

1 A bill to be entitled
2 An act relating to electronic prescribing; amending s.
3 456.42, F.S.; revising health care practitioners who
4 may only electronically transmit prescriptions for
5 certain drugs; revising exceptions; amending ss.
6 458.347 and 459.022, F.S.; conforming cross-
7 references; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
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11 **Section 1. Subsections (1) and (2) of section 456.42,**
12 **Florida Statutes, are renumbered as subsections (2) and (3),**
13 **respectively, and present subsection (3) of that section is**
14 **renumbered as subsection (1) and amended, to read:**

15 456.42 ~~Written~~ Prescriptions for medicinal drugs.—

16 (1) ~~(3)~~ A health care practitioner licensed by law to
17 prescribe a medicinal drug who ~~maintains a system of electronic~~
18 ~~health records as defined in s. 408.051(2)(c), or who prescribes~~
19 medicinal drugs as an owner, an employee, or a contractor of a
20 licensed health care facility or practice that maintains ~~such~~ a
21 system of electronic health records as defined in s.
22 408.051(2)(c) and who is prescribing in his or her capacity as
23 such an owner, an employee, or a contractor, may only
24 electronically transmit prescriptions for such drugs. This
25 requirement applies to such a health care practitioner upon

26 renewal of the health care practitioner's license or by July 1,
27 2026 ~~2021~~, whichever is earlier, but does not apply if:

28 (a) The practitioner prescribes fewer than 100 such
29 prescriptions annually;

30 (b) The practitioner is located in an area for which a
31 state of emergency is declared pursuant to s. 252.36; or

32 ~~(a) The practitioner and the dispenser are the same~~
33 ~~entity;~~

34 ~~(b) The prescription cannot be transmitted electronically~~
35 ~~under the most recently implemented version of the National~~
36 ~~Council for Prescription Drug Programs SCRIPT Standard;~~

37 (c) The practitioner has been issued a waiver by the
38 department, not to exceed 1 year in duration, from the
39 requirement to use electronic prescribing due to demonstrated
40 economic hardship, technological limitations that are not
41 reasonably within the control of the practitioner, or another
42 exceptional circumstance demonstrated by the practitioner;

43 ~~(d) The practitioner reasonably determines that it would~~
44 ~~be impractical for the patient in question to obtain a medicinal~~
45 ~~drug prescribed by electronic prescription in a timely manner~~
46 ~~and such delay would adversely impact the patient's medical~~
47 ~~condition;~~

48 ~~(e) The practitioner is prescribing a drug under a~~
49 ~~research protocol;~~

50 ~~(f) The prescription is for a drug for which the federal~~

51 ~~Food and Drug Administration requires the prescription to~~
52 ~~contain elements that may not be included in electronic~~
53 ~~prescribing;~~

54 ~~(g) The prescription is issued to an individual receiving~~
55 ~~hospice care or who is a resident of a nursing home facility; or~~

56 ~~(h) The practitioner determines that it is in the best~~
57 ~~interest of the patient, or the patient determines that it is in~~
58 ~~his or her own best interest, to compare prescription drug~~
59 ~~prices among area pharmacies. The practitioner must document~~
60 ~~such determination in the patient's medical record.~~

61
62 The department, in consultation with the Board of Medicine, the
63 Board of Osteopathic Medicine, the Board of Podiatric Medicine,
64 the Board of Dentistry, the Board of Nursing, and the Board of
65 Optometry, may adopt rules to implement this subsection.

66 **Section 2. Paragraph (e) of subsection (4) of section**
67 **458.347, Florida Statutes, is amended to read:**

68 458.347 Physician assistants.—

69 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

70 (e) A supervising physician may delegate to a fully
71 licensed physician assistant the authority to prescribe or
72 dispense any medication used in the supervising physician's
73 practice unless such medication is listed on the formulary
74 created pursuant to paragraph (f). A fully licensed physician
75 assistant may only prescribe or dispense such medication under

76 | the following circumstances:

77 | 1. A physician assistant must clearly identify to the
78 | patient that he or she is a physician assistant.

