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LEGISLATIVE ACTION

Senate

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House

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The Committee on Health Policy (Hooper) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 461.003, Florida Statutes, is amended to  
read:

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

(1) "Board" means the Board of Podiatric Medicine as  
created in this chapter.

(2) "Certified podiatric X-ray assistant" means a person



11 who is employed by and under the direct supervision of a  
12 licensed podiatric physician to perform only those radiographic  
13 functions that are within the scope of practice of a podiatric  
14 physician licensed under this chapter. For purposes of this  
15 subsection, the term "direct supervision" means supervision  
16 whereby a podiatric physician orders the X ray, remains on the  
17 premises while the X ray is being performed and exposed, and  
18 approves the work performed before dismissal of the patient.

19 (3) "Department" means the Department of Health.

20 (4) "Physician assistant" means a person who has a full,  
21 active, and unencumbered license as a physician assistant issued  
22 by the department.

23 (5) "Podiatric medical assistant" means a professional  
24 multiskilled person dedicated to assisting in all aspects of  
25 podiatric medical practice while under the direct supervision  
26 and responsibility of a podiatric physician. The podiatric  
27 medical assistant assists with patient care management, executes  
28 administrative and clinical procedures, and often performs  
29 managerial and supervisory functions. Competence in the field  
30 also requires that a podiatric medical assistant adhere to  
31 ethical and legal standards of professional practice, recognize  
32 and respond to emergencies, and demonstrate professional  
33 characteristics.

34 (6) ~~(4)~~ "Podiatric physician" means any person licensed to  
35 practice podiatric medicine pursuant to this chapter.

36 (7) ~~(5)~~ "Practice of podiatric medicine" means the diagnosis  
37 or medical, surgical, palliative, and mechanical treatment of  
38 ailments of the human foot and leg. The surgical treatment of  
39 ailments of the human foot and leg shall be limited anatomically



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40 to that part below the anterior tibial tubercle. The practice of  
41 podiatric medicine shall include the amputation of the toes or  
42 other parts of the foot but shall not include the amputation of  
43 the foot or leg in its entirety. A podiatric physician may  
44 prescribe drugs that relate specifically to the scope of  
45 practice authorized herein.

46 (8) "Supervision" means responsible supervision and  
47 control. Except in cases of emergency, supervision requires the  
48 easy availability or physical presence of the licensed podiatric  
49 physician for consultation and direction of the actions of the  
50 physician assistant. For the purposes of this definition, the  
51 term "easy availability" includes the ability to communicate by  
52 way of telecommunication. The board shall adopt rules to  
53 establish what constitutes responsible supervision of the  
54 physician assistant.

55 Section 2. Subsections (1) and (3) of section 461.007,  
56 Florida Statutes, are amended to read:

57 461.007 Renewal of license.—

58 (1) The department shall renew a license upon receipt of  
59 the renewal application and a fee not to exceed \$350 set by the  
60 board, and evidence that the applicant has actively practiced  
61 podiatric medicine or has been on the active teaching faculty of  
62 an accredited school of podiatric medicine for at least 2 years  
63 of the immediately preceding 4 years. If the licensee has not  
64 actively practiced podiatric medicine for at least 2 years of  
65 the immediately preceding 4 years, the board shall require that  
66 the licensee successfully complete a board-approved course prior  
67 to renewal of the license. For purposes of this subsection,  
68 "actively practiced podiatric medicine" means the licensed



69 practice of podiatric medicine as defined in s. 461.003 ~~s.~~  
70 ~~461.003(5)~~ by podiatric physicians, including podiatric  
71 physicians employed by any governmental entity, on the active  
72 teaching faculty of an accredited school of podiatric medicine,  
73 or practicing administrative podiatric medicine. An applicant  
74 for a renewed license must also submit the information required  
75 under s. 456.039 to the department on a form and under  
76 procedures specified by the department, along with payment in an  
77 amount equal to the costs incurred by the Department of Health  
78 for the statewide criminal background check of the applicant.  
79 The applicant must submit a set of fingerprints to the  
80 Department of Health on a form and under procedures specified by  
81 the department, along with payment in an amount equal to the  
82 costs incurred by the department for a national criminal  
83 background check of the applicant for the initial renewal of his  
84 or her license after January 1, 2000. If the applicant fails to  
85 submit either the information required under s. 456.039 or a set  
86 of fingerprints to the department as required by this section,  
87 the department shall issue a notice of noncompliance, and the  
88 applicant will be given 30 additional days to comply. If the  
89 applicant fails to comply within 30 days after the notice of  
90 noncompliance is issued, the department or board, as  
91 appropriate, may issue a citation to the applicant and may fine  
92 the applicant up to \$50 for each day that the applicant is not  
93 in compliance with the requirements of s. 456.039. The citation  
94 must clearly state that the applicant may choose, in lieu of  
95 accepting the citation, to follow the procedure under s.  
96 456.073. If the applicant disputes the matter in the citation,  
97 the procedures set forth in s. 456.073 must be followed.



