

1                                   A bill to be entitled  
2           An act relating to physician assistants; amending s.  
3           458.347, F.S.; authorizing a licensed physician  
4           assistant to perform certain services as delegated by  
5           a supervisory physician; revising circumstances under  
6           which a physician assistant may prescribe medication;  
7           revising physician assistant licensure and license  
8           renewal requirements; deleting provisions related to  
9           examination by the Department of Health; defining the  
10          term "designated supervising physician"; requiring  
11          licensed physician assistants to report any changes in  
12          the designated supervising physician within a  
13          specified time; requiring a designated supervising  
14          physician to maintain a list of approved supervising  
15          physicians at the practice or facility; amending s.  
16          459.022, F.S.; authorizing a licensed physician  
17          assistant to perform certain services as delegated by  
18          a supervisory physician; revising circumstances under  
19          which a physician assistant may prescribe medication;  
20          revising physician assistant licensure and license  
21          renewal requirements; defining the term "designated  
22          supervising physician"; requiring licensed physician  
23          assistants to report any changes in the designated  
24          supervising physician within a specified time;  
25          requiring a designated supervising physician to  
26          maintain a list of approved supervising physicians at

27 | the practice or facility; providing an effective date.

28 |

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

30 |

31 | Section 1. Paragraph (e) of subsection (4) of section  
32 | 458.347, Florida Statutes, is amended, paragraph (h) is added to  
33 | that subsection, paragraphs (c) through (h) of subsection (7)  
34 | are redesignated as paragraphs (b) through (g), respectively,  
35 | and present paragraphs (a), (b), (c), (e), and (f) of that  
36 | subsection are amended, to read:

37 | 458.347 Physician assistants.—

38 | (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

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

46 | 1. A physician assistant must clearly identify to the  
47 | patient that he or she is a physician assistant. Furthermore,  
48 | the physician assistant must inform the patient that the patient  
49 | has the right to see the physician before ~~prior to~~ any  
50 | prescription is ~~being~~ prescribed or dispensed by the physician  
51 | assistant.

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

59           3. The physician assistant must acknowledge ~~file~~ with the  
60 department ~~a signed affidavit~~ that he or she has completed a  
61 minimum of 10 continuing medical education hours in the  
62 specialty practice in which the physician assistant has  
63 prescriptive privileges with each licensure renewal application.

64           4. The department may issue a prescriber number to the  
65 physician assistant granting authority for the prescribing of  
66 medicinal drugs authorized within this paragraph upon completion  
67 of the foregoing requirements. The physician assistant shall not  
68 be required to independently register pursuant to s. 465.0276.

69           5. The prescription may ~~must~~ be written or electronic but  
70 must be in a form that complies with ss. 456.0392(1) and  
71 456.42(1) ~~chapter 499~~ and must contain, in addition to the  
72 supervisory physician's name, address, and telephone number, the  
73 physician assistant's prescriber number. Unless it is a drug or  
74 drug sample dispensed by the physician assistant, the  
75 prescription must be filled in a pharmacy permitted under  
76 chapter 465 and must be dispensed in that pharmacy by a  
77 pharmacist licensed under chapter 465. The appearance of the

78 prescriber number creates a presumption that the physician  
 79 assistant is authorized to prescribe the medicinal drug and the  
 80 prescription is valid.

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

83 (h) A licensed physician assistant may perform services  
 84 related to his or her practice, in accordance with his or her  
 85 education and training, as delegated by the supervisory  
 86 physician unless expressly prohibited under this chapter or  
 87 chapter 459 or rules adopted thereunder.

88 (7) PHYSICIAN ASSISTANT LICENSURE.—

89 (a) Any person desiring to be licensed as a physician  
 90 assistant must apply to the department. The department shall  
 91 issue a license to any person certified by the council as having  
 92 met the following requirements:

93 1. Is at least 18 years of age.

