

By Senator Collins

14-01468-25

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1 A bill to be entitled
2 An act relating to physician assistants; amending ss.
3 458.347 and 459.022, F.S.; revising the definition of
4 the term "physician assistant"; deleting the
5 requirement that a supervising physician notify the
6 Department of Health of his or her intent to delegate
7 prescriptive authority, or of any change in such
8 delegation, to a physician assistant; revising
9 requirements for prescriptions issued by a physician
10 assistant; providing for the registration of a
11 physician assistant to engage in practice without
12 physician supervision; providing registration
13 requirements; providing financial responsibility
14 requirements for such physician assistants; specifying
15 the scope of practice for such physician assistants;
16 requiring the Council on Physician Assistants, in
17 consultation with the Board of Medicine and the Board
18 of Osteopathic Medicine, to adopt rules establishing
19 standards of practice for such physicians; providing
20 for registration renewal; requiring the department to
21 distinguish such physician assistants' licenses and
22 include the registration in their practitioner
23 profiles; requiring such physician assistants to
24 disclose specified information in writing to new
25 patients; requiring the council to adopt rules;
26 providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Present subsections (8) through (16) of section
31 458.347, Florida Statutes, are redesignated as subsections (9)
32 through (17), respectively, a new subsection (8) is added to
33 that section, and paragraph (e) of subsection (2) and paragraph
34 (e) of subsection (4) of that section are amended, to read:

35 458.347 Physician assistants.—

36 (2) DEFINITIONS.—As used in this section, the term:

37 (e) "Physician assistant" means a person who is a graduate
38 of an approved program ~~or its equivalent~~ or meets standards
39 approved by the council boards and is licensed to perform
40 medical services ~~delegated by the supervising physician.~~

41 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

42 (e) A supervising physician may delegate to a fully
43 licensed physician assistant the authority to prescribe or
44 dispense any medication used in the supervising physician's
45 practice unless such medication is listed on the formulary
46 created pursuant to paragraph (f). A fully licensed physician
47 assistant may only prescribe or dispense such medication under
48 the following circumstances:

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

51 2. ~~The supervising physician must notify the department of~~
52 ~~his or her intent to delegate, on a department-approved form,~~
53 ~~before delegating such authority and of any change in~~
54 ~~prescriptive privileges of the physician assistant.~~ Authority to
55 dispense may be delegated only by a supervising physician who is
56 registered as a dispensing practitioner in compliance with s.
57 465.0276.

58 3. A fully licensed physician assistant may procure medical

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59 devices and drugs unless the medication is listed on the
60 formulary created pursuant to paragraph (f).

61 4. The physician assistant must complete a minimum of 10
62 continuing medical education hours in the specialty practice in
63 which the physician assistant has prescriptive privileges with
64 each licensure renewal. Three of the 10 hours must consist of a
65 continuing education course on the safe and effective
66 prescribing of controlled substance medications which is offered
67 by a statewide professional association of physicians in this
68 state accredited to provide educational activities designated
69 for the American Medical Association Physician's Recognition
70 Award Category 1 credit, designated by the American Academy of
71 Physician Assistants as a Category 1 credit, or designated by
72 the American Osteopathic Association as a Category 1-A credit.

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

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

83 (8) PRACTICE WITHOUT PHYSICIAN SUPERVISION.-

84 (a) Registration.-The council must register a physician
85 assistant to practice without a supervising physician if the
86 applicant meets all of the following criteria:

87 1. Holds an active, unencumbered license to practice as a

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88 physician assistant. A physician assistant holding a temporary
89 license, a temporary certificate for practice in areas of
90 critical need, a limited license, or a conditional license may
91 not register under this subsection.

92 2. Is providing primary care services in an area designated
93 as a rural area of opportunity as defined in s. 288.0656.

94 3. Has not been subject to disciplinary action under s.
95 456.072 or s. 458.331 or any similar disciplinary action in
96 another state or other territory or jurisdiction within the 5
97 years immediately preceding the registration application.

98 4. Has completed, in any state, jurisdiction, or territory
99 of the United States, at least 3,000 clinical practice hours,
100 which may include clinical instructional hours provided by the
101 applicant, within the 5 years immediately preceding the
102 registration application. For purposes of this paragraph, the
103 term "clinical instruction" means education provided by faculty
104 in a clinical setting in a graduate program leading to a
105 master's or doctoral degree in a clinical physician assistant
106 studies area.

