

By Senator Bean

4-01088-22

20221222__

1 A bill to be entitled
2 An act relating to nonemergent patient care; amending
3 s. 401.23, F.S.; defining the term "community
4 paramedicine"; amending s. 401.265, F.S.; providing
5 that a physician who supervises the provision of
6 certain services by a paramedic or an emergency
7 medical technician is liable for any act or omission
8 during the provision of such services; amending s.
9 401.272, F.S.; revising a legislative purpose
10 regarding emergency medical services community health
11 care; authorizing paramedics and emergency medical
12 technicians to perform community paramedicine under
13 certain circumstances; amending s. 465.019, F.S.;
14 specifying that Class III institutional pharmacies may
15 dispense, distribute, compound, and fill prescriptions
16 for medicinal drugs for inpatient and outpatient
17 treatment; authorizing hospitals to dispense medicinal
18 drugs to patients without first securing a community
19 pharmacy permit under certain circumstances; amending
20 ss. 14.33, 252.515, 395.1027, and 401.245, F.S.;
21 conforming cross-references; providing an effective
22 date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Present subsections (10) through (22) of section
27 401.23, Florida Statutes, are redesignated as subsections (11)
28 through (23), respectively, a new subsection (10) is added to
29 that section, and present subsection (19) of that section is

4-01088-22

20221222__

30 amended, to read:

31 401.23 Definitions.—As used in this part, the term:

32 (10) "Community paramedicine" means any nonemergent basic
33 or advanced life support services provided in a community
34 setting by a paramedic or an emergency medical technician, as
35 applicable, under the medical supervision of a physician
36 pursuant to a formal supervisory relationship or standing order,
37 as described in s. 401.265, s. 458.348, or s. 459.025.

38 (20)~~(19)~~ "Physician" means a practitioner who is licensed
39 under ~~the provisions of~~ chapter 458 or chapter 459. For the
40 purpose of providing "medical direction" as defined in this
41 section subsection (14) for the treatment of patients
42 immediately before ~~prior to~~ or during transportation to a United
43 States Department of Veterans Affairs medical facility,
44 "physician" also means a practitioner employed by the United
45 States Department of Veterans Affairs.

46 Section 2. Subsection (4) of section 401.265, Florida
47 Statutes, is amended to read:

48 401.265 Medical directors.—

49 (4) Each physician who supervises or provides medical
50 direction to medical director who uses a paramedic or an
51 emergency medical technician to perform community paramedicine;
52 to perform blood pressure screening, health promotion, and
53 wellness activities;~~7~~ or to administer immunization for ~~on~~ any
54 patient under a protocol as specified in s. 401.272, which is
55 not in the provision of emergency care, is liable for any act or
56 omission of any paramedic or emergency medical technician acting
57 under his or her supervision and control when performing such
58 services.

4-01088-22

20221222__

59 Section 3. Subsections (1) and paragraph (a) of subsection
60 (2) of section 401.272, Florida Statutes, are amended to read:

61 401.272 Emergency medical services community health care.—

62 (1) The purpose of this section is to encourage more
63 effective use ~~utilization~~ of the skills of emergency medical
64 technicians and paramedics by enabling them to perform community
65 paramedicine~~7~~ in partnership with local county health
66 departments and health care facilities as defined in s. 408.07~~7~~
67 ~~specific additional health care tasks that are consistent with~~
68 ~~the public health and welfare.~~

69 (2) Notwithstanding any other provision of law to the
70 contrary:

71 (a) Paramedics or emergency medical technicians may perform
72 community paramedicine, health promotion and wellness
73 activities, and blood pressure screenings in a nonemergency
74 environment, within the scope of their training, and under the
75 direction of a physician ~~medical director~~. As used in this
76 paragraph, the term "health promotion and wellness" means the
77 provision of public health programs pertaining to the prevention
78 of illness and injury.

79 Section 4. Paragraph (d) of subsection (2) and paragraph
80 (a) of subsection (4) of section 465.019, Florida Statutes, are
81 amended to read:

82 465.019 Institutional pharmacies; permits.—

83 (2) The following classes of institutional pharmacies are
84 established:

85 (d)1. "Class III institutional pharmacies" are those
86 institutional pharmacies, including central distribution
87 facilities, affiliated with a hospital which ~~that~~ provide the

4-01088-22

20221222__

88 same services that are authorized by a Class II institutional
89 pharmacy permit. Class III institutional pharmacies may also:

90 a. Dispense, distribute, compound, and fill prescriptions
91 for medicinal drugs for inpatient or outpatient treatment.

92 b. Prepare prepackaged drug products.

93 c. Conduct other pharmaceutical services for the affiliated
94 hospital and for entities under common control that are each
95 permitted under this chapter to possess medicinal drugs.

96 d. Provide the services in sub-subparagraphs a.-c. to an
97 entity under common control which holds an active health care
98 clinic establishment permit as required under s. 499.01(2)(r).

99 2. A Class III institutional pharmacy shall maintain
100 policies and procedures addressing:

101 a. The consultant pharmacist responsible for pharmaceutical
102 services.

103 b. Safe practices for the preparation, dispensing,
104 prepackaging, distribution, and transportation of medicinal
105 drugs and prepackaged drug products.

106 c. Recordkeeping to monitor the movement, distribution, and
107 transportation of medicinal drugs and prepackaged drug products.

108 d. Recordkeeping of pharmacy staff responsible for each
109 step in the preparation, dispensing, prepackaging,
110 transportation, and distribution of medicinal drugs and
111 prepackaged drug products.

