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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/04/2020	.	
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The Committee on Health Policy (Hooper) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 461.003, Florida Statutes, is amended to
read:

461.003 Definitions.—As used in this chapter, the term:

(1) "Board" means the Board of Podiatric Medicine as
created in this chapter.

(2) "Certified podiatric X-ray assistant" means a person



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11 who is employed by and under the direct supervision of a
12 licensed podiatric physician to perform only those radiographic
13 functions that are within the scope of practice of a podiatric
14 physician licensed under this chapter. For purposes of this
15 subsection, the term "direct supervision" means supervision
16 whereby a podiatric physician orders the X ray, remains on the
17 premises while the X ray is being performed and exposed, and
18 approves the work performed before dismissal of the patient.

19 (3) "Department" means the Department of Health.

20 (4) "Physician assistant" means a person who has a full,
21 active, and unencumbered license as a physician assistant issued
22 by the department.

23 (5) "Podiatric medical assistant" means a professional
24 multiskilled person dedicated to assisting in all aspects of
25 podiatric medical practice while under the direct supervision
26 and responsibility of a podiatric physician. The podiatric
27 medical assistant assists with patient care management, executes
28 administrative and clinical procedures, and often performs
29 managerial and supervisory functions. Competence in the field
30 also requires that a podiatric medical assistant adhere to
31 ethical and legal standards of professional practice, recognize
32 and respond to emergencies, and demonstrate professional
33 characteristics.

34 (6)~~(4)~~ "Podiatric physician" means any person licensed to
35 practice podiatric medicine pursuant to this chapter.

36 (7)~~(5)~~ "Practice of podiatric medicine" means the diagnosis
37 or medical, surgical, palliative, and mechanical treatment of
38 ailments of the human foot and leg. The surgical treatment of
39 ailments of the human foot and leg shall be limited anatomically



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40 to that part below the anterior tibial tubercle. The practice of
41 podiatric medicine shall include the amputation of the toes or
42 other parts of the foot but shall not include the amputation of
43 the foot or leg in its entirety. A podiatric physician may
44 prescribe drugs that relate specifically to the scope of
45 practice authorized herein.

46 (8) "Supervision" means responsible supervision and
47 control. Except in cases of emergency, supervision requires the
48 easy availability or physical presence of the licensed podiatric
49 physician for consultation and direction of the actions of the
50 physician assistant. For the purposes of this definition, the
51 term "easy availability" includes the ability to communicate by
52 way of telecommunication. The board shall adopt rules to
53 establish what constitutes responsible supervision of the
54 physician assistant.

55 Section 2. Subsections (1) and (3) of section 461.007,
56 Florida Statutes, are amended to read:

57 461.007 Renewal of license.—

58 (1) The department shall renew a license upon receipt of
59 the renewal application and a fee not to exceed \$350 set by the
60 board, and evidence that the applicant has actively practiced
61 podiatric medicine or has been on the active teaching faculty of
62 an accredited school of podiatric medicine for at least 2 years
63 of the immediately preceding 4 years. If the licensee has not
64 actively practiced podiatric medicine for at least 2 years of
65 the immediately preceding 4 years, the board shall require that
66 the licensee successfully complete a board-approved course prior
67 to renewal of the license. For purposes of this subsection,
68 "actively practiced podiatric medicine" means the licensed



69 practice of podiatric medicine as defined in s. 461.003 ~~s.~~
70 ~~461.003(5)~~ by podiatric physicians, including podiatric
71 physicians employed by any governmental entity, on the active
72 teaching faculty of an accredited school of podiatric medicine,
73 or practicing administrative podiatric medicine. An applicant
74 for a renewed license must also submit the information required
75 under s. 456.039 to the department on a form and under
76 procedures specified by the department, along with payment in an
77 amount equal to the costs incurred by the Department of Health
78 for the statewide criminal background check of the applicant.
79 The applicant must submit a set of fingerprints to the
80 Department of Health on a form and under procedures specified by
81 the department, along with payment in an amount equal to the
82 costs incurred by the department for a national criminal
83 background check of the applicant for the initial renewal of his
84 or her license after January 1, 2000. If the applicant fails to
85 submit either the information required under s. 456.039 or a set
86 of fingerprints to the department as required by this section,
87 the department shall issue a notice of noncompliance, and the
88 applicant will be given 30 additional days to comply. If the
89 applicant fails to comply within 30 days after the notice of
90 noncompliance is issued, the department or board, as
91 appropriate, may issue a citation to the applicant and may fine
92 the applicant up to \$50 for each day that the applicant is not
93 in compliance with the requirements of s. 456.039. The citation
94 must clearly state that the applicant may choose, in lieu of
95 accepting the citation, to follow the procedure under s.
96 456.073. If the applicant disputes the matter in the citation,
97 the procedures set forth in s. 456.073 must be followed.



