



556062

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/26/2016	.	
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The Committee on Appropriations (Grimsley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (3) of section 381.887, Florida
Statutes, is amended to read:

381.887 Emergency treatment for suspected opioid overdose.—

(3) An authorized health care practitioner may, directly or
by a non-patient specific standing order, prescribe and dispense
an emergency opioid antagonist to a patient or caregiver for use



556062

11 in accordance with this section, and pharmacists may dispense an
12 emergency opioid antagonist pursuant to such a prescription that
13 ~~issued in the name of the patient or caregiver, which is~~
14 appropriately labeled with instructions for use. Such patient or
15 caregiver is authorized to store and possess approved emergency
16 opioid antagonists and, in an emergency situation when a
17 physician is not immediately available, administer the emergency
18 opioid antagonist to a person believed in good faith to be
19 experiencing an opioid overdose, regardless of whether that
20 person has a prescription for an emergency opioid antagonist.

21 Section 2. Paragraph (g) of subsection (4) of section
22 458.347, Florida Statutes, is amended to read:

23 458.347 Physician assistants.—

24 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

25 (g) A supervisory physician may delegate to a licensed
26 physician assistant the authority to, and the licensed physician
27 assistant acting under the direction of the supervisory
28 physician may, order any medication ~~medications~~ for
29 administration to the supervisory physician's patient ~~during his~~
30 ~~or her care~~ in a facility licensed under chapter 395 or part II
31 of chapter 400, notwithstanding any provisions in chapter 465 or
32 chapter 893 which may prohibit this delegation. For the purpose
33 of this paragraph, an order is not considered a prescription. A
34 licensed physician assistant working in a facility that is
35 licensed under chapter 395 or part II of chapter 400 may order
36 any medication under the direction of the supervisory physician.

37 Section 3. Paragraph (f) of subsection (4) of section
38 459.022, Florida Statutes, is amended to read:

39 459.022 Physician assistants.—



556062

40 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

41 (f) A supervisory physician may delegate to a licensed
42 physician assistant the authority to, and the licensed physician
43 assistant acting under the direction of the supervisory
44 physician may, order any medication ~~medications~~ for
45 administration to the supervisory physician's patient ~~during his~~
46 ~~or her care~~ in a facility licensed under chapter 395 or part II
47 of chapter 400, notwithstanding any provisions in chapter 465 or
48 chapter 893 which may prohibit this delegation. For the purpose
49 of this paragraph, an order is not considered a prescription. A
50 licensed physician assistant working in a facility that is
51 licensed under chapter 395 or part II of chapter 400 may order
52 any medication under the direction of the supervisory physician.

53 Section 4. Paragraph (a) of subsection (3) of section
54 464.012, Florida Statutes, is amended to read:

55 464.012 Certification of advanced registered nurse
56 practitioners; fees.—

57 (3) An advanced registered nurse practitioner shall perform
58 those functions authorized in this section within the framework
59 of an established protocol that is filed with the board upon
60 biennial license renewal and within 30 days after entering into
61 a supervisory relationship with a physician or changes to the
62 protocol. The board shall review the protocol to ensure
63 compliance with applicable regulatory standards for protocols.
64 The board shall refer to the department licensees submitting
65 protocols that are not compliant with the regulatory standards
66 for protocols. A practitioner currently licensed under chapter
67 458, chapter 459, or chapter 466 shall maintain supervision for
68 directing the specific course of medical treatment. Within the



556062

69 established framework, an advanced registered nurse practitioner
70 may:

71 (a) Monitor and alter drug therapies and order any
72 medication for administration to a patient in a facility
73 licensed under chapter 395 or part II of chapter 400.

74 Section 5. Subsection (14) of section 465.003, Florida
75 Statutes, is amended to read:

76 465.003 Definitions.—As used in this chapter, the term:

77 (14) "Prescription" includes any order for drugs or
78 medicinal supplies written or transmitted by any means of
79 communication by a ~~duly~~ licensed practitioner authorized by the
80 laws of this ~~the~~ state to prescribe such drugs or medicinal
81 supplies and intended to be dispensed by a pharmacist, except
82 for an order that is dispensed for administration. The term also
83 includes an orally transmitted order by the lawfully designated
84 agent of such practitioner; ~~The term also includes an order~~
85 written or transmitted by a practitioner licensed to practice in
86 a jurisdiction other than this state, but only if the pharmacist
87 called upon to dispense such order determines, in the exercise
88 of her or his professional judgment, that the order is valid and
89 necessary for the treatment of a chronic or recurrent illness;
90 and. ~~The term "prescription" also includes a pharmacist's order~~
91 for a product selected from the formulary created pursuant to s.
92 465.186. Prescriptions may be retained in written form or the
93 pharmacist may cause them to be recorded in a data processing
94 system, provided that such order can be produced in printed form
95 upon lawful request.