94 2. Has satisfactorily passed a proficiency examination by  
 95 an acceptable score established by the National Commission on  
 96 Certification of Physician Assistants. If an applicant does not  
 97 hold a current certificate issued by the National Commission on  
 98 Certification of Physician Assistants and has not actively  
 99 practiced as a physician assistant within the immediately  
 100 preceding 4 years, the applicant must retake and successfully  
 101 complete the entry-level examination of the National Commission  
 102 on Certification of Physician Assistants to be eligible for  
 103 licensure.

104           3. Has completed the application form and remitted an  
 105 application fee not to exceed \$300 as set by the boards. An  
 106 application for licensure made by a physician assistant must  
 107 include:

108           a. A certificate of completion of a physician assistant  
 109 training program specified in subsection (6).

110           b. Acknowledgment ~~A sworn statement~~ of any prior felony  
 111 convictions.

112           c. Acknowledgment ~~A sworn statement~~ of any previous  
 113 revocation or denial of licensure or certification in any state.

114           ~~d. Two letters of recommendation.~~

115           d.e. A copy of course transcripts and a copy of the course  
 116 description from a physician assistant training program  
 117 describing course content in pharmacotherapy, if the applicant  
 118 wishes to apply for prescribing authority. These documents must  
 119 meet the evidence requirements for prescribing authority.

120           ~~(b)1. Notwithstanding subparagraph (a)2. and sub-~~  
 121 ~~subparagraph (a)3.a., the department shall examine each~~  
 122 ~~applicant who the Board of Medicine certifies:~~

123           ~~a. Has completed the application form and remitted a~~  
 124 ~~nonrefundable application fee not to exceed \$500 and an~~  
 125 ~~examination fee not to exceed \$300, plus the actual cost to the~~  
 126 ~~department to provide the examination. The examination fee is~~  
 127 ~~refundable if the applicant is found to be ineligible to take~~  
 128 ~~the examination. The department shall not require the applicant~~  
 129 ~~to pass a separate practical component of the examination. For~~

130 ~~examinations given after July 1, 1998, competencies measured~~  
131 ~~through practical examinations shall be incorporated into the~~  
132 ~~written examination through a multiple choice format. The~~  
133 ~~department shall translate the examination into the native~~  
134 ~~language of any applicant who requests and agrees to pay all~~  
135 ~~costs of such translation, provided that the translation request~~  
136 ~~is filed with the board office no later than 9 months before the~~  
137 ~~scheduled examination and the applicant remits translation fees~~  
138 ~~as specified by the department no later than 6 months before the~~  
139 ~~scheduled examination, and provided that the applicant~~  
140 ~~demonstrates to the department the ability to communicate orally~~  
141 ~~in basic English. If the applicant is unable to pay translation~~  
142 ~~costs, the applicant may take the next available examination in~~  
143 ~~English if the applicant submits a request in writing by the~~  
144 ~~application deadline and if the applicant is otherwise eligible~~  
145 ~~under this section. To demonstrate the ability to communicate~~  
146 ~~orally in basic English, a passing score or grade is required,~~  
147 ~~as determined by the department or organization that developed~~  
148 ~~it, on the test for spoken English (TSE) by the Educational~~  
149 ~~Testing Service (ETS), the test of English as a foreign language~~  
150 ~~(TOEFL) by ETS, a high school or college level English course,~~  
151 ~~or the English examination for citizenship, Bureau of~~  
152 ~~Citizenship and Immigration Services. A notarized copy of an~~  
153 ~~Educational Commission for Foreign Medical Graduates (ECFMG)~~  
154 ~~certificate may also be used to demonstrate the ability to~~  
155 ~~communicate in basic English; and~~

