

By Senator Grimsley

21-00400-15

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1 A bill to be entitled
2 An act relating to the ordering of medication;
3 amending ss. 458.347 and 459.022, F.S.; revising the
4 authority of a licensed physician assistant to order
5 medication under the direction of a supervisory
6 physician for a specified patient; amending s.
7 464.012, F.S.; authorizing an advanced registered
8 nurse practitioner to order medication for
9 administration to a specified patient; amending s.
10 465.003, F.S.; revising the term "prescription" to
11 exclude an order for drugs or medicinal supplies by a
12 licensed practitioner that is dispensed for certain
13 administration; amending s. 893.02, F.S.; revising the
14 term "administer" to include the term
15 "administration"; revising the term "prescription" to
16 exclude an order for drugs or medicinal supplies by a
17 licensed practitioner that is dispensed for certain
18 administration; amending s. 893.04, F.S.; conforming
19 provisions to changes made by act; amending s. 893.05,
20 F.S.; authorizing a licensed practitioner to authorize
21 a licensed physician assistant or advanced registered
22 nurse practitioner to order controlled substances for
23 a specified patient under certain circumstances;
24 reenacting ss. 400.462(26), 401.445(1), 409.906(18),
25 and 766.103(3), F.S., to incorporate the amendments
26 made to ss. 458.347 and 459.022, F.S., in references
27 thereto; reenacting ss. 401.445(1) and 766.103(3),
28 F.S., to incorporate the amendment made to s. 464.012,
29 F.S., in references thereto; reenacting ss.

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30 409.9201(1)(a), 458.331(1)(pp), 459.015(1)(rr),
31 465.014(1), 465.015(2)(c), 465.016(1)(s),
32 465.022(5)(j), 465.023(1)(h), 465.1901, 499.003(43),
33 and 831.30(1), F.S., to incorporate the amendment made
34 to s. 465.003, F.S., in references thereto; reenacting
35 ss. 112.0455(5)(i), 381.986(7)(b), 440.102(1)(l),
36 458.331(1)(pp), 459.015(1)(rr), 465.015(3),
37 465.016(1)(s), 465.022(5)(j), 465.023(1)(h),
38 499.0121(14), 768.36(1)(b), 810.02(3)(f),
39 812.014(2)(c), 856.015(1)(c), 944.47(1)(a), 951.22(1),
40 985.711(1)(a), 1003.57(1)(i), and 1006.09(8), F.S., to
41 incorporate the amendment made to s. 893.02, F.S., in
42 references thereto; reenacting s. 893.0551(3)(e),
43 F.S., to incorporate the amendment made to s. 893.04,
44 F.S., in a reference thereto; reenacting s.
45 893.0551(3)(d), F.S., to incorporate the amendment
46 made to s. 893.05, F.S., in a reference thereto;
47 providing an effective date.
48

49 Be It Enacted by the Legislature of the State of Florida:
50

51 Section 1. Paragraph (g) of subsection (4) of section
52 458.347, Florida Statutes, is amended to read:

53 458.347 Physician assistants.—

54 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

55 (g) A supervisory physician may delegate to a licensed
56 physician assistant the authority to, and the licensed physician
57 assistant acting under the direction of the supervisory
58 physician may, order any medication ~~medications~~ for

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59 administration to the supervisory physician's patient ~~during his~~
60 ~~or her care~~ in a facility licensed under chapter 395,
61 ~~notwithstanding any provisions in chapter 465 or chapter 893~~
62 ~~which may prohibit this delegation. For the purpose of this~~
63 ~~paragraph, an order is not considered a prescription. A licensed~~
64 ~~physician assistant working in a facility that is licensed under~~
65 ~~chapter 395 may order any medication under the direction of the~~
66 ~~supervisory physician.~~

67 Section 2. Paragraph (f) of subsection (4) of section
68 459.022, Florida Statutes, is amended to read:

69 459.022 Physician assistants.—

70 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

71 (f) A supervisory physician may delegate to a licensed
72 physician assistant the authority to, and the licensed physician
73 assistant acting under the direction of the supervisory
74 physician may, order any medication ~~medications~~ for
75 administration to the supervisory physician's patient ~~during his~~
76 ~~or her care~~ in a facility licensed under chapter 395,
77 ~~notwithstanding any provisions in chapter 465 or chapter 893~~
78 ~~which may prohibit this delegation. For the purpose of this~~
79 ~~paragraph, an order is not considered a prescription. A licensed~~
80 ~~physician assistant working in a facility that is licensed under~~
81 ~~chapter 395 may order any medication under the direction of the~~
82 ~~supervisory physician.~~

83 Section 3. Paragraph (a) of subsection (3) of section
84 464.012, Florida Statutes, is amended to read:

85 464.012 Certification of advanced registered nurse
86 practitioners; fees.—

87 (3) An advanced registered nurse practitioner shall perform

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88 those functions authorized in this section within the framework
89 of an established protocol that is filed with the board upon
90 biennial license renewal and within 30 days after entering into
91 a supervisory relationship with a physician or changes to the
92 protocol. The board shall review the protocol to ensure
93 compliance with applicable regulatory standards for protocols.
94 The board shall refer to the department licensees submitting
95 protocols that are not compliant with the regulatory standards
96 for protocols. A practitioner currently licensed under chapter
97 458, chapter 459, or chapter 466 shall maintain supervision for
98 directing the specific course of medical treatment. Within the
99 established framework, an advanced registered nurse practitioner
100 may:

101 (a) Monitor and alter drug therapies and order any
102 medication for administration to a patient in a facility
103 licensed under chapter 395.

