

By the Appropriations Committee on Health and Human Services;
and Senator Brodeur

603-03457-25

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A bill to be entitled
An act relating to electronic prescribing; amending s.
456.42, F.S.; revising health care practitioners who
may only electronically transmit prescriptions for
certain drugs; revising exceptions; providing
construction; republishing s. 456.43(1), F.S.,
relating to electronic prescribing for medicinal
drugs; amending ss. 458.347 and 459.022, F.S.;
conforming cross-references; providing an effective
date.

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

Section 1. Present subsections (1) and (2) of section
456.42, Florida Statutes, are redesignated as subsections (2)
and (3), respectively, and present subsection (3) of that
section is redesignated as subsection (1) and amended, to read:

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

(1)(3) A health care practitioner licensed by law to
prescribe a medicinal drug who ~~maintains a system of electronic~~
~~health records as defined in s. 408.051(2)(c), or who~~ prescribes
medicinal drugs as an owner, an employee, or a contractor of a
licensed health care facility or practice that maintains ~~such~~ a
system of electronic health records as defined in s.
408.051(2)(c) and who is prescribing in his or her capacity as
such an owner, an employee, or a contractor, may only
electronically transmit prescriptions for such drugs. This
requirement applies to such a health care practitioner upon
renewal of the health care practitioner's license or by July 1,

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2026 2021, whichever is earlier, but does not apply if:

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

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

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

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

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

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

(e) The prescription cannot be electronically prescribed due to a temporary technological or electrical failure that is not in the control of the prescribing practitioner, and such failure is documented in the patient record ~~The practitioner is prescribing a drug under a research protocol;~~

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

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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 (g)~~(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.

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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 that is issued in writing by a
79 prescriber located in another state or that is transcribed by
80 the pharmacy when a prescription is called in by telephone.

81 Section 2. Subsection (1) of section 456.43, Florida
82 Statutes, is republished to read:

83 456.43 Electronic prescribing for medicinal drugs.—

84 (1) Electronic prescribing may not interfere with a
85 patient's freedom to choose a pharmacy.

86 Section 3. Paragraph (e) of subsection (4) of section
87 458.347, Florida Statutes, is amended to read:

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458.347 Physician assistants.—

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

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

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

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

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

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 statewide professional association of physicians in this state accredited to provide educational activities designated

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

459.022 Physician assistants.—

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

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

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

2. The supervising physician must notify the department of

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

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

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

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175 chapter 465.

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

178 Section 5. This act shall take effect July 1, 2025.