98 However, if the applicant does not dispute the matter in the  
99 citation with the department within 30 days after the citation  
100 is served, the citation becomes a final order and constitutes  
101 discipline. Service of a citation may be made by personal  
102 service or certified mail, restricted delivery, to the subject  
103 at the applicant's last known address. If an applicant has  
104 submitted fingerprints to the department for a national criminal  
105 history check upon initial licensure and is renewing his or her  
106 license for the first time, then the applicant need only submit  
107 the information and fee required for a statewide criminal  
108 history check.

109 (3) The board may by rule prescribe continuing education,  
110 not to exceed 40 hours biennially, as a condition for renewal of  
111 a license, with a minimum of 2 hours of continuing education  
112 related to the safe and effective prescribing of controlled  
113 substances offered by a professional association of podiatric  
114 physicians in this state which is accredited by the board to  
115 provide educational activities or by a statewide professional  
116 association of physicians in this state accredited to provide  
117 educational activities that are designated for the American  
118 Medical Association Physician's Recognition Award Category 1  
119 credit or designated by the American Academy of Physician  
120 Assistants as a Category 1 credit. The criteria for such  
121 programs or courses shall be approved by the board.

122 Section 3. Section 461.0136, Florida Statutes, is created  
123 to read:

124 461.0136 Duties of podiatric medical assistants.—A  
125 podiatric medical assistant under the direct supervision,  
126 responsibility, and control of a licensed podiatric physician



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127 may undertake the following duties:

128 (1) Performing clinical procedures, which include any of  
129 the following:

130 (a) Aseptic procedures.

131 (b) Taking vital signs.

132 (c) Preparing patients for examination and treatment by the  
133 podiatric physician.

134 (d) Performing venipunctures and nonintravenous injections.

135 (e) Observing and reporting to the podiatric physician a  
136 patient's signs or symptoms.

137 (2) Administering basic first aid.

138 (3) Assisting with patient examinations or treatments.

139 (4) Operating office medical equipment, except X-ray  
140 equipment.

141 (5) Collecting routine laboratory specimens as directed by  
142 the podiatric physician.

143 (6) Administering medication as directed by the podiatric  
144 physician.

145 (7) Performing basic laboratory procedures.

146 (8) Performing office management procedures, including all  
147 general administrative duties required by the podiatric  
148 physician.

149 Section 4. Section 461.0145, Florida Statutes, is created  
150 to read:

151 461.0145 Use of physician assistants in the practice of  
152 podiatric medicine.—

153 (1) LEGISLATIVE INTENT.—The legislature recognizes that  
154 there are a limited number of qualified licensed podiatric  
155 physicians in this state and, in order to encourage the more



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156 effective use of the skills of podiatric physicians or groups of  
157 podiatric physicians, it is the purpose of this section to  
158 enable podiatric physicians to delegate podiatric health care  
159 tasks to qualified physician assistants when such delegation is  
160 consistent with the patient's health and welfare.

161 (2) PERFORMANCE OF SUPERVISING PODIATRIC PHYSICIAN.—A  
162 podiatric physician is authorized to supervise physician  
163 assistants in his or her practice of podiatric medicine. A  
164 podiatric physician may not supervise more than four actively  
165 licensed physician assistants at any one time. A podiatric  
166 physician supervising a physician assistant pursuant to this  
167 section may not be required to review and cosign charts or  
168 medical records prepared by the physician assistant.

169 (3) PERFORMANCE OF PHYSICIAN ASSISTANTS IN PODIATRIC  
170 MEDICINE PRACTICES.—

171 (a) The board shall adopt rules setting out the general  
172 principles that supervising podiatric physicians must use in  
173 developing the scope of practice of a physician assistant under  
174 the supervision of a podiatric physician. These principles must  
175 recognize the special needs and practice settings of podiatric  
176 medicine in which physician assistants will be practicing.

177 (b) This chapter does not prevent third-party payors from  
178 reimbursing podiatric physicians who employ physician assistants  
179 for covered services that are rendered by a physician assistant.

180 (c) Physician assistants may not be denied clinical or  
181 hospital privileges, except for cause, if the supervising  
182 podiatric physician is a staff member in good standing at the  
183 clinic or hospital.