107 (b) *Financial responsibility.*

108 1. A person registered under this subsection must, by one
109 of the following methods, demonstrate to the satisfaction of the
110 council and the department financial responsibility to pay
111 claims and costs ancillary thereto arising out of the rendering
112 of, or the failure to render, medical care, treatment, or
113 services:

114 a. Obtaining and maintaining professional liability
115 coverage in an amount not less than \$100,000 per claim, with a
116 minimum annual aggregate of not less than \$300,000, from an

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117 authorized insurer as defined in s. 624.09, from an eligible
118 surplus lines insurer as defined in s. 626.914(2), from a risk
119 retention group as defined in s. 627.942, from the Joint
120 Underwriting Association established under s. 627.351(4), or
121 through a plan of self-insurance as provided in s. 627.357; or

122 b. Obtaining and maintaining an unexpired, irrevocable
123 letter of credit, established pursuant to chapter 675, in an
124 amount of not less than \$100,000 per claim, with a minimum
125 aggregate availability of credit of not less than \$300,000. The
126 letter of credit must be payable to the physician assistant as
127 beneficiary upon presentment of a final judgment indicating
128 liability and awarding damages to be paid by the physician
129 assistant or upon presentment of a settlement agreement signed
130 by all parties to such agreement when such final judgment or
131 settlement is a result of a claim arising out of the rendering
132 of, or the failure to render, medical care, treatment, or
133 services.

134 2. The requirements of subparagraph 1. do not apply to:

135 a. A physician assistant registered under this subsection
136 who practices exclusively as an officer, employee, or agent of
137 the Federal Government or of the state or its agencies or
138 subdivisions.

139 b. A physician assistant whose registration under this
140 subsection has become inactive and who is not practicing as a
141 physician assistant registered under this subsection in this
142 state.

143 c. A physician assistant registered under this subsection
144 who practices only in conjunction with his or her teaching
145 duties at an accredited school or its main teaching hospitals.

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146 Such practice is limited to that which is incidental to and a
147 necessary part of duties in connection with the teaching
148 position.

149 d. A physician assistant who holds an active registration
150 under this subsection but is not engaged in practice without a
151 supervising physician as authorized under this subsection in
152 this state. If such person initiates or resumes practice as a
153 physician assistant without physician supervision, he or she
154 must notify the department of such activity and fulfill the
155 professional liability coverage requirements of subparagraph 1.

156 (c) Practice requirements.—

157 1. A physician assistant who is registered under this
158 subsection may do all of the following:

159 a. Practice in primary care, family medicine, pediatrics,
160 internal medicine, women's health, and psychiatry, as defined by
161 council rule.

162 b. Perform the general functions of a physician assistant.

163 c. For a patient who requires the services of a health care
164 facility as defined in s. 408.032:

165 (I) Admit the patient to the facility.

166 (II) Manage the care received by the patient in the
167 facility.

168 (III) Discharge the patient from the facility, unless
169 prohibited by federal law or rule.

170 d. Provide a signature, certification, stamp, verification,
171 affidavit, or endorsement that is otherwise required by law to
172 be provided by a physician, except a physician assistant
173 registered under this subsection may not issue a physician
174 certification under s. 381.986.

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175 2. A physician assistant engaging in practice under this
176 subsection may not perform any surgical procedure deeper than
177 subcutaneous tissues.

178 3. The council, in consultation with the boards, shall
179 adopt rules establishing standards of practice for physician
180 assistants registered under this subsection.

181 (d) Registration renewal.—A physician assistant must
182 biennially renew registration under this subsection. The
183 biennial renewal for registration shall coincide with the
184 physician assistant's biennial renewal period for licensure.

185 (e) Practitioner profile.—The department shall
186 conspicuously distinguish a physician assistant's license if he
187 or she is registered with the council under this subsection and
188 include the registration in the physician assistant's
189 practitioner profile created under s. 456.041.

190 (f) Disclosures.—When engaging in practice under this
191 subsection, the physician assistant must provide information in
192 writing to a new patient about his or her qualifications and the
193 fact that he or she is practicing without a supervising
194 physician before or during the initial patient encounter.

195 (g) Rules.—The council shall adopt rules to implement this
196 subsection.

197 Section 2. Present subsections (8) through (16) of section
198 459.022, Florida Statutes, are redesignated as subsections (9)
199 through (17), respectively, a new subsection (8) is added to
200 that section, and paragraph (e) of subsection (2) and paragraph
201 (e) of subsection (4) of that section are amended, to read:

202 459.022 Physician assistants.—

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205 of an approved program ~~or its equivalent~~ or meets standards
206 approved by the council boards and is licensed to perform
207 medical services ~~delegated by the supervising physician.~~

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210 licensed physician assistant the authority to prescribe or
211 dispense any medication used in the supervising physician's
212 practice unless such medication is listed on the formulary
213 created pursuant to s. 458.347. A fully licensed physician
214 assistant may only prescribe or dispense such medication under
215 the following circumstances:

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

218 2. ~~The supervising physician must notify the department of~~
219 ~~her or his intent to delegate, on a department-approved form,~~
220 ~~before delegating such authority and of any change in~~
221 ~~prescriptive privileges of the physician assistant.~~ Authority to
222 dispense may be delegated only by a supervising physician who is
223 registered as a dispensing practitioner in compliance with s.
224 465.0276.

