

By Senator Trumbull

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1 A bill to be entitled
2 An act relating to prescribing authority; amending ss.
3 458.347 and 459.022, F.S.; deleting the requirement
4 that a supervising physician notify the Department of
5 Health in writing of any delegation of prescribing
6 authority to a physician assistant; deleting the
7 requirement that a supervising physician's name be
8 included in the prescription issued by a physician
9 assistant; revising requirements for the drug
10 formulary for physician assistants; authorizing
11 certain physician assistants to render medical
12 services without physician supervision during a
13 declared state of emergency in counties covered by the
14 declaration; providing applicability; requiring that
15 such services rendered otherwise comply with laws and
16 rules applicable to physician assistants; amending s.
17 464.012, F.S.; revising the drug formulary
18 requirements for advanced practice registered nurses
19 authorized to prescribe medications; authorizing
20 certain advanced practice registered nurses to render
21 medical services without physician supervision during
22 a declared state of emergency in counties covered by
23 the declaration; providing applicability; requiring
24 that such services rendered otherwise comply with laws
25 and rules applicable to advanced practice registered
26 nurses; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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Section 1. Paragraphs (e) and (f) of subsection (4) of section 458.347, Florida Statutes, are amended, and paragraph (1) is added to that subsection, to read:

458.347 Physician assistants.—

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

(e) A supervising physician may delegate to a fully licensed physician assistant the authority to prescribe or dispense any medication used in the supervising physician's practice unless such medication is listed on the formulary created pursuant to paragraph (f). A fully licensed physician assistant may ~~only~~ prescribe or dispense such medication only under the following conditions ~~circumstances~~:

1. A physician assistant must clearly identify to the patient that he or she is a physician assistant.

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

3. A fully licensed physician assistant may procure medical devices and drugs unless the medication is listed on the formulary created pursuant to paragraph (f).

4. The physician assistant must complete a minimum of 10 continuing medical education hours in the specialty practice in which the physician assistant has prescriptive privileges with each licensure renewal. Three of the 10 hours must consist of a continuing education course on the safe and effective

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59 prescribing of controlled substance medications which is offered
60 by a statewide professional association of physicians in this
61 state accredited to provide educational activities designated
62 for the American Medical Association Physician's Recognition
63 Award Category 1 credit, designated by the American Academy of
64 Physician Assistants as a Category 1 credit, or designated by
65 the American Osteopathic Association as a Category 1-A credit.

66 5. The prescription may be in paper or electronic form but
67 must comply with ss. 456.0392(1) and 456.42(1) and chapter 499
68 and must contain the physician assistant's name, address, and
69 telephone number ~~and the name of each of his or her supervising~~
70 ~~physicians~~. Unless it is a drug or drug sample dispensed by the
71 physician assistant, the prescription must be filled in a
72 pharmacy permitted under chapter 465 and must be dispensed in
73 that pharmacy by a pharmacist licensed under chapter 465.

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

76 (f)1. The council shall establish a formulary of medicinal
77 drugs that a fully licensed physician assistant having
78 prescribing authority under this section or s. 459.022 may not
79 prescribe. The formulary must include general anesthetics and
80 radiographic contrast materials and must limit the prescription
81 of Schedule II controlled substances as listed in s. 893.03 to a
82 7-day supply or, in the case of Schedule II psychiatric mental
83 health controlled substances, a 30-day supply. If the
84 prescription is for a ~~formulary must also restrict the~~
85 ~~prescribing of~~ Schedule II psychiatric mental health controlled
86 substance substances for a child ~~children~~ younger than 18 years
87 of age ~~to a 14-day supply, provided~~ the physician assistant must

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88 ~~be is~~ under the supervision of a pediatrician, a family practice
89 physician, an internal medicine physician, or a psychiatrist.

90 2. In establishing the formulary, the council shall consult
91 with a pharmacist licensed under chapter 465, but not licensed
92 under this chapter or chapter 459, who shall be selected by the
93 State Surgeon General.

94 3. Only the council shall add to, delete from, or modify
95 the formulary. Any person who requests an addition, a deletion,
96 or a modification of a medicinal drug listed on such formulary
97 has the burden of proof to show cause why such addition,
98 deletion, or modification should be made.

99 4. The boards shall adopt the formulary required by this
100 paragraph, and each addition, deletion, or modification to the
101 formulary, by rule. Notwithstanding any provision of chapter 120
102 to the contrary, the formulary rule shall be effective 60 days
103 after the date it is filed with the Secretary of State. Upon
104 adoption of the formulary, the department shall mail a copy of
105 such formulary to each fully licensed physician assistant having
106 prescribing authority under this section or s. 459.022, and to
107 each pharmacy licensed by the state. The boards shall establish,
108 by rule, a fee not to exceed \$200 to fund the provisions of
109 paragraph (e) and this paragraph.

110 (1) If the Governor issues an executive order or a
111 proclamation declaring a state of emergency pursuant to s.
112 252.36, fully licensed physician assistants holding an active,
113 unrestricted license to practice in this state may render
114 medical services without physician supervision in any county
115 covered by the executive order or proclamation for the duration
116 of the declared state of emergency. However, out-of-state

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117 physician assistants registered to provide telehealth services
118 in this state and physician assistants holding a temporary
119 certificate to practice in an area of critical need are not
120 authorized to practice without physician supervision under this
121 paragraph. All services rendered under this paragraph must
122 otherwise comply with the requirements of this section and the
123 rules adopted pursuant hereto.