156        ~~b. Is an unlicensed physician who graduated from a foreign~~  
157 ~~medical school listed with the World Health Organization who has~~  
158 ~~not previously taken and failed the examination of the National~~  
159 ~~Commission on Certification of Physician Assistants and who has~~  
160 ~~been certified by the Board of Medicine as having met the~~  
161 ~~requirements for licensure as a medical doctor by examination as~~  
162 ~~set forth in s. 458.311(1), (3), (4), and (5), with the~~  
163 ~~exception that the applicant is not required to have completed~~  
164 ~~an approved residency of at least 1 year and the applicant is~~  
165 ~~not required to have passed the licensing examination specified~~  
166 ~~under s. 458.311 or hold a valid, active certificate issued by~~  
167 ~~the Educational Commission for Foreign Medical Graduates; was~~  
168 ~~eligible and made initial application for certification as a~~  
169 ~~physician assistant in this state between July 1, 1990, and June~~  
170 ~~30, 1991; and was a resident of this state on July 1, 1990, or~~  
171 ~~was licensed or certified in any state in the United States as a~~  
172 ~~physician assistant on July 1, 1990.~~

173        ~~2. The department may grant temporary licensure to an~~  
174 ~~applicant who meets the requirements of subparagraph 1. Between~~  
175 ~~meetings of the council, the department may grant temporary~~  
176 ~~licensure to practice based on the completion of all temporary~~  
177 ~~licensure requirements. All such administratively issued~~  
178 ~~licenses shall be reviewed and acted on at the next regular~~  
179 ~~meeting of the council. A temporary license expires 30 days~~  
180 ~~after receipt and notice of scores to the licenseholder from the~~  
181 ~~first available examination specified in subparagraph 1.~~

182 ~~following licensure by the department. An applicant who fails~~  
183 ~~the proficiency examination is no longer temporarily licensed,~~  
184 ~~but may apply for a one-time extension of temporary licensure~~  
185 ~~after reapplying for the next available examination. Extended~~  
186 ~~licensure shall expire upon failure of the licenseholder to sit~~  
187 ~~for the next available examination or upon receipt and notice of~~  
188 ~~scores to the licenseholder from such examination.~~

189 ~~3. Notwithstanding any other provision of law, the~~  
190 ~~examination specified pursuant to subparagraph 1. shall be~~  
191 ~~administered by the department only five times. Applicants~~  
192 ~~certified by the board for examination shall receive at least 6~~  
193 ~~months' notice of eligibility prior to the administration of the~~  
194 ~~initial examination. Subsequent examinations shall be~~  
195 ~~administered at 1-year intervals following the reporting of the~~  
196 ~~scores of the first and subsequent examinations. For the~~  
197 ~~purposes of this paragraph, the department may develop, contract~~  
198 ~~for the development of, purchase, or approve an examination that~~  
199 ~~adequately measures an applicant's ability to practice with~~  
200 ~~reasonable skill and safety. The minimum passing score on the~~  
201 ~~examination shall be established by the department, with the~~  
202 ~~advice of the board. Those applicants failing to pass that~~  
203 ~~examination or any subsequent examination shall receive notice~~  
204 ~~of the administration of the next examination with the notice of~~  
205 ~~scores following such examination. Any applicant who passes the~~  
206 ~~examination and meets the requirements of this section shall be~~

207 ~~licensed as a physician assistant with all rights defined~~  
 208 ~~thereby.~~

209 ~~(b)(e)~~ The license must be renewed biennially. Each  
 210 renewal must include:

- 211 1. A renewal fee not to exceed \$500 as set by the boards.
- 212 2. Acknowledgment ~~A sworn statement~~ of no felony  
 213 convictions in the previous 2 years.

214 ~~(d)1.(e)~~ Upon employment as a physician assistant, a  
 215 licensed physician assistant must notify the department in  
 216 writing within 30 days after such employment or after any  
 217 subsequent change ~~changes~~ in the supervising physician or  
 218 designated supervising physician. The notification must include  
 219 the full name, Florida medical license number, specialty, and  
 220 address of the supervising physician or designated supervising  
 221 physician. For purposes of this paragraph, the term "designated  
 222 supervising physician" means a physician designated by the  
 223 facility or practice to be the primary contact and supervising  
 224 physician for the physician assistants in a practice where  
 225 physician assistants are supervised by multiple supervising  
 226 physicians.