79 | 2. The supervising physician must notify the department of
80 | his or her intent to delegate, on a department-approved form,
81 | before delegating such authority and of any change in
82 | prescriptive privileges of the physician assistant. Authority to
83 | dispense may be delegated only by a supervising physician who is
84 | registered as a dispensing practitioner in compliance with s.
85 | 465.0276.

86 | 3. A fully licensed physician assistant may procure
87 | medical devices and drugs unless the medication is listed on the
88 | formulary created pursuant to paragraph (f).

89 | 4. The physician assistant must complete a minimum of 10
90 | continuing medical education hours in the specialty practice in
91 | which the physician assistant has prescriptive privileges with
92 | each licensure renewal. Three of the 10 hours must consist of a
93 | continuing education course on the safe and effective
94 | prescribing of controlled substance medications which is offered
95 | by a statewide professional association of physicians in this
96 | state accredited to provide educational activities designated
97 | for the American Medical Association Physician's Recognition
98 | Award Category 1 credit, designated by the American Academy of
99 | Physician Assistants as a Category 1 credit, or designated by
100 | the American Osteopathic Association as a Category 1-A credit.

101 5. The prescription may be in paper or electronic form but
102 must comply with ss. 456.0392(1) and 456.42(2) ~~456.42(1)~~ and
103 chapter 499 and must contain the physician assistant's name,
104 address, and telephone number and the name of each of his or her
105 supervising physicians. Unless it is a drug or drug sample
106 dispensed by the physician assistant, the prescription must be
107 filled in a pharmacy permitted under chapter 465 and must be
108 dispensed in that pharmacy by a pharmacist licensed under
109 chapter 465.

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

112 **Section 3. Paragraph (e) of subsection (4) of section**
113 **459.022, Florida Statutes, is amended to read:**

114 459.022 Physician assistants.—

115 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

116 (e) A supervising physician may delegate to a fully
117 licensed physician assistant the authority to prescribe or
118 dispense any medication used in the supervising physician's
119 practice unless such medication is listed on the formulary
120 created pursuant to s. 458.347. A fully licensed physician
121 assistant may only prescribe or dispense such medication under
122 the following circumstances:

123 1. A physician assistant must clearly identify to the
124 patient that she or he is a physician assistant.

125 2. The supervising physician must notify the department of

126 her or his intent to delegate, on a department-approved form,
 127 before delegating such authority and of any change in
 128 prescriptive privileges of the physician assistant. Authority to
 129 dispense may be delegated only by a supervising physician who is
 130 registered as a dispensing practitioner in compliance with s.
 131 465.0276.

132 3. A fully licensed physician assistant may procure
 133 medical devices and drugs unless the medication is listed on the
 134 formulary created pursuant to s. 458.347(4)(f).

135 4. The physician assistant must complete a minimum of 10
 136 continuing medical education hours in the specialty practice in
 137 which the physician assistant has prescriptive privileges with
 138 each licensure renewal. Three of the 10 hours must consist of a
 139 continuing education course on the safe and effective
 140 prescribing of controlled substance medications which is offered
 141 by a provider that has been approved by the American Academy of
 142 Physician Assistants and which is designated for the American
 143 Medical Association Physician's Recognition Award Category 1
 144 credit, designated by the American Academy of Physician
 145 Assistants as a Category 1 credit, or designated by the American
 146 Osteopathic Association as a Category 1-A credit.

147 5. The prescription may be in paper or electronic form but
 148 must comply with ss. 456.0392(1) and 456.42(2) ~~456.42(1)~~ and
 149 chapter 499 and must contain the physician assistant's name,
 150 address, and telephone number and the name of each of his or her

151 supervising physicians. Unless it is a drug or drug sample
152 dispensed by the physician assistant, the prescription must be
153 filled in a pharmacy permitted under chapter 465, and must be
154 dispensed in that pharmacy by a pharmacist licensed under
155 chapter 465.

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

158 **Section 4.** This act shall take effect July 1, 2025.