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

228 4. The physician assistant must complete a minimum of 10
229 continuing medical education hours in the specialty practice in
230 which the physician assistant has prescriptive privileges with
231 each licensure renewal. Three of the 10 hours must consist of a
232 continuing education course on the safe and effective

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233 prescribing of controlled substance medications which is offered
234 by a provider that has been approved by the American Academy of
235 Physician Assistants and which is designated for the American
236 Medical Association Physician's Recognition Award Category 1
237 credit, designated by the American Academy of Physician
238 Assistants as a Category 1 credit, or designated by the American
239 Osteopathic Association as a Category 1-A credit.

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

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

250 (8) PRACTICE WITHOUT PHYSICIAN SUPERVISION.-

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253 applicant meets all of the following criteria:

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255 physician assistant. A physician assistant holding a temporary
256 license, a temporary certificate for practice in areas of
257 critical need, a limited license, or a conditional license may
258 not register under this subsection.

259 2. Is providing primary care services in an area designated
260 as a rural area of opportunity as defined in s. 288.0656.

261 3. Has not been subject to disciplinary action under s.

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262 456.072 or s. 458.331 or any similar disciplinary action in
263 another state or other territory or jurisdiction within the 5
264 years immediately preceding the registration application.

265 4. Has completed, in any state, jurisdiction, or territory
266 of the United States, at least 3,000 clinical practice hours,
267 which may include clinical instructional hours provided by the
268 applicant, within the 5 years immediately preceding the
269 registration application. For purposes of this paragraph, the
270 term "clinical instruction" means education provided by faculty
271 in a clinical setting in a graduate program leading to a
272 master's or doctoral degree in a clinical physician assistant
273 studies area.

274 (b) Financial responsibility.—

275 1. A person registered under this subsection must, by one
276 of the following methods, demonstrate to the satisfaction of the
277 council and the department financial responsibility to pay
278 claims and costs ancillary thereto arising out of the rendering
279 of, or the failure to render, medical care, treatment, or
280 services:

281 a. Obtaining and maintaining professional liability
282 coverage in an amount not less than \$100,000 per claim, with a
283 minimum annual aggregate of not less than \$300,000, from an
284 authorized insurer as defined in s. 624.09, from an eligible
285 surplus lines insurer as defined in s. 626.914(2), from a risk
286 retention group as defined in s. 627.942, from the Joint
287 Underwriting Association established under s. 627.351(4), or
288 through a plan of self-insurance as provided in s. 627.357; or

289 b. Obtaining and maintaining an unexpired, irrevocable
290 letter of credit, established pursuant to chapter 675, in an

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291 amount of not less than \$100,000 per claim, with a minimum
292 aggregate availability of credit of not less than \$300,000. The
293 letter of credit must be payable to the physician assistant as
294 beneficiary upon presentment of a final judgment indicating
295 liability and awarding damages to be paid by the physician
296 assistant or upon presentment of a settlement agreement signed
297 by all parties to such agreement when such final judgment or
298 settlement is a result of a claim arising out of the rendering
299 of, or the failure to render, medical care, treatment, or
300 services.

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304 the Federal Government or of the state or its agencies or
305 subdivisions.

306 b. A physician assistant whose registration under this
307 subsection has become inactive and who is not practicing as a
308 physician assistant registered under this subsection in this
309 state.

310 c. A physician assistant registered under this subsection
311 who practices only in conjunction with her or his teaching
312 duties at an accredited school or its main teaching hospitals.
313 Such practice is limited to that which is incidental to and a
314 necessary part of duties in connection with the teaching
315 position.

316 d. A physician assistant who holds an active registration
317 under this subsection but is not engaged in practice without a
318 supervising physician as authorized under this subsection in
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329 b. Perform the general functions of a physician assistant.

330 c. For a patient who requires the services of a health care
331 facility as defined in s. 408.032:

332 (I) Admit the patient to the facility.

333 (II) Manage the care received by the patient in the
334 facility.

335 (III) Discharge the patient from the facility, unless
336 prohibited by federal law or rule.

337 d. Provide a signature, certification, stamp, verification,
338 affidavit, or endorsement that is otherwise required by law to
339 be provided by a physician, except a physician assistant
340 registered under this subsection may not issue a physician
341 certification under s. 381.986.

342 2. A physician assistant engaging in practice under this
343 subsection may not perform any surgical procedure deeper than
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345 3. The council, in consultation with the boards, shall
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348 (d) Registration renewal.—A physician assistant must

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350 biennial renewal for registration shall coincide with the
351 physician assistant's biennial renewal period for licensure.

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353 conspicuously distinguish a physician assistant's license if she
354 or he is registered with the council under this subsection and
355 include the registration in the physician assistant's
356 practitioner profile created under s. 456.041.

357 (f) Disclosures.—When engaging in practice under this
358 subsection, the physician assistant must provide information in
359 writing to a new patient about her or his qualifications and the
360 fact that she or he is practicing without a supervising
361 physician before or during the initial patient encounter.

362 (g) Rules.—The council shall adopt rules to implement this
363 subsection.

364 Section 3. This act shall take effect July 1, 2025.