184 (d) A supervising podiatric physician may delegate to a



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185 physician assistant the authority to prescribe or dispense any  
186 medication used in the supervising podiatric physician's  
187 practice unless such medication is listed on the formulary  
188 created pursuant to paragraph (e). A physician assistant may  
189 prescribe or dispense such medication only if all of the  
190 following conditions are satisfied:

191 1. The physician assistant must clearly identify to the  
192 patient that he or she is a physician assistant and inform the  
193 patient that the patient has the right to see the podiatric  
194 physician before a prescription is prescribed or dispensed by  
195 the physician assistant.

196 2. The supervising podiatric physician must notify the  
197 department on a department-approved form of his or her intent to  
198 delegate prescriptive or dispensing authority before delegating  
199 such authority to a physician assistant and must notify the  
200 department of any change in delegated prescriptive or dispensing  
201 authority. A supervising podiatric physician must be registered  
202 as a dispensing practitioner in compliance with s. 465.0276 in  
203 order to delegate to a physician assistant the authority to  
204 dispense medication.

205 3. As part of the general continuing education hours  
206 required for licensure renewal, the physician assistant must  
207 complete a minimum of 6 continuing medical education hours  
208 offered by a statewide professional association of podiatric  
209 physicians in this state accredited to provide educational  
210 activities or a statewide professional association of physicians  
211 in this state accredited to provide educational activities  
212 designated for the American Medical Association Physician's  
213 Recognition Award Category 1 credit or designated by the





214 American Academy of Physician Assistants as a Category 1 credit.

215 Such continuing education must include all of the following:

216 a. A minimum of 2 hours relating to the care and treatment  
217 of podiatric or orthopedic patients with issues below the knees,  
218 including the feet.

219 b. A minimum of 2 hours relating to the safe and effective  
220 prescribing of medications used in podiatric medicine.

221 c. A minimum of 2 hours relating to the safe and effective  
222 prescribing of controlled substances.

223 4. The department may issue a prescriber number to the  
224 physician assistant granting authority for the prescribing of  
225 medicinal drugs authorized within this paragraph upon completion  
226 of the requirements of this paragraph. The physician assistant  
227 is not required to independently register pursuant to s.  
228 465.0276.

229 5. The prescription may be in paper or electronic form but  
230 must comply with ss. 456.0392(1) and 456.42(1) and chapter 499  
231 and must contain, in addition to the supervising podiatric  
232 physician's name, address, and telephone number, the physician  
233 assistant's prescriber number. Unless it is a drug or drug  
234 sample dispensed by the physician assistant, the prescription  
235 must be filled at a pharmacy permitted under chapter 465 and  
236 must be dispensed in that pharmacy by a pharmacist licensed  
237 under chapter 465. The inclusion of the prescriber number  
238 creates a presumption that the physician assistant is authorized  
239 to prescribe the medicinal drug and the prescription is valid.

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

242 (e)1. The board shall establish a formulary of medicinal



243 drugs that a physician assistant with prescribing authority  
244 under this section may not prescribe. The formulary must include  
245 general anesthetics and radiographic contrast materials and must  
246 limit the prescription of Schedule II controlled substances as  
247 listed in s. 893.03 to a 7-day supply. The formulary must also  
248 restrict the prescribing of psychiatric mental health controlled  
249 substances for children younger than 18 years of age.

250 2. In establishing the formulary, the board shall consult  
251 with a pharmacist licensed under chapter 465, who shall be  
252 selected by the State Surgeon General.

253 3. Only the board may modify the formulary. Any person who  
254 requests a modification of a medicinal drug listed on such  
255 formulary has the burden of proof to demonstrate why such  
256 modification should be made.

257 4. The board shall adopt the formulary required by this  
258 paragraph and each modification to the formulary by rule.  
259 Notwithstanding any provision of chapter 120 to the contrary,  
260 the formulary rule shall be effective 60 days after the date it  
261 is filed with the Secretary of State. Upon adoption of the  
262 formulary, the department shall prominently post on the board's  
263 and Board of Pharmacy's websites a copy of the formulary so that  
264 it is readily available to physician assistants with delegated  
265 prescribing authority under this section, s. 458.347, and s.  
266 459.022 and to pharmacies in this state.

267 (f) A supervising podiatric physician may delegate to a  
268 physician assistant the authority to, and the physician  
269 assistant acting under the direction of the supervisory  
270 physician may, order any medication for administration to the  
271 supervising podiatric physician's patient in a facility licensed



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272 under chapter 395 or part II of chapter 400, notwithstanding any  
273 provisions in chapter 465 or chapter 893 which may prohibit this  
274 delegation.

