

By Senator Hooper

16-00480-20

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1                   A bill to be entitled  
2       An act relating to podiatric medicine; amending s.  
3       458.347, F.S.; providing and revising definitions;  
4       revising the membership, terms, and duties of the  
5       Council on Physician Assistants; amending s. 458.3485,  
6       F.S.; defining the term "physician" to include  
7       podiatric physicians; amending s. 459.022, F.S.;  
8       providing and revising definitions; revising the  
9       membership, terms, and duties of the Council on  
10      Physician Assistants; amending s. 461.007, F.S.;  
11      authorizing the Board of Podiatric Medicine to require  
12      as a condition for renewal of license a specified  
13      number of continuing education hours related to the  
14      safe and effective prescribing of controlled  
15      substances; creating s. 461.0145, F.S.; authorizing a  
16      podiatric physician or group of podiatric physicians  
17      to supervise a specified number of physician  
18      assistants; providing requirements for physician  
19      assistants under such supervision; providing for  
20      liability; creating s. 461.0155, F.S.; providing for  
21      governance of podiatric physicians who supervise  
22      medical assistants; amending s. 624.27, F.S.; revising  
23      the definition of the term "health care provider" to  
24      include podiatric physicians; providing an effective  
25      date.

26  
27   Be It Enacted by the Legislature of the State of Florida:

28  
29       Section 1. Paragraph (i) is added to subsection (2) of

16-00480-20

2020744\_\_

30 section 458.347, Florida Statutes, and paragraphs (b) and (h) of  
31 that subsection and paragraphs (a) through (c) of subsection (9)  
32 of that section are amended, to read:

33 458.347 Physician assistants.—

34 (2) DEFINITIONS.—As used in this section:

35 (b) "Boards" means the Board of Medicine, ~~and~~ the Board of  
36 Osteopathic Medicine, and the Board of Podiatric Medicine.

37 (h) "Continuing medical education" means courses recognized  
38 and approved by the boards, the American Academy of Physician  
39 Assistants, the American Medical Association, the American  
40 Osteopathic Association, the American Podiatric Medical  
41 Association, or the Accreditation Council on Continuing Medical  
42 Education.

43 (i) "Physician" means a person who holds an active,  
44 unrestricted license as a physician under this chapter, an  
45 osteopathic physician under chapter 459, or a podiatric  
46 physician under chapter 461.

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

49 (a) The council shall consist of seven ~~five~~ members  
50 appointed as follows:

51 1. The chairperson of the Board of Medicine shall appoint  
52 three members who are physicians and members of the Board of  
53 Medicine. One of the physicians must supervise a physician  
54 assistant in the physician's practice.

55 2. The chairperson of the Board of Osteopathic Medicine  
56 shall appoint two members ~~one member~~ who are physicians ~~is a~~  
57 ~~physician~~ and members ~~a member~~ of the Board of Osteopathic  
58 Medicine.

16-00480-20

2020744\_\_

59       3. The chairperson of the Board of Podiatric Medicine shall  
60 appoint one member who is a podiatric physician and a member of  
61 the Board of Podiatric Medicine.

62       ~~4.3.~~ The State Surgeon General or his or her designee shall  
63 appoint one member who is a ~~fully licensed~~ physician assistant  
64 licensed under this chapter, ~~or~~ chapter 459, or chapter 461.

65       (b) Two of the members appointed to the council must be  
66 physicians who supervise physician assistants in their practice.  
67 Members shall be appointed to terms of 4 years, except that of  
68 the initial appointments, three ~~two~~ members shall be appointed  
69 to terms of 2 years, three ~~two~~ members shall be appointed to  
70 terms of 3 years, and one member shall be appointed to a term of  
71 4 years, as established by rule of the boards. Council members  
72 may not serve more than two consecutive terms. The council shall  
73 annually elect a chairperson from among its members.

74       (c) The council shall:

75       1. Recommend to the department the licensure of physician  
76 assistants.