96 Section 6. Subsections (1) and (22) of section 893.02,
97 Florida Statutes, are amended to read:



556062

98 893.02 Definitions.—The following words and phrases as used
99 in this chapter shall have the following meanings, unless the
100 context otherwise requires:

101 (1) “Administer” or “administration” means the direct
102 application of a controlled substance, whether by injection,
103 inhalation, ingestion, or any other means, to the body of a
104 person or animal.

105 (22) “Prescription” ~~means and~~ includes any an order for
106 drugs or medicinal supplies which is written, ~~signed,~~ or
107 transmitted by any ~~word of mouth, telephone, telegram, or other~~
108 means of communication by a ~~duly~~ licensed practitioner
109 authorized licensed by the laws of this ~~the~~ state to prescribe
110 such drugs or medicinal supplies, is issued in good faith and in
111 the course of professional practice, is intended to be ~~filled,~~
112 ~~compounded, or~~ dispensed by a another person authorized licensed
113 by the laws of this ~~the~~ state to do so, and meets ~~meeting~~ the
114 requirements of s. 893.04.

115 (a) The term also includes an order for drugs or medicinal
116 supplies ~~se~~ transmitted or written by a physician, dentist,
117 veterinarian, or other practitioner licensed to practice in a
118 state other than Florida, but only if the pharmacist called upon
119 to fill such an order determines, in the exercise of his or her
120 professional judgment, that the order was issued pursuant to a
121 valid patient-physician relationship, that it is authentic, and
122 that the drugs or medicinal supplies ~~se~~ ordered are considered
123 necessary for the continuation of treatment of a chronic or
124 recurrent illness.

125 (b) The term does not include an order that is dispensed
126 for administration by a licensed practitioner authorized by the



556062

127 laws of this state to administer such drugs or medicinal
128 supplies.

129 (c) ~~However,~~ If the physician writing the prescription is
130 not known to the pharmacist, the pharmacist shall obtain proof
131 to a reasonable certainty of the validity of the said
132 prescription.

133 (d) A prescription ~~order~~ for a controlled substance may
134 ~~shall~~ not be issued on the same prescription blank with another
135 prescription ~~order~~ for a controlled substance that which is
136 named or described in a different schedule or with another, ~~nor~~
137 ~~shall any prescription order for a controlled substance be~~
138 ~~issued on the same prescription blank as a prescription order~~
139 for a medicinal drug, as defined in s. 465.003(8), that is which
140 ~~does not fall within the definition of a controlled substance as~~
141 ~~defined in this act.~~

142 Section 7. Paragraphs (a), (d), and (f) of subsection (2)
143 of section 893.04, Florida Statutes, are amended to read:

144 893.04 Pharmacist and practitioner.—

145 (2) (a) A pharmacist may not dispense a controlled substance
146 listed in Schedule II, Schedule III, or Schedule IV to any
147 patient or patient's agent without first determining, in the
148 exercise of her or his professional judgment, that the
149 prescription order ~~order~~ is valid. The pharmacist may dispense the
150 controlled substance, in the exercise of her or his professional
151 judgment, when the pharmacist or pharmacist's agent has obtained
152 satisfactory patient information from the patient or the
153 patient's agent.

