant shall not
46 be required to independently register pursuant to s. 465.0276.

47 5. The prescription must be written in a form that complies
48 with chapter 499 and must contain, in addition to the
49 supervisory physician's name, address, and telephone number, the
50 physician assistant's prescriber number. Unless it is a drug or
51 drug sample dispensed by the physician assistant, the
52 prescription must be filled in a pharmacy permitted under
53 chapter 465 and must be dispensed in that pharmacy by a
54 pharmacist licensed under chapter 465. The appearance of the
55 prescriber number creates a presumption that the physician
56 assistant is authorized to prescribe the medicinal drug and the
57 prescription is valid.

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

60 (9) COUNCIL ON PHYSICIAN ASSISTANTS.—The Council on
61 Physician Assistants is created within the department.

62 (c) The council shall:

63 1. Recommend to the department the licensure of physician
64 assistants.

65 2. Develop all rules regulating the use of physician
66 assistants by physicians under this chapter and chapter 459,
67 except for rules relating to the formulary developed under
68 paragraph (4) (f). The council shall also develop rules to ensure
69 that the continuity of supervision is maintained in each



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70 practice setting. The boards shall consider adopting a proposed
71 rule developed by the council at the regularly scheduled meeting
72 immediately following the submission of the proposed rule by the
73 council. A proposed rule submitted by the council may not be
74 adopted by either board unless both boards have accepted and
75 approved the identical language contained in the proposed rule.
76 The language of all proposed rules submitted by the council must
77 be approved by both boards pursuant to each respective board's
78 guidelines and standards regarding the adoption of proposed
79 rules. If either board rejects the council's proposed rule, that
80 board must specify its objection to the council with
81 particularity and include any recommendations it may have for
82 the modification of the proposed rule.

83 3. Make recommendations to the boards regarding all matters
84 relating to physician assistants.

85 4. Address concerns and problems of practicing physician
86 assistants in order to improve safety in the clinical practices
87 of licensed physician assistants.

88 Section 5. Effective January 1, 2017, paragraph (f) of
89 subsection (4) of section 458.347, Florida Statutes, is amended
90 to read:

91 458.347 Physician assistants.—

92 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

93 (f)1. The council shall establish a formulary of medicinal
94 drugs that a fully licensed physician assistant having
95 prescribing authority under this section or s. 459.022 may not
96 prescribe. The formulary must include ~~controlled substances as~~
97 ~~defined in chapter 893,~~ general anesthetics, and radiographic
98 contrast materials. A physician assistant, as defined in



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99 paragraph (2) (e) or s. 459.022, who possesses a Certificate of
100 Added Qualifications (CAQ) in psychiatry obtained from the
101 National Commission on Certification of Physician Assistants and
102 who is working under the supervision of a psychiatrist may
103 prescribe psychotropic controlled substances for the treatment
104 of mental disorders.

105 2. In establishing the formulary, the council shall consult
106 with a pharmacist licensed under chapter 465, but not licensed
107 under this chapter or chapter 459, who shall be selected by the
108 State Surgeon General.

109 3. Only the council shall add to, delete from, or modify
110 the formulary. Any person who requests an addition, deletion, or
111 modification of a medicinal drug listed on such formulary has
112 the burden of proof to show cause why such addition, deletion,
113 or modification should be made.

114 4. The boards shall adopt the formulary required by this
115 paragraph, and each addition, deletion, or modification to the
116 formulary, by rule. Notwithstanding any provision of chapter 120
117 to the contrary, the formulary rule shall be effective 60 days
118 after the date it is filed with the Secretary of State. Upon
119 adoption of the formulary, the department shall mail a copy of
120 such formulary to each fully licensed physician assistant having
121 prescribing authority under this section or s. 459.022, and to
122 each pharmacy licensed by the state. The boards shall establish,
123 by rule, a fee not to exceed \$200 to fund the provisions of this
124 paragraph and paragraph (e).

125 Section 6. Except as otherwise expressly provided in this
126 act, this act shall take effect upon becoming a law.

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

129 And the title is amended as follows:

130 Delete line 123

131 and insert:

132 provider personnel; amending s. 458.347, F.S.;

133 clarifying the continuing education course

134 requirements for physician assistants; authorizing

135 certain physician assistants to prescribe psychotropic

136 controlled substances in specified circumstances;

137 providing effective dates.