275 (g) A physician assistant may perform services delegated by  
276 the supervising physician in the physician assistant's practice  
277 in accordance with his or her education and training unless  
278 expressly prohibited under this chapter and the rules adopted  
279 pursuant thereto and chapters 458 and 459 and the rules adopted  
280 thereunder.

281 (4) LIABILITY.—A supervising podiatric physician using a  
282 physician assistant in his or her practice of podiatric medicine  
283 is liable for any acts or omissions of the physician assistant  
284 acting under the podiatric physician's supervision and control.

285 Section 5. Paragraph (b) of subsection (1) of section  
286 624.27, Florida Statutes, is amended to read:

287 624.27 Direct health care agreements; exemption from code.—

288 (1) As used in this section, the term:

289 (b) "Health care provider" means a health care provider  
290 licensed under chapter 458, chapter 459, chapter 460, chapter  
291 461, chapter 464, or chapter 466, or a health care group  
292 practice, who provides health care services to patients.

293 Section 6. Paragraph (d) of subsection (1) of section  
294 461.006, Florida Statutes, is amended to read:

295 461.006 Licensure by examination.—

296 (1) Any person desiring to be licensed as a podiatric  
297 physician shall apply to the department to take the licensure  
298 examination. The department shall examine each applicant who the  
299 board certifies:

300 (d) Has satisfactorily completed one of the following



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301 clinical experience requirements:

302       1. One year of residency in a residency program approved by  
303 the board, and if it has been 4 or more years since the  
304 completion of that residency, active licensed practice of  
305 podiatric medicine in another jurisdiction for at least 2 of the  
306 immediately preceding 4 years, or successful completion of a  
307 board-approved postgraduate program or board-approved course  
308 within the year preceding the filing of the application. For the  
309 purpose of this subparagraph, "active licensed practice" means  
310 the licensed practice of podiatric medicine as defined in s.  
311 461.003 ~~s. 461.003(5)~~ by podiatric physicians, including  
312 podiatric physicians employed by any governmental entity, on the  
313 active teaching faculty of an accredited school of podiatric  
314 medicine, or practicing administrative podiatric medicine.

315       2. Ten years of continuous, active licensed practice of  
316 podiatric medicine in another state immediately preceding the  
317 submission of the application and completion of at least the  
318 same continuing educational requirements during those 10 years  
319 as are required of podiatric physicians licensed in this state.

320       Section 7. Paragraph (f) of subsection (1) of section  
321 461.014, Florida Statutes, is amended to read:

322       461.014 Residency.—

323       (1) The board shall encourage and develop podiatric  
324 residency programs in hospitals in this state and shall  
325 establish such programs by the adoption of rules, subject to the  
326 following conditions:

327       (f) A person registered as a resident podiatric physician  
328 under this section may, in the normal course of his or her  
329 employment, prescribe medicinal drugs described in schedules set



330 forth in chapter 893 and pursuant to s. 461.003(7) ~~s. 461.003(5)~~  
331 if:

332 1. The person prescribes such medicinal drugs through use  
333 of a Drug Enforcement Administration number issued to the  
334 hospital or teaching hospital by which the person is employed or  
335 at which the person's services are used;

336 2. The person is identified by a discrete suffix to the  
337 identification number issued to such hospital; and

338 3. The use of the institutional identification number and  
339 individual suffixes conforms to the requirements of the federal  
340 Drug Enforcement Administration.

341 Section 8. This act shall take effect July 1, 2020.

342  
343 ===== T I T L E A M E N D M E N T =====

344 And the title is amended as follows:

345 Delete everything before the enacting clause  
346 and insert:

347 A bill to be entitled  
348 An act relating to podiatric medicine; amending s.  
349 461.003, F.S.; defining terms; amending s. 461.007,  
350 F.S.; revising continuing education requirements for  
351 podiatric physicians to require a specified number of  
352 continuing education hours related to the safe and  
353 effective prescribing of controlled substances;  
354 creating s. 461.0136, F.S., specifying the authorized  
355 duties of supervised podiatric medical assistants;  
356 creating s. 461.0145, F.S.; providing legislative  
357 intent; authorizing a podiatric physician to supervise  
358 a specified number of physician assistants; providing



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359 requirements for physician assistants under such  
360 supervision; requiring a specified number of  
361 continuing education hours related to specified  
362 topics; providing for liability of supervising  
363 podiatric physicians; amending s. 624.27, F.S.;  
364 exempting from the insurance code direct health care  
365 agreements entered into by podiatric physicians under  
366 certain circumstances; amending ss. 461.006 and  
367 461.014, F.S.; conforming cross-references; providing  
368 an effective date.