154 (d) Each ~~written~~ prescription written ~~prescribed~~ by a
155 practitioner in this state for a controlled substance listed in



556062

156 Schedule II, Schedule III, or Schedule IV must include ~~both~~ a
157 written and a numerical notation of the quantity of the
158 controlled substance prescribed and a notation of the date in
159 numerical, month/day/year format, or with the abbreviated month
160 written out, or the month written out in whole. A pharmacist
161 may, upon verification by the prescriber, document any
162 information required by this paragraph. If the prescriber is not
163 available to verify a prescription, the pharmacist may dispense
164 the controlled substance, but may insist that the person to whom
165 the controlled substance is dispensed provide valid photographic
166 identification. If a prescription includes a numerical notation
167 of the quantity of the controlled substance or date, but does
168 not include the quantity or date written out in textual format,
169 the pharmacist may dispense the controlled substance without
170 verification by the prescriber of the quantity or date if the
171 pharmacy previously dispensed another prescription for the
172 person to whom the prescription was written.

173 (f) A pharmacist may not knowingly dispense ~~fill~~ a
174 prescription that has been forged for a controlled substance
175 listed in Schedule II, Schedule III, or Schedule IV.

176 Section 8. Subsection (1) of section 893.05, Florida
177 Statutes, is amended to read:

178 893.05 Practitioners and persons administering controlled
179 substances in their absence.—

180 (1) (a) A practitioner, in good faith and in the course of
181 his or her professional practice only, may prescribe,
182 administer, dispense, mix, or otherwise prepare a controlled
183 substance, or the practitioner may cause the controlled
184 substance ~~same~~ to be administered by a licensed nurse or an



556062

185 intern practitioner under his or her direction and supervision
186 only.

187 (b) Pursuant to s. 458.347(4)(g), s. 459.022(4)(f), or s.
188 464.012(3), as applicable, a practitioner who supervises a
189 licensed physician assistant or advanced registered nurse
190 practitioner may authorize the licensed physician assistant or
191 advanced registered nurse practitioner to order controlled
192 substances for administration to a patient in a facility
193 licensed under chapter 395 or part II of chapter 400.

194 (c) A veterinarian may ~~se~~ prescribe, administer, dispense,
195 mix, or prepare a controlled substance for use on animals only,
196 and may cause the controlled substance ~~it~~ to be administered by
197 an assistant or orderly only under the veterinarian's direction
198 and supervision ~~only~~.

199 (d) A certified optometrist licensed under chapter 463 may
200 not administer or prescribe a controlled substance listed in
201 Schedule I or Schedule II of s. 893.03.

202 Section 9. Subsection (26) of s. 400.462, subsection (1) of
203 s. 401.445, subsection (18) of s. 409.906, and subsection (3) of
204 s. 766.103, Florida Statutes, are reenacted for the purpose of
205 incorporating the amendments made by this act to ss. 458.347 and
206 459.022, Florida Statutes, in references thereto.

207 Section 10. Subsection (1) of s. 401.445 and subsection (3)
208 of s. 766.103, Florida Statutes, are reenacted for the purpose
209 of incorporating the amendment made by this act to s. 464.012,
210 Florida Statutes, in references thereto.

211 Section 11. Paragraph (a) of subsection (1) of s. 409.9201,
212 paragraph (pp) of subsection (1) of s. 458.331, paragraph (rr)
213 of subsection (1) of s. 459.015, subsection (1) of s. 465.014,



556062

214 paragraph (c) of subsection (2) of s. 465.015, paragraph (s) of
215 subsection (1) of s. 465.016, paragraph (j) of subsection (5) of
216 s. 465.022, paragraph (h) of subsection (1) of s. 465.023, s.
217 465.1901, subsection (43) of s. 499.003, and subsection (1) of
218 s. 831.30, Florida Statutes, are reenacted for the purpose of
219 incorporating the amendments made by this act to s. 465.003,
220 Florida Statutes, in references thereto.

221 Section 12. Paragraph (i) of subsection (5) of s. 112.0455,
222 paragraph (b) of subsection (7) of s. 381.986, paragraph (l) of
223 subsection (1) of s. 440.102, paragraph (pp) of subsection (1)
224 of s. 458.331, paragraph (rr) of subsection (1) of s. 459.015,
225 subsection (3) of s. 465.015, paragraph (s) of subsection (1) of
226 s. 465.016, paragraph (j) of subsection (5) of s. 465.022,
227 paragraph (h) of subsection (1) of s. 465.023, subsection (14)
228 of s. 499.0121, paragraph (b) of subsection (1) of s. 768.36,
229 paragraph (f) of subsection (3) of s. 810.02, paragraph (c) of
230 subsection (2) of s. 812.014, paragraph (c) of subsection (1) of
231 s. 856.015, paragraph (a) of subsection (1) of s. 944.47,
232 subsection (1) of s. 951.22, paragraph (a) of subsection (1) of
233 s. 985.711, paragraph (i) of subsection (1) of s. 1003.57, and
234 subsection (8) of s. 1006.09, Florida Statutes, are reenacted
235 for the purpose of incorporating the amendments made by this act
236 to s. 893.02, Florida Statutes, in references thereto.

