

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; providing  
6 construction; amending ss. 458.347 and 459.022, F.S.;  
7 conforming cross-references; providing an effective  
8 date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Subsections (1) and (2) of section 456.42,  
13 Florida Statutes, are renumbered as subsections (2) and (3),  
14 respectively, and present subsection (3) of that section is  
15 renumbered as subsection (1) and amended, to read:

16 456.42 ~~Written~~ Prescriptions for medicinal drugs.—

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

26 requirement applies to such a health care practitioner upon  
27 renewal of the health care practitioner's license or by July 1,  
28 2026 ~~2021~~, whichever is earlier, but does not apply if:

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

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

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

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

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

44 (d) Electronic prescribing is not available due to a  
45 temporary technological or electrical failure that is not in the  
46 control of the prescribing practitioner, and such failure is  
47 documented in the patient record

48 ~~(d) The practitioner reasonably determines that it would~~  
49 ~~be impractical for the patient in question to obtain a medicinal~~  
50 ~~drug prescribed by electronic prescription in a timely manner~~

51 ~~and such delay would adversely impact the patient's medical~~  
52 ~~condition;~~

53 ~~(e) The practitioner is prescribing a drug under a~~  
54 ~~research protocol;~~

55 ~~(f) The prescription is for a drug for which the federal~~  
56 ~~Food and Drug Administration requires the prescription to~~  
57 ~~contain elements that may not be included in electronic~~  
58 ~~prescribing;~~

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

61 ~~(h) The practitioner determines that it is in the best~~  
62 ~~interest of the patient, or the patient determines that it is in~~  
63 ~~his or her own best interest, to compare prescription drug~~  
64 ~~prices among area pharmacies. The practitioner must document~~  
65 ~~such determination in the patient's medical record.~~

66  
67 The department, in consultation with the Board of Medicine, the  
68 Board of Osteopathic Medicine, the Board of Podiatric Medicine,  
69 the Board of Dentistry, the Board of Nursing, and the Board of  
70 Optometry, may adopt rules to implement this subsection. This  
71 subsection does not prohibit a pharmacist licensed in this state  
72 from filling or refilling a valid prescription submitted  
73 electronically or in writing, or require or authorize a change  
74 in prescription drug claims adjudication and review procedures  
75 by payors related to filling or refilling a valid prescription

76 submitted electronically or in writing. This subsection does not  
77 prohibit a pharmacist licensed in this state from filling or  
78 refilling a valid prescription issued in writing by a prescriber  
79 located in another state.

80  
81 Section 2. Paragraph (e) of subsection (4) of section  
82 458.347, Florida Statutes, is amended to read:

83 458.347 Physician assistants.—

84 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

85 (e) A supervising physician may delegate to a fully  
86 licensed physician assistant the authority to prescribe or  
87 dispense any medication used in the supervising physician's  
88 practice unless such medication is listed on the formulary  
89 created pursuant to paragraph (f). A fully licensed physician  
90 assistant may only prescribe or dispense such medication under  
91 the following circumstances:

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

94 2. The supervising physician must notify the department of  
95 his or her intent to delegate, on a department-approved form,  
96 before delegating such authority and of any change in  
97 prescriptive privileges of the physician assistant. Authority to  
98 dispense may be delegated only by a supervising physician who is  
99 registered as a dispensing practitioner in compliance with s.  
100 465.0276.

101           3. A fully licensed physician assistant may procure  
102 medical devices and drugs unless the medication is listed on the  
103 formulary created pursuant to paragraph (f).

104           4. The physician assistant must complete a minimum of 10  
105 continuing medical education hours in the specialty practice in  
106 which the physician assistant has prescriptive privileges with  
107 each licensure renewal. Three of the 10 hours must consist of a  
108 continuing education course on the safe and effective  
109 prescribing of controlled substance medications which is offered  
110 by a statewide professional association of physicians in this  
111 state accredited to provide educational activities designated  
112 for the American Medical Association Physician's Recognition  
113 Award Category 1 credit, designated by the American Academy of  
114 Physician Assistants as a Category 1 credit, or designated by  
115 the American Osteopathic Association as a Category 1-A credit.

116           5. The prescription may be in paper or electronic form but  
117 must comply with ss. 456.0392(1) and 456.42(2) ~~456.42(1)~~ and  
118 chapter 499 and must contain the physician assistant's name,  
119 address, and telephone number and the name of each of his or her  
120 supervising physicians. Unless it is a drug or drug sample  
121 dispensed by the physician assistant, the prescription must be  
122 filled in a pharmacy permitted under chapter 465 and must be  
123 dispensed in that pharmacy by a pharmacist licensed under  
124 chapter 465.

125           6. The physician assistant must note the prescription or

126 dispensing of medication in the appropriate medical record.

127 Section 3. Paragraph (e) of subsection (4) of section  
128 459.022, Florida Statutes, is amended to read:

129 459.022 Physician assistants.—

130 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

131 (e) A supervising physician may delegate to a fully  
132 licensed physician assistant the authority to prescribe or  
133 dispense any medication used in the supervising physician's  
134 practice unless such medication is listed on the formulary  
135 created pursuant to s. 458.347. A fully licensed physician  
136 assistant may only prescribe or dispense such medication under  
137 the following circumstances:

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

140 2. The supervising physician must notify the department of  
141 her or his intent to delegate, on a department-approved form,  
142 before delegating such authority and of any change in  
143 prescriptive privileges of the physician assistant. Authority to  
144 dispense may be delegated only by a supervising physician who is  
145 registered as a dispensing practitioner in compliance with s.  
146 465.0276.

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

150 4. The physician assistant must complete a minimum of 10

continuing medical education hours in the specialty practice in which the physician assistant has prescriptive privileges with each licensure renewal. Three of the 10 hours must consist of a continuing education course on the safe and effective prescribing of controlled substance medications which is offered by a provider that has been approved by the American Academy of Physician Assistants and which is designated for the American Medical Association Physician's Recognition Award Category 1 credit, designated by the American Academy of Physician Assistants as a Category 1 credit, or designated by the American Osteopathic Association as a Category 1-A credit.

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

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

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