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98 However, if the applicant does not dispute the matter in the
99 citation with the department within 30 days after the citation
100 is served, the citation becomes a final order and constitutes
101 discipline. Service of a citation may be made by personal
102 service or certified mail, restricted delivery, to the subject
103 at the applicant's last known address. If an applicant has
104 submitted fingerprints to the department for a national criminal
105 history check upon initial licensure and is renewing his or her
106 license for the first time, then the applicant need only submit
107 the information and fee required for a statewide criminal
108 history check.

109 (3) The board may by rule prescribe continuing education,
110 not to exceed 40 hours biennially, as a condition for renewal of
111 a license, with a minimum of 2 hours of continuing education
112 related to the safe and effective prescribing of controlled
113 substances offered by a professional association of podiatric
114 physicians in this state which is accredited by the board to
115 provide educational activities or by a statewide professional
116 association of physicians in this state accredited to provide
117 educational activities that are designated for the American
118 Medical Association Physician's Recognition Award Category 1
119 credit or designated by the American Academy of Physician
120 Assistants as a Category 1 credit. The criteria for such
121 programs or courses shall be approved by the board.

122 Section 3. Section 461.0136, Florida Statutes, is created
123 to read:

124 461.0136 Duties of podiatric medical assistants.—A
125 podiatric medical assistant under the direct supervision,
126 responsibility, and control of a licensed podiatric physician



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127 may undertake the following duties:

128 (1) Performing clinical procedures, which include any of
129 the following:

130 (a) Aseptic procedures.

131 (b) Taking vital signs.

132 (c) Preparing patients for examination and treatment by the
133 podiatric physician.

134 (d) Performing venipunctures and nonintravenous injections.

135 (e) Observing and reporting to the podiatric physician a
136 patient's signs or symptoms.

137 (2) Administering basic first aid.

138 (3) Assisting with patient examinations or treatments.

139 (4) Operating office medical equipment, except X-ray
140 equipment.

141 (5) Collecting routine laboratory specimens as directed by
142 the podiatric physician.

143 (6) Administering medication as directed by the podiatric
144 physician.

145 (7) Performing basic laboratory procedures.

146 (8) Performing office management procedures, including all
147 general administrative duties required by the podiatric
148 physician.

149 Section 4. Section 461.0145, Florida Statutes, is created
150 to read:

151 461.0145 Use of physician assistants in the practice of
152 podiatric medicine.—

153 (1) LEGISLATIVE INTENT.—The legislature recognizes that
154 there are a limited number of qualified licensed podiatric
155 physicians in this state and, in order to encourage the more



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156 effective use of the skills of podiatric physicians or groups of
157 podiatric physicians, it is the purpose of this section to
158 enable podiatric physicians to delegate podiatric health care
159 tasks to qualified physician assistants when such delegation is
160 consistent with the patient's health and welfare.

161 (2) PERFORMANCE OF SUPERVISING PODIATRIC PHYSICIAN.—A
162 podiatric physician is authorized to supervise physician
163 assistants in his or her practice of podiatric medicine. A
164 podiatric physician may not supervise more than four actively
165 licensed physician assistants at any one time. A podiatric
166 physician supervising a physician assistant pursuant to this
167 section may not be required to review and cosign charts or
168 medical records prepared by the physician assistant.

169 (3) PERFORMANCE OF PHYSICIAN ASSISTANTS IN PODIATRIC
170 MEDICINE PRACTICES.—

171 (a) The board shall adopt rules setting out the general
172 principles that supervising podiatric physicians must use in
173 developing the scope of practice of a physician assistant under
174 the supervision of a podiatric physician. These principles must
175 recognize the special needs and practice settings of podiatric
176 medicine in which physician assistants will be practicing.

177 (b) This chapter does not prevent third-party payors from
178 reimbursing podiatric physicians who employ physician assistants
179 for covered services that are rendered by a physician assistant.

180 (c) Physician assistants may not be denied clinical or
181 hospital privileges, except for cause, if the supervising
182 podiatric physician is a staff member in good standing at the
183 clinic or hospital.

