

By Senator Brodeur

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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. Present subsections (1) and (2) of section
 12 456.42, Florida Statutes, are redesignated as subsections (2)
 13 and (3), respectively, and present subsection (3) of that
 14 section is redesignated 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;

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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 entity;~~

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

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

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

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

49 ~~(f) The prescription is for a drug for which the federal~~
50 ~~Food and Drug Administration requires the prescription to~~
51 ~~contain elements that may not be included in electronic~~
52 ~~prescribing;~~

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

55 ~~(h) The practitioner determines that it is in the best~~
56 ~~interest of the patient, or the patient determines that it is in~~
57 ~~his or her own best interest, to compare prescription drug~~
58 ~~prices among area pharmacies. The practitioner must document~~

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59 ~~such determination in the patient's medical record.~~

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

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

67 458.347 Physician assistants.—

68 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

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

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

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

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

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

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

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

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

113 459.022 Physician assistants.—

114 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

115 (e) A supervising physician may delegate to a fully
116 licensed physician assistant the authority to prescribe or

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

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

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

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

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

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

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

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