112 e. Medicinal drugs and prepackaged drug products that may
113 not be safely distributed among Class III institutional
114 pharmacies.

115 (4)(a) Medicinal drugs shall be dispensed by ~~in~~ an
116 institutional pharmacy to outpatients only when that institution

4-01088-22

20221222__

117 has secured a community pharmacy permit from the department.
118 However, ~~medicinal drugs may be dispensed by~~ a hospital that has
119 not secured a community pharmacy permit but operates a Class II
120 or Class III institutional pharmacy may dispense medicinal drugs
121 to a patient of the hospital's emergency department or a
122 hospital inpatient upon discharge if a prescriber, as defined in
123 s. 465.025(1), treating the patient in such hospital determines
124 that the medicinal drug is warranted and that community pharmacy
125 services are not readily accessible, geographically or
126 otherwise, to the patient. Such prescribing and dispensing must
127 be for a supply of the drug that will last for the greater of
128 the following:

- 129 1. Up to 48 hours; or
- 130 2. Through the end of the next business day.

131 Section 5. Subsection (1) of section 14.33, Florida
132 Statutes, is amended to read:

133 14.33 Medal of Heroism.—

134 (1) The Governor may award a Medal of Heroism of
135 appropriate design, with ribbons and appurtenances, to a law
136 enforcement, correctional, or correctional probation officer, as
137 defined in s. 943.10(14); a firefighter, as defined in s.
138 112.191(1)(b); an emergency medical technician, as defined in s.
139 401.23 ~~s. 401.23(11)~~; or a paramedic, as defined in s. 401.23 ~~s.~~
140 ~~401.23(17)~~. A recipient must have distinguished himself or
141 herself conspicuously by gallantry and intrepidity, must have
142 risked his or her life deliberately above and beyond the call of
143 duty while performing duty in his or her respective position,
144 and must have engaged in hazardous or perilous activities to
145 preserve lives with the knowledge that such activities might

4-01088-22

20221222__

146 result in great personal harm.

147 Section 6. Paragraph (a) of subsection (3) of section
148 252.515, Florida Statutes, is amended to read:

149 252.515 Postdisaster Relief Assistance Act; immunity from
150 civil liability.—

151 (3) As used in this section, the term:

152 (a) "Emergency first responder" means:

153 1. A physician licensed under chapter 458.

154 2. An osteopathic physician licensed under chapter 459.

155 3. A chiropractic physician licensed under chapter 460.

156 4. A podiatric physician licensed under chapter 461.

157 5. A dentist licensed under chapter 466.

158 6. An advanced practice registered nurse licensed under s.
159 464.012.

160 7. A physician assistant licensed under s. 458.347 or s.
161 459.022.

162 8. A worker employed by a public or private hospital in the
163 state.

164 9. A paramedic as defined in s. 401.23 ~~s. 401.23(17)~~.

165 10. An emergency medical technician as defined in s. 401.23
166 ~~s. 401.23(11)~~.

167 11. A firefighter as defined in s. 633.102.

168 12. A law enforcement officer as defined in s. 943.10.

169 13. A member of the Florida National Guard.

170 14. Any other personnel designated as emergency personnel
171 by the Governor pursuant to a declared emergency.

172 Section 7. Subsection (5) of section 395.1027, Florida
173 Statutes, is amended to read:

174 395.1027 Regional poison control centers.—

4-01088-22

20221222__

175 (5) By October 1, 1999, each regional poison control center
176 shall develop a prehospital emergency dispatch protocol with
177 each licensee as defined in s. 401.23 ~~by s. 401.23(13)~~ in the
178 geographic area covered by the regional poison control center.
179 The prehospital emergency dispatch protocol shall be developed
180 by each licensee's medical director in conjunction with the
181 designated regional poison control center responsible for the
182 geographic area in which the licensee operates. The protocol
183 shall define toxic substances and describe the procedure by
184 which the designated regional poison control center may be
185 consulted by the licensee. If a call is transferred to the
186 designated regional poison control center in accordance with the
187 protocol established under this section and s. 401.268, the
188 designated regional poison control center shall assume
189 responsibility and liability for the call.

190 Section 8. Paragraph (b) of subsection (2) of section
191 401.245, Florida Statutes, is amended to read:

192 401.245 Emergency Medical Services Advisory Council.—

193 (2)

194 (b) Representation on the Emergency Medical Services
195 Advisory Council shall include ~~+~~ two licensed physicians who are
196 ~~"~~medical directors~~"~~ as defined in s. 401.23 ~~s. 401.23(15)~~ or
197 whose medical practice is closely related to emergency medical
198 services; two emergency medical service administrators, one of
199 whom is employed by a fire service; two certified paramedics,
200 one of whom is employed by a fire service; two certified
201 emergency medical technicians, one of whom is employed by a fire
202 service; one emergency medical services educator; one emergency
203 nurse; one hospital administrator; one representative of air

4-01088-22

20221222__

204 ambulance services; one representative of a commercial ambulance
205 operator; and two laypersons who are in no way connected with
206 emergency medical services, one of whom is a representative of
207 the elderly. Ex officio members of the advisory council from
208 state agencies shall include, but are ~~shall~~ not ~~be~~ limited to,
209 representatives from the Department of Education, the Department
210 of Management Services, the State Fire Marshal, the Department
211 of Highway Safety and Motor Vehicles, the Department of
212 Transportation, and the Division of Emergency Management.

213 Section 9. This act shall take effect July 1, 2022.