124 Section 2. Paragraph (e) of subsection (4) of section
125 459.022, Florida Statutes, is amended, and paragraph (k) is
126 added to that subsection, to read:

127 459.022 Physician assistants.—

128 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

129 (e) A supervising physician may delegate to a fully
130 licensed physician assistant the authority to prescribe or
131 dispense any medication used in the supervising physician's
132 practice unless such medication is listed on the formulary
133 created pursuant to s. 458.347. A fully licensed physician
134 assistant may ~~only~~ prescribe or dispense such medication only
135 under the following conditions ~~circumstances~~:

136 1. A physician assistant must clearly identify to the
137 patient that she or he is a physician assistant.

138 2. ~~The supervising physician must notify the department of~~
139 ~~her or his intent to delegate, on a department-approved form,~~
140 ~~before delegating such authority and of any change in~~
141 ~~prescriptive privileges of the physician assistant.~~ Authority to
142 dispense may be delegated only by a supervising physician who is
143 registered as a dispensing practitioner in compliance with s.
144 465.0276.

145 3. A fully licensed physician assistant may procure medical

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146 devices and drugs unless the medication is listed on the
147 formulary created pursuant to s. 458.347(4)(f).

148 4. The physician assistant must complete a minimum of 10
149 continuing medical education hours in the specialty practice in
150 which the physician assistant has prescriptive privileges with
151 each licensure renewal. Three of the 10 hours must consist of a
152 continuing education course on the safe and effective
153 prescribing of controlled substance medications which is offered
154 by a provider that has been approved by the American Academy of
155 Physician Assistants and which is designated for the American
156 Medical Association Physician's Recognition Award Category 1
157 credit, designated by the American Academy of Physician
158 Assistants as a Category 1 credit, or designated by the American
159 Osteopathic Association as a Category 1-A credit.

160 5. The prescription may be in paper or electronic form but
161 must comply with ss. 456.0392(1) and 456.42(1) and chapter 499
162 and must contain the physician assistant's name, address, and
163 telephone number ~~and the name of each of his or her supervising~~
164 ~~physicians~~. Unless it is a drug or drug sample dispensed by the
165 physician assistant, the prescription must be filled in a
166 pharmacy permitted under chapter 465, and must be dispensed in
167 that pharmacy by a pharmacist licensed under chapter 465.

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

170 (k) If the Governor issues an executive order or a
171 proclamation declaring a state of emergency pursuant to s.
172 252.36, a fully licensed physician assistant holding an active,
173 unrestricted license to practice in this state may render
174 medical services without physician supervision in any county

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covered by the executive order or proclamation for the duration of the declared state of emergency. However, out-of-state physician assistants registered to provide telehealth services in this state and physician assistants holding a temporary certificate to practice in an area of critical need are not authorized to practice without physician supervision under this paragraph. All services rendered under this paragraph must otherwise comply with the requirements of this section and the rules adopted pursuant hereto.

Section 3. Present subsection (7) of section 464.012, Florida Statutes, is redesignated as subsection (8), a new subsection (7) is added to that section, and paragraph (a) of subsection (6) of that section is amended, to read:

464.012 Licensure of advanced practice registered nurses; fees; controlled substance prescribing.—

(6)(a) The board shall establish a committee to recommend a formulary of controlled substances that an advanced practice registered nurse may not prescribe or may prescribe only for specific uses or in limited quantities. The committee must be composed ~~consist~~ of three advanced practice registered nurses licensed under this section, recommended by the board; three physicians licensed under chapter 458 or chapter 459 who have work experience with advanced practice registered nurses, recommended by the Board of Medicine; and a pharmacist licensed under chapter 465 who is a doctor of pharmacy, recommended by the Board of Pharmacy. The committee may recommend an evidence-based formulary applicable to all advanced practice registered nurses which is limited by specialty certification, is limited to approved uses of controlled substances, or is subject to

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other similar restrictions the committee finds are necessary to protect the health, safety, and welfare of the public. The formulary must restrict the prescribing of psychiatric mental health controlled substances for children younger than 18 years of age to a 30-day supply ~~advanced practice registered nurses who also are psychiatric nurses as defined in s. 394.455.~~ The formulary must also limit the prescribing of Schedule II controlled substances as listed in s. 893.03 to a 7-day supply, except that such restriction does not apply to controlled substances that are psychiatric medications prescribed by psychiatric nurses as defined in s. 394.455.

(7) If the Governor issues an executive order or a proclamation declaring a state of emergency pursuant to s. 252.36, fully licensed advanced practice registered nurses holding an active, unrestricted license to practice in this state may render medical services without physician supervision in any county covered by the executive order or proclamation for the duration of the declared state of emergency. However, out-of-state advanced practice registered nurses registered to provide telehealth services in this state and advanced practice registered nurses holding a temporary certificate to practice in an area of critical need are not authorized to practice without physician supervision under this paragraph. All services rendered under this paragraph must otherwise comply with the requirements of this part and the rules adopted pursuant hereto.

Section 4. This act shall take effect July 1, 2026.