

By the Committee on Appropriations; and Senator Grimsley

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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; authorizing a
7 supervisory physician to delegate to a licensed
8 physician assistant the authority to order medications
9 for a patient at a licensed nursing home facility;
10 amending s. 464.012, F.S.; authorizing an advanced
11 registered nurse practitioner to order medication for
12 administration to patients in specialized facilities;
13 amending s. 465.003, F.S.; revising the term
14 "prescription" to exclude an order for drugs or
15 medicinal supplies dispensed for administration;
16 amending s. 893.02, F.S.; revising the term
17 "administer" to include the term "administration";
18 revising the term "prescription" to exclude an order
19 for drugs or medicinal supplies dispensed for
20 administration; amending s. 893.04, F.S.; conforming
21 provisions to changes made by act; amending s. 893.05,
22 F.S.; authorizing a licensed practitioner to authorize
23 a licensed physician assistant or advanced registered
24 nurse practitioner to order controlled substances for
25 administration to patients in specified facilities
26 under certain circumstances; reenacting ss.
27 400.462(26), 401.445(1), 409.906(18), and 766.103(3),
28 F.S., to incorporate the amendments made to ss.
29 458.347 and 459.022, F.S., in references thereto;
30 reenacting ss. 401.445(1) and 766.103(3), F.S., to
31 incorporate the amendment made to s. 464.012, F.S., in
32 references thereto; reenacting ss. 409.9201(1)(a),

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

51

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

53

54 Section 1. Paragraph (g) of subsection (4) of section
55 458.347, Florida Statutes, is amended to read:

56 458.347 Physician assistants.—

57 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

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

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62 administration to the supervisory physician's patient ~~during his~~
63 ~~or her care~~ in a facility licensed under chapter 395 or part II
64 of chapter 400, notwithstanding any provisions in chapter 465 or
65 chapter 893 which may prohibit this delegation. For the purpose
66 of this paragraph, an order is not considered a prescription. A
67 licensed physician assistant working in a facility that is
68 licensed under chapter 395 or part II of chapter 400 may order
69 any medication under the direction of the supervisory physician.

70 Section 2. Paragraph (f) of subsection (4) of section
71 459.022, Florida Statutes, is amended to read:

72 459.022 Physician assistants.—

73 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

74 (f) A supervisory physician may delegate to a licensed
75 physician assistant the authority to, and the licensed physician
76 assistant acting under the direction of the supervisory
77 physician may, order any medication ~~medications~~ for
78 administration to the supervisory physician's patient ~~during his~~
79 ~~or her care~~ in a facility licensed under chapter 395 or part II
80 of chapter 400, notwithstanding any provisions in chapter 465 or
81 chapter 893 which may prohibit this delegation. For the purpose
82 of this paragraph, an order is not considered a prescription. A
83 licensed physician assistant working in a facility that is
84 licensed under chapter 395 or part II of chapter 400 may order
85 any medication under the direction of the supervisory physician.

86 Section 3. Paragraph (a) of subsection (3) of section
87 464.012, Florida Statutes, is amended to read:

88 464.012 Certification of advanced registered nurse
89 practitioners; fees.—

90 (3) An advanced registered nurse practitioner shall perform

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

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

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

109 465.003 Definitions.—As used in this chapter, the term:

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

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

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

131 893.02 Definitions.—The following words and phrases as used
132 in this chapter shall have the following meanings, unless the
133 context otherwise requires:

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

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

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

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

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

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

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

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

177 893.04 Pharmacist and practitioner.—

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

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

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

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

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

211 893.05 Practitioners and persons administering controlled
212 substances in their absence.—

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

220 (b) Pursuant to s. 458.347(4)(g), s. 459.022(4)(f), or s.
221 464.012(3), as applicable, a practitioner who supervises a
222 licensed physician assistant or advanced registered nurse
223 practitioner may authorize the licensed physician assistant or
224 advanced registered nurse practitioner to order controlled
225 substances for administration to a patient in a facility
226 licensed under chapter 395 or part II of chapter 400.

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

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

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

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236 s. 401.445, subsection (18) of s. 409.906, and subsection (3) of
237 s. 766.103, Florida Statutes, are reenacted for the purpose of
238 incorporating the amendments made by this act to ss. 458.347 and
239 459.022, Florida Statutes, in references thereto.

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

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

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

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

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

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

278 Section 14. This act shall take effect July 1, 2016.