104 Section 4. Subsection (14) of section 465.003, Florida
105 Statutes, is amended to read:

106 465.003 Definitions.—As used in this chapter, the term:

107 (14) "Prescription" includes any order for drugs or
108 medicinal supplies written or transmitted by any means of
109 communication by a ~~duly~~ licensed practitioner authorized by the
110 laws of this ~~the~~ state to prescribe such drugs or medicinal
111 supplies and intended to be dispensed by a pharmacist, except
112 for an order that is dispensed for administration. The term also
113 includes an orally transmitted order by the lawfully designated
114 agent of such practitioner; ~~—The term also includes an order~~
115 written or transmitted by a practitioner licensed to practice in
116 a jurisdiction other than this state, but only if the pharmacist

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117 called upon to dispense such order determines, in the exercise
118 of her or his professional judgment, that the order is valid and
119 necessary for the treatment of a chronic or recurrent illness;
120 and. ~~The term "prescription" also includes~~ a pharmacist's order
121 for a product selected from the formulary created pursuant to s.
122 465.186. Prescriptions may be retained in written form or the
123 pharmacist may cause them to be recorded in a data processing
124 system, provided that such order can be produced in printed form
125 upon lawful request.

126 Section 5. Subsections (1) and (22) of section 893.02,
127 Florida Statutes, are amended to read:

128 893.02 Definitions.—The following words and phrases as used
129 in this chapter shall have the following meanings, unless the
130 context otherwise requires:

131 (1) "Administer" or "administration" means the direct
132 application of a controlled substance, whether by injection,
133 inhalation, ingestion, or any other means, to the body of a
134 person or animal.

135 (22) "Prescription" ~~means and includes~~ any an order for
136 drugs or medicinal supplies which is written, ~~signed,~~ or
137 transmitted by any ~~word of mouth, telephone, telegram, or other~~
138 means of communication by a ~~duly~~ licensed practitioner
139 authorized licensed by the laws of this ~~the~~ state to prescribe
140 such drugs or medicinal supplies, is issued in good faith and in
141 the course of professional practice, is intended to be filled,
142 ~~compounded, or dispensed by a~~ another person authorized licensed
143 by the laws of this ~~the~~ state to do so, and meets ~~meeting~~ the
144 requirements of s. 893.04.

145 (a) The term also includes an order for drugs or medicinal

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146 supplies ~~so~~ transmitted or written by a physician, dentist,
147 veterinarian, or other practitioner licensed to practice in a
148 state other than Florida, but only if the pharmacist called upon
149 to fill such an order determines, in the exercise of his or her
150 professional judgment, that the order was issued pursuant to a
151 valid patient-physician relationship, that it is authentic, and
152 that the drugs or medicinal supplies ~~so~~ ordered are considered
153 necessary for the continuation of treatment of a chronic or
154 recurrent illness.

155 (b) The term does not include an order that is dispensed
156 for administration by a licensed practitioner authorized by the
157 laws of this state to administer such drugs or medicinal
158 supplies.

159 (c) However, If the physician writing the prescription is
160 not known to the pharmacist, the pharmacist shall obtain proof
161 to a reasonable certainty of the validity of the said
162 prescription.

163 (d) A prescription order for a controlled substance may
164 ~~shall~~ not be issued on the same prescription blank with another
165 prescription ~~order~~ for a controlled substance that ~~which~~ is
166 named or described in a different schedule or with another, ~~nor~~
167 ~~shall any prescription order for a controlled substance be~~
168 ~~issued on the same prescription blank as a prescription order~~
169 for a medicinal drug, as defined in s. 465.003(8), that is ~~which~~
170 ~~does not fall within the definition of a controlled substance as~~
171 ~~defined in this act.~~

172 Section 6. Paragraphs (a), (d), and (f) of subsection (2)
173 of section 893.04, Florida Statutes, are amended to read:

174 893.04 Pharmacist and practitioner.—

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175 (2) (a) A pharmacist may not dispense a controlled substance
176 listed in Schedule II, Schedule III, or Schedule IV to any
177 patient or patient's agent without first determining, in the
178 exercise of her or his professional judgment, that the
179 prescription order is valid. The pharmacist may dispense the
180 controlled substance, in the exercise of her or his professional
181 judgment, when the pharmacist or pharmacist's agent has obtained
182 satisfactory patient information from the patient or the
183 patient's agent.