77       2. Develop all rules regulating the use of physician  
78 assistants by physicians under this chapter, ~~and~~ chapter 459, or  
79 chapter 461, except for rules relating to the formulary  
80 developed under paragraph (4) (f). The council shall also develop  
81 rules to ensure that the continuity of supervision is maintained  
82 in each practice setting. The boards shall consider adopting a  
83 proposed rule developed by the council at the regularly  
84 scheduled meeting immediately following the submission of the  
85 proposed rule by the council. A proposed rule submitted by the  
86 council may not be adopted by a ~~either~~ board unless all ~~both~~  
87 boards have accepted and approved the identical language

16-00480-20

2020744\_\_

88 contained in the proposed rule. The language of all proposed  
89 rules submitted by the council must be approved by all ~~both~~  
90 boards pursuant to each respective board's guidelines and  
91 standards regarding the adoption of proposed rules. If a ~~either~~  
92 board rejects the council's proposed rule, that board must  
93 specify its objection to the council with particularity and  
94 include any recommendations it may have for the modification of  
95 the proposed rule.

96 3. Make recommendations to the boards regarding all matters  
97 relating to physician assistants.

98 4. Address concerns and problems of practicing physician  
99 assistants in order to improve safety in the clinical practices  
100 of licensed physician assistants.

101 Section 2. Subsections (1) and (2) of section 458.3485,  
102 Florida Statutes, is amended to read:

103 458.3485 Medical assistant.—

104 (1) DEFINITIONS ~~DEFINITION~~.—As used in this section:7

105 (a) "Medical assistant" means a professional multiskilled  
106 person dedicated to assisting in all aspects of medical practice  
107 under the direct supervision and responsibility of a physician.  
108 This practitioner assists with patient care management, executes  
109 administrative and clinical procedures, and often performs  
110 managerial and supervisory functions. Competence in the field  
111 also requires that a medical assistant adhere to ethical and  
112 legal standards of professional practice, recognize and respond  
113 to emergencies, and demonstrate professional characteristics.

114 (b) "Physician" means a person who holds an active,  
115 unrestricted license as a physician under this chapter or a  
116 podiatric physician under chapter 461.

16-00480-20

2020744\_\_

117 (2) DUTIES.—Under the direct supervision and responsibility  
118 of a ~~licensed~~ physician, a medical assistant may undertake the  
119 following duties:

120 (a) Performing clinical procedures, to include:

121 1. Performing aseptic procedures.

122 2. Taking vital signs.

123 3. Preparing patients for the physician's care.

124 4. Performing venipunctures and nonintravenous injections.

125 5. Observing and reporting patients' signs or symptoms.

126 (b) Administering basic first aid.

127 (c) Assisting with patient examinations or treatments.

128 (d) Operating office medical equipment.

129 (e) Collecting routine laboratory specimens as directed by  
130 the physician.

131 (f) Administering medication as directed by the physician.

132 (g) Performing basic laboratory procedures.

133 (h) Performing office procedures including all general  
134 administrative duties required by the physician.

135 (i) Performing dialysis procedures, including home  
136 dialysis.

137 Section 3. Paragraph (i) is added to subsection (2) of  
138 section 459.022, Florida Statutes, and paragraphs (b) and (h) of  
139 that subsection and paragraphs (a) through (c) of subsection (9)  
140 of that section are amended, to read:

141 459.022 Physician assistants.—

142 (2) DEFINITIONS.—As used in this section:

143 (b) "Boards" means the Board of Medicine, ~~and~~ the Board of  
144 Osteopathic Medicine, and the Board of Podiatric Medicine.

145 (h) "Continuing medical education" means courses recognized

16-00480-20

2020744\_\_

146 and approved by the boards, the American Academy of Physician  
147 Assistants, the American Medical Association, the American  
148 Osteopathic Association, the American Podiatric Medical  
149 Association, or the Accreditation Council on Continuing Medical  
150 Education.

151 (i) "Physician" means a person who holds an active,  
152 unrestricted license as a physician under chapter 458, an  
153 osteopathic physician under this chapter, or a podiatric  
154 physician under chapter 461.

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

157 (a) The council shall consist of seven ~~five~~ members  
158 appointed as follows:

159 1. The chairperson of the Board of Medicine shall appoint  
160 three members who are physicians and members of the Board of  
161 Medicine. One of the physicians must supervise a physician  
162 assistant in the physician's practice.