227 2. Assignment of a designated supervising physician does  
 228 not preclude a physician assistant from practicing under the  
 229 supervision of a physician other than the designated supervising  
 230 physician.

231 3. The designated supervising physician shall maintain a  
 232 list of all approved supervising physicians at the practice or

233 facility. Such list must include the name of each supervising  
234 physician and his or her area of practice, must be kept up to  
235 date with respect to additions and terminations, and must be  
236 provided, in a timely manner, to the department upon written  
237 request.

238 (e)~~(f)~~ Notwithstanding subparagraph (a)2., the department  
239 may grant to a recent graduate of an approved program, as  
240 specified in subsection (6), who expects to take the first  
241 examination administered by the National Commission on  
242 Certification of Physician Assistants available for registration  
243 after the applicant's graduation, a temporary license. The  
244 temporary license shall expire 30 days after receipt of scores  
245 of the proficiency examination administered by the National  
246 Commission on Certification of Physician Assistants. Between  
247 meetings of the council, the department may grant a temporary  
248 license to practice based on the completion of all temporary  
249 licensure requirements. All such administratively issued  
250 licenses shall be reviewed and acted on at the next regular  
251 meeting of the council. The recent graduate may be licensed  
252 before ~~prior to~~ employment, but must comply with paragraph (d)  
253 ~~(e)~~. An applicant who has passed the proficiency examination may  
254 be granted permanent licensure. An applicant failing the  
255 proficiency examination is no longer temporarily licensed, but  
256 may reapply for a 1-year extension of temporary licensure. An  
257 applicant may not be granted more than two temporary licenses  
258 and may not be licensed as a physician assistant until he or she

259 | passes the examination administered by the National Commission  
 260 | on Certification of Physician Assistants. As prescribed by board  
 261 | rule, the council may require an applicant who does not pass the  
 262 | licensing examination after five or more attempts to complete  
 263 | additional remedial education or training. The council shall  
 264 | prescribe the additional requirements in a manner that permits  
 265 | the applicant to complete the requirements and be reexamined  
 266 | within 2 years after the date the applicant petitions the  
 267 | council to retake the examination a sixth or subsequent time.

268 |       Section 2. Paragraph (e) of subsection (4) of section  
 269 | 459.022, Florida Statutes, is amended, paragraph (g) is added to  
 270 | that subsection, and paragraphs (a), (b), and (d) of subsection  
 271 | (7) of that section are amended, to read:

272 |       459.022 Physician assistants.—

273 |       (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

274 |       (e) A supervisory physician may delegate to a fully  
 275 | licensed physician assistant the authority to prescribe or  
 276 | dispense any medication used in the supervisory physician's  
 277 | practice unless such medication is listed on the formulary  
 278 | created pursuant to s. 458.347. A fully licensed physician  
 279 | assistant may only prescribe or dispense such medication under  
 280 | the following circumstances:

281 |       1. A physician assistant must clearly identify to the  
 282 | patient that she or he is a physician assistant. Furthermore,  
 283 | the physician assistant must inform the patient that the patient  
 284 | has the right to see the physician before ~~prior to~~ any

285 prescription is ~~being~~ prescribed or dispensed by the physician  
286 assistant.

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

294 3. The physician assistant must acknowledge ~~file~~ with the  
295 department ~~a signed affidavit~~ that she or he has completed a  
296 minimum of 10 continuing medical education hours in the  
297 specialty practice in which the physician assistant has  
298 prescriptive privileges with each licensure renewal application.

299 4. The department may issue a prescriber number to the  
300 physician assistant granting authority for the prescribing of  
301 medicinal drugs authorized within this paragraph upon completion  
302 of the foregoing requirements. The physician assistant shall not  
303 be required to independently register pursuant to s. 465.0276.