184 (d) Each ~~written~~ written prescription ~~prescribed~~ by a
185 practitioner in this state for a controlled substance listed in
186 Schedule II, Schedule III, or Schedule IV must include ~~both~~ a
187 written and a numerical notation of the quantity of the
188 controlled substance prescribed and a notation of the date in
189 numerical, month/day/year format, or with the abbreviated month
190 written out, or the month written out in whole. A pharmacist
191 may, upon verification by the prescriber, document any
192 information required by this paragraph. If the prescriber is not
193 available to verify a prescription, the pharmacist may dispense
194 the controlled substance, but may insist that the person to whom
195 the controlled substance is dispensed provide valid photographic
196 identification. If a prescription includes a numerical notation
197 of the quantity of the controlled substance or date, but does
198 not include the quantity or date written out in textual format,
199 the pharmacist may dispense the controlled substance without
200 verification by the prescriber of the quantity or date if the
201 pharmacy previously dispensed another prescription for the
202 person to whom the prescription was written.

203 (f) A pharmacist may not knowingly dispense fill a

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204 prescription that has been forged for a controlled substance
205 listed in Schedule II, Schedule III, or Schedule IV.

206 Section 7. Subsection (1) of section 893.05, Florida
207 Statutes, is amended to read:

208 893.05 Practitioners and persons administering controlled
209 substances in their absence.—

210 (1) (a) A practitioner, in good faith and in the course of
211 his or her professional practice only, may prescribe,
212 administer, dispense, mix, or otherwise prepare a controlled
213 substance, or the practitioner may cause the controlled
214 substance ~~same~~ to be administered by a licensed nurse or an
215 intern practitioner under his or her direction and supervision
216 only.

217 (b) Pursuant to s. 458.347(4)(g), s. 459.022(4)(f), or s.
218 464.012(3), as applicable, a practitioner who supervises a
219 licensed physician assistant or advanced registered nurse
220 practitioner may authorize the licensed physician assistant or
221 advanced registered nurse practitioner to order controlled
222 substances for administration to a patient in a facility
223 licensed under chapter 395.

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

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

232 Section 8. Subsection (26) of s. 400.462, subsection (1) of

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233 s. 401.445, subsection (18) of s. 409.906, and subsection (3) of
234 s. 766.103, Florida Statutes, are reenacted for the purpose of
235 incorporating the amendments made by this act to ss. 458.347 and
236 459.022, Florida Statutes, in references thereto.

237 Section 9. Subsection (1) of s. 401.445 and subsection (3)
238 of s. 766.103, Florida Statutes, are reenacted for the purpose
239 of incorporating the amendment made by this act to s. 464.012,
240 Florida Statutes, in references thereto.

241 Section 10. Paragraph (a) of subsection (1) of s. 409.9201,
242 paragraph (pp) of subsection (1) of s. 458.331, paragraph (rr)
243 of subsection (1) of s. 459.015, subsection (1) of s. 465.014,
244 paragraph (c) of subsection (2) of s. 465.015, paragraph (s) of
245 subsection (1) of s. 465.016, paragraph (j) of subsection (5) of
246 s. 465.022, paragraph (h) of subsection (1) of s. 465.023, s.
247 465.1901, subsection (43) of s. 499.003, and subsection (1) of
248 s. 831.30, Florida Statutes, are reenacted for the purpose of
249 incorporating the amendments made by this act to s. 465.003,
250 Florida Statutes, in references thereto.

251 Section 11. Paragraph (i) of subsection (5) of s. 112.0455,
252 paragraph (b) of subsection (7) of s. 381.986, paragraph (l) of
253 subsection (1) of s. 440.102, paragraph (pp) of subsection (1)
254 of s. 458.331, paragraph (rr) of subsection (1) of s. 459.015,
255 subsection (3) of s. 465.015, paragraph (s) of subsection (1) of
256 s. 465.016, paragraph (j) of subsection (5) of s. 465.022,
257 paragraph (h) of subsection (1) of s. 465.023, subsection (14)
258 of s. 499.0121, paragraph (b) of subsection (1) of s. 768.36,
259 paragraph (f) of subsection (3) of s. 810.02, paragraph (c) of
260 subsection (2) of s. 812.014, paragraph (c) of subsection (1) of
261 s. 856.015, paragraph (a) of subsection (1) of s. 944.47,

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262 subsection (1) of s. 951.22, paragraph (a) of subsection (1) of
263 s. 985.711, paragraph (i) of subsection (1) of s. 1003.57, and
264 subsection (8) of s. 1006.09, Florida Statutes, are reenacted
265 for the purpose of incorporating the amendments made by this act
266 to s. 893.02, Florida Statutes, in references thereto.

267 Section 12. Paragraph (e) of subsection (3) of s. 893.0551,
268 Florida Statutes, is reenacted for the purpose of incorporating
269 the amendments made by this act to s. 893.04, Florida Statutes,
270 in a reference thereto.

271 Section 13. Paragraph (d) of subsection (3) of s. 893.0551,
272 Florida Statutes, is reenacted for the purpose of incorporating
273 the amendments made by this act to s. 893.05, Florida Statutes,
274 in a reference thereto.

275 Section 14. This act shall take effect July 1, 2015.