184 (d) A supervising podiatric physician may delegate to a



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185 physician assistant the authority to prescribe or dispense any
186 medication used in the supervising podiatric physician's
187 practice unless such medication is listed on the formulary
188 created pursuant to paragraph (e). A physician assistant may
189 prescribe or dispense such medication only if all of the
190 following conditions are satisfied:

191 1. The physician assistant must clearly identify to the
192 patient that he or she is a physician assistant and inform the
193 patient that the patient has the right to see the podiatric
194 physician before a prescription is prescribed or dispensed by
195 the physician assistant.

196 2. The supervising podiatric physician must notify the
197 department on a department-approved form of his or her intent to
198 delegate prescriptive or dispensing authority before delegating
199 such authority to a physician assistant and must notify the
200 department of any change in delegated prescriptive or dispensing
201 authority. A supervising podiatric physician must be registered
202 as a dispensing practitioner in compliance with s. 465.0276 in
203 order to delegate to a physician assistant the authority to
204 dispense medication.

205 3. As part of the general continuing education hours
206 required for licensure renewal, the physician assistant must
207 complete a minimum of 6 continuing medical education hours
208 offered by a statewide professional association of podiatric
209 physicians in this state accredited to provide educational
210 activities or a statewide professional association of physicians
211 in this state accredited to provide educational activities
212 designated for the American Medical Association Physician's
213 Recognition Award Category 1 credit or designated by the



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

215 Such continuing education must include all of the following:

216 a. A minimum of 2 hours relating to the care and treatment
217 of podiatric or orthopedic patients with issues below the knees,
218 including the feet.

219 b. A minimum of 2 hours relating to the safe and effective
220 prescribing of medications used in podiatric medicine.

221 c. A minimum of 2 hours relating to the safe and effective
222 prescribing of controlled substances.

223 4. The department may issue a prescriber number to the
224 physician assistant granting authority for the prescribing of
225 medicinal drugs authorized within this paragraph upon completion
226 of the requirements of this paragraph. The physician assistant
227 is not required to independently register pursuant to s.
228 465.0276.

229 5. The prescription may be in paper or electronic form but
230 must comply with ss. 456.0392(1) and 456.42(1) and chapter 499
231 and must contain, in addition to the supervising podiatric
232 physician's name, address, and telephone number, the physician
233 assistant's prescriber number. Unless it is a drug or drug
234 sample dispensed by the physician assistant, the prescription
235 must be filled at a pharmacy permitted under chapter 465 and
236 must be dispensed in that pharmacy by a pharmacist licensed
237 under chapter 465. The inclusion of the prescriber number
238 creates a presumption that the physician assistant is authorized
239 to prescribe the medicinal drug and the prescription is valid.

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

242 (e)1. The board shall establish a formulary of medicinal



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243 drugs that a physician assistant with prescribing authority
244 under this section may not prescribe. The formulary must include
245 general anesthetics and radiographic contrast materials and must
246 limit the prescription of Schedule II controlled substances as
247 listed in s. 893.03 to a 7-day supply. The formulary must also
248 restrict the prescribing of psychiatric mental health controlled
249 substances for children younger than 18 years of age.

250 2. In establishing the formulary, the board shall consult
251 with a pharmacist licensed under chapter 465, who shall be
252 selected by the State Surgeon General.

253 3. Only the board may modify the formulary. Any person who
254 requests a modification of a medicinal drug listed on such
255 formulary has the burden of proof to demonstrate why such
256 modification should be made.

257 4. The board shall adopt the formulary required by this
258 paragraph and each modification to the formulary by rule.
259 Notwithstanding any provision of chapter 120 to the contrary,
260 the formulary rule shall be effective 60 days after the date it
261 is filed with the Secretary of State. Upon adoption of the
262 formulary, the department shall prominently post on the board's
263 and Board of Pharmacy's websites a copy of the formulary so that
264 it is readily available to physician assistants with delegated
265 prescribing authority under this section, s. 458.347, and s.
266 459.022 and to pharmacies in this state.

267 (f) A supervising podiatric physician may delegate to a
268 physician assistant the authority to, and the physician
269 assistant acting under the direction of the supervisory
270 physician may, order any medication for administration to the
271 supervising podiatric physician's patient in a facility licensed



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272 under chapter 395 or part II of chapter 400, notwithstanding any
273 provisions in chapter 465 or chapter 893 which may prohibit this
274 delegation.