163 2. The chairperson of the Board of Osteopathic Medicine  
164 shall appoint two members ~~one member~~ who are physicians ~~is a~~  
165 ~~physician~~ and members ~~a member~~ of the Board of Osteopathic  
166 Medicine.

167 3. The chairperson of the Board of Podiatric Medicine shall  
168 appoint one member who is a podiatric physician and a member of  
169 the Board of Podiatric Medicine.

170 ~~4.3.~~ The State Surgeon General or her or his designee shall  
171 appoint one member who is a fully licensed physician assistant  
172 licensed under chapter 458, ~~or~~ this chapter, or chapter 461.

173 (b) Two of the members appointed to the council must be  
174 physicians who supervise physician assistants in their practice.

16-00480-20

2020744\_\_

175 Members shall be appointed to terms of 4 years, except that of  
176 the initial appointments, three ~~two~~ members shall be appointed  
177 to terms of 2 years, three ~~two~~ members shall be appointed to  
178 terms of 3 years, and one member shall be appointed to a term of  
179 4 years, as established by rule of the boards. Council members  
180 may not serve more than two consecutive terms. The council shall  
181 annually elect a chairperson from among its members.

182 (c) The council shall:

183 1. Recommend to the department the licensure of physician  
184 assistants.

185 2. Develop all rules regulating the use of physician  
186 assistants by physicians under chapter 458, ~~and~~ this chapter,  
187 and chapter 461, except for rules relating to the formulary  
188 developed under s. 458.347. The council shall also develop rules  
189 to ensure that the continuity of supervision is maintained in  
190 each practice setting. The boards shall consider adopting a  
191 proposed rule developed by the council at the regularly  
192 scheduled meeting immediately following the submission of the  
193 proposed rule by the council. A proposed rule submitted by the  
194 council may not be adopted by a ~~either~~ board unless all ~~both~~  
195 boards have accepted and approved the identical language  
196 contained in the proposed rule. The language of all proposed  
197 rules submitted by the council must be approved by all ~~both~~  
198 boards pursuant to each respective board's guidelines and  
199 standards regarding the adoption of proposed rules. If a ~~either~~  
200 board rejects the council's proposed rule, that board must  
201 specify its objection to the council with particularity and  
202 include any recommendations it may have for the modification of  
203 the proposed rule.

16-00480-20

2020744\_\_

204           3. Make recommendations to the boards regarding all matters  
205 relating to physician assistants.

206           4. Address concerns and problems of practicing physician  
207 assistants in order to improve safety in the clinical practices  
208 of licensed physician assistants.

209           Section 4. Subsection (3) of section 461.007, Florida  
210 Statutes, is amended to read:

211           461.007 Renewal of license.—

212           (3) The board may by rule prescribe continuing education,  
213 not to exceed 40 hours biennially, as a condition for renewal of  
214 a license, with a minimum of 2 hours of continuing education  
215 related to the safe and effective prescribing of controlled  
216 substances. The criteria for such programs or courses shall be  
217 approved by the board.

218           Section 5. Section 461.0145, Florida Statutes, is created  
219 to read:

220           461.0145 Physician assistants.—

221           (1) A podiatric physician or group of podiatric physicians  
222 may supervise up to four physician assistants licensed under s.  
223 458.347 or s. 459.022. A physician assistant must be qualified  
224 in the medical areas in which the physician assistant is to  
225 perform.

226           (2) A physician assistant practicing under this chapter  
227 shall be governed by s. 458.347 or s. 459.022.

228           (3) A podiatric physician or group of podiatric physicians  
229 supervising a physician assistant shall be individually or  
230 collectively responsible and liable for the performance and the  
231 acts and omissions of the physician assistant.

232           Section 6. Section 461.0155, Florida Statutes, is created



16-00480-20

2020744\_\_

233 to read:

234 461.0155 Medical assistants.-A podiatric physician who is  
235 supervising a medical assistant shall be governed by s.  
236 458.3485.

237 Section 7. Paragraph (b) of subsection (1) of section  
238 624.27, Florida Statutes, is amended to read:

239 624.27 Direct health care agreements; exemption from code.-

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

241 (b) "Health care provider" means a health care provider  
242 licensed under chapter 458, chapter 459, chapter 460, chapter  
243 461, chapter 464, or chapter 466, or a health care group  
244 practice, who provides health care services to patients.

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