304 5. The prescription may ~~must~~ be written or electronic but  
305 must be in a form that complies with ss. 456.0392(1) and  
306 456.42(1) ~~chapter 499~~ and must contain, in addition to the  
307 supervisory physician's name, address, and telephone number, the  
308 physician assistant's prescriber number. Unless it is a drug or  
309 drug sample dispensed by the physician assistant, the  
310 prescription must be filled in a pharmacy permitted under

311 chapter 465, and must be dispensed in that pharmacy by a  
312 pharmacist licensed under chapter 465. The appearance of the  
313 prescriber number creates a presumption that the physician  
314 assistant is authorized to prescribe the medicinal drug and the  
315 prescription is valid.

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

318 (g) A licensed physician assistant may perform services  
319 related to his or her practice, in accordance with his or her  
320 education and training, as delegated by the supervisory  
321 physician unless expressly prohibited under chapter 458 or this  
322 chapter or rules adopted thereunder.

323 (7) PHYSICIAN ASSISTANT LICENSURE.—

324 (a) Any person desiring to be licensed as a physician  
325 assistant must apply to the department. The department shall  
326 issue a license to any person certified by the council as having  
327 met the following requirements:

- 328 1. Is at least 18 years of age.
- 329 2. Has satisfactorily passed a proficiency examination by  
330 an acceptable score established by the National Commission on  
331 Certification of Physician Assistants. If an applicant does not  
332 hold a current certificate issued by the National Commission on  
333 Certification of Physician Assistants and has not actively  
334 practiced as a physician assistant within the immediately  
335 preceding 4 years, the applicant must retake and successfully  
336 complete the entry-level examination of the National Commission

337 on Certification of Physician Assistants to be eligible for  
338 licensure.

339 3. Has completed the application form and remitted an  
340 application fee not to exceed \$300 as set by the boards. An  
341 application for licensure made by a physician assistant must  
342 include:

343 a. A certificate of completion of a physician assistant  
344 training program specified in subsection (6).

345 b. Acknowledgment ~~A sworn statement~~ of any prior felony  
346 convictions.

347 c. Acknowledgment ~~A sworn statement~~ of any previous  
348 revocation or denial of licensure or certification in any state.

349 ~~d. Two letters of recommendation.~~

350 d.e. A copy of course transcripts and a copy of the course  
351 description from a physician assistant training program  
352 describing course content in pharmacotherapy, if the applicant  
353 wishes to apply for prescribing authority. These documents must  
354 meet the evidence requirements for prescribing authority.

355 (b) The licensure must be renewed biennially. Each renewal  
356 must include:

357 1. A renewal fee not to exceed \$500 as set by the boards.

358 2. Acknowledgment ~~A sworn statement~~ of no felony  
359 convictions in the previous 2 years.

360 (d)1. Upon employment as a physician assistant, a licensed  
361 physician assistant must notify the department in writing within  
362 30 days after such employment or after any subsequent change

363 ~~changes~~ in the supervising physician or designated supervising  
364 physician. The notification must include the full name, Florida  
365 medical license number, specialty, and address of the  
366 supervising physician or designated supervising physician. For  
367 purposes of this paragraph, the term "designated supervising  
368 physician" means a physician designated by the facility or  
369 practice to be the primary contact and supervising physician for  
370 the physician assistants in a practice where physician  
371 assistants are supervised by multiple supervising physicians.

372 2. Assignment of a designated supervising physician does  
373 not preclude a physician assistant from practicing under the  
374 supervision of a physician other than the designated supervising  
375 physician.

376 3. The designated supervising physician shall maintain a  
377 list of all approved supervising physicians at the practice or  
378 facility. Such list must include the name of each supervising  
379 physician and his or her area of practice, must be kept up to  
380 date with respect to additions and terminations, and must be  
381 provided, in a timely manner, to the department upon written  
382 request.

383 Section 3. This act shall take effect July 1, 2016.