275 (g) A physician assistant may perform services delegated by
276 the supervising physician in the physician assistant's practice
277 in accordance with his or her education and training unless
278 expressly prohibited under this chapter and the rules adopted
279 pursuant thereto and chapters 458 and 459 and the rules adopted
280 thereunder.

281 (4) LIABILITY.—A supervising podiatric physician using a
282 physician assistant in his or her practice of podiatric medicine
283 is liable for any acts or omissions of the physician assistant
284 acting under the podiatric physician's supervision and control.

285 Section 5. Paragraph (b) of subsection (1) of section
286 624.27, Florida Statutes, is amended to read:

287 624.27 Direct health care agreements; exemption from code.—

288 (1) As used in this section, the term:

289 (b) "Health care provider" means a health care provider
290 licensed under chapter 458, chapter 459, chapter 460, chapter
291 461, chapter 464, or chapter 466, or a health care group
292 practice, who provides health care services to patients.

293 Section 6. Paragraph (d) of subsection (1) of section
294 461.006, Florida Statutes, is amended to read:

295 461.006 Licensure by examination.—

296 (1) Any person desiring to be licensed as a podiatric
297 physician shall apply to the department to take the licensure
298 examination. The department shall examine each applicant who the
299 board certifies:

300 (d) Has satisfactorily completed one of the following



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301 clinical experience requirements:

302 1. One year of residency in a residency program approved by
303 the board, and if it has been 4 or more years since the
304 completion of that residency, active licensed practice of
305 podiatric medicine in another jurisdiction for at least 2 of the
306 immediately preceding 4 years, or successful completion of a
307 board-approved postgraduate program or board-approved course
308 within the year preceding the filing of the application. For the
309 purpose of this subparagraph, "active licensed practice" means
310 the licensed practice of podiatric medicine as defined in s.
311 461.003 ~~s. 461.003(5)~~ by podiatric physicians, including
312 podiatric physicians employed by any governmental entity, on the
313 active teaching faculty of an accredited school of podiatric
314 medicine, or practicing administrative podiatric medicine.

315 2. Ten years of continuous, active licensed practice of
316 podiatric medicine in another state immediately preceding the
317 submission of the application and completion of at least the
318 same continuing educational requirements during those 10 years
319 as are required of podiatric physicians licensed in this state.

320 Section 7. Paragraph (f) of subsection (1) of section
321 461.014, Florida Statutes, is amended to read:

322 461.014 Residency.—

323 (1) The board shall encourage and develop podiatric
324 residency programs in hospitals in this state and shall
325 establish such programs by the adoption of rules, subject to the
326 following conditions:

327 (f) A person registered as a resident podiatric physician
328 under this section may, in the normal course of his or her
329 employment, prescribe medicinal drugs described in schedules set



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330 forth in chapter 893 and pursuant to s. 461.003(7) ~~s. 461.003(5)~~
331 if:

332 1. The person prescribes such medicinal drugs through use
333 of a Drug Enforcement Administration number issued to the
334 hospital or teaching hospital by which the person is employed or
335 at which the person's services are used;

336 2. The person is identified by a discrete suffix to the
337 identification number issued to such hospital; and

338 3. The use of the institutional identification number and
339 individual suffixes conforms to the requirements of the federal
340 Drug Enforcement Administration.

341 Section 8. This act shall take effect July 1, 2020.

342
343 ===== T I T L E A M E N D M E N T =====

344 And the title is amended as follows:

345 Delete everything before the enacting clause
346 and insert:

347 A bill to be entitled
348 An act relating to podiatric medicine; amending s.
349 461.003, F.S.; defining terms; amending s. 461.007,
350 F.S.; revising continuing education requirements for
351 podiatric physicians to require a specified number of
352 continuing education hours related to the safe and
353 effective prescribing of controlled substances;
354 creating s. 461.0136, F.S., specifying the authorized
355 duties of supervised podiatric medical assistants;
356 creating s. 461.0145, F.S.; providing legislative
357 intent; authorizing a podiatric physician to supervise
358 a specified number of physician assistants; providing



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359 requirements for physician assistants under such
360 supervision; requiring a specified number of
361 continuing education hours related to specified
362 topics; providing for liability of supervising
363 podiatric physicians; amending s. 624.27, F.S.;
364 exempting from the insurance code direct health care
365 agreements entered into by podiatric physicians under
366 certain circumstances; amending ss. 461.006 and
367 461.014, F.S.; conforming cross-references; providing
368 an effective date.