237 Section 13. Paragraph (e) of subsection (3) of s. 893.0551,
238 Florida Statutes, is reenacted for the purpose of incorporating
239 the amendments made by this act to s. 893.04, Florida Statutes,
240 in a reference thereto.

241 Section 14. Paragraph (d) of subsection (3) of s. 893.0551,
242 Florida Statutes, is reenacted for the purpose of incorporating



556062

243 the amendments made by this act to s. 893.05, Florida Statutes,
244 in a reference thereto.

245 Section 15. This act shall take effect July 1, 2016.

246

247 ===== T I T L E A M E N D M E N T =====

248 And the title is amended as follows:

249 Delete everything before the enacting clause
250 and insert:

251 A bill to be entitled

252 An act relating to the ordering of medication;
253 amending s. 381.887, F.S.; clarifying the provision
254 that authorizes a health care practitioner to
255 prescribe and dispense an emergency opioid antagonist;
256 deleting a requirement that certain prescriptions be
257 issued in the name of the patient or caregiver;
258 amending ss. 458.347 and 459.022, F.S.; revising the
259 authority of a licensed physician assistant to order
260 medication under the direction of a supervisory
261 physician for a specified patient; authorizing a
262 supervisory physician to delegate to a licensed
263 physician assistant the authority to order medications
264 for a patient at a licensed nursing home facility;
265 amending s. 464.012, F.S.; authorizing an advanced
266 registered nurse practitioner to order medication for
267 administration to patients in specialized facilities;
268 amending s. 465.003, F.S.; revising the term
269 "prescription" to exclude an order for drugs or
270 medicinal supplies dispensed for administration;
271 amending s. 893.02, F.S.; revising the term



556062

272 "administer" to include the term "administration";
273 revising the term "prescription" to exclude an order
274 for drugs or medicinal supplies dispensed for
275 administration; amending s. 893.04, F.S.; conforming
276 provisions to changes made by act; amending s. 893.05,
277 F.S.; authorizing a licensed practitioner to authorize
278 a licensed physician assistant or advanced registered
279 nurse practitioner to order controlled substances for
280 administration to patients in specified facilities
281 under certain circumstances; reenacting ss.
282 400.462(26), 401.445(1), 409.906(18), and 766.103(3),
283 F.S., to incorporate the amendments made to ss.
284 458.347 and 459.022, F.S., in references thereto;
285 reenacting ss. 401.445(1) and 766.103(3), F.S., to
286 incorporate the amendment made to s. 464.012, F.S., in
287 references thereto; reenacting ss. 409.9201(1)(a),
288 458.331(1)(pp), 459.015(1)(rr), 465.014(1),
289 465.015(2)(c), 465.016(1)(s), 465.022(5)(j),
290 465.023(1)(h), 465.1901, 499.003(43), and 831.30(1),
291 F.S., to incorporate the amendment made to s. 465.003,
292 F.S., in references thereto; reenacting ss.
293 112.0455(5)(i), 381.986(7)(b), 440.102(1)(l),
294 458.331(1)(pp), 459.015(1)(rr), 465.015(3),
295 465.016(1)(s), 465.022(5)(j), 465.023(1)(h),
296 499.0121(14), 768.36(1)(b), 810.02(3)(f),
297 812.014(2)(c), 856.015(1)(c), 944.47(1)(a), 951.22(1),
298 985.711(1)(a), 1003.57(1)(i), and 1006.09(8), F.S., to
299 incorporate the amendment made to s. 893.02, F.S., in
300 references thereto; reenacting s. 893.0551(3)(e),



556062

301 F.S., to incorporate the amendment made to s. 893.04,
302 F.S., in a reference thereto; reenacting s.
303 893.0551(3)(d), F.S., to incorporate the amendment
304 made to s. 893.05, F.S., in a reference thereto;
305 providing an effective date.