



Health Care Regulation Policy Committee

**Monday, March 1, 2010
3:15 PM - 6:00 PM
Morris Hall (17 HOB)**

ACTION PACKET

**Larry Cretul
Speaker**

**Nick Thompson
Chair**

COMMITTEE MEETING REPORT
Health Care Regulation Policy Committee

3/1/2010 3:15:00PM

Location: Morris Hall (17 HOB)

Summary:

Health Care Regulation Policy Committee

Monday March 01, 2010 03:15 pm

HB 45	Favorable	Yeas: 12	Nays: 0
HB 573	Favorable With Committee Substitute	Yeas: 11	Nays: 0
PCB HCR 10-01	Favorable	Yeas: 11	Nays: 0
PCS for HB 225	Favorable	Yeas: 12	Nays: 1

Committee meeting was reported out: Monday, March 01, 2010 7:43:33PM

COMMITTEE MEETING REPORT
Health Care Regulation Policy Committee

3/1/2010 3:15:00PM

Location: Morris Hall (17 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Nicholas Thompson (Chair)	X		
James Bush III	X		
Clay Ford	X		
Erik Fresen	X		
Mike Horner	X		
Matt Hudson	X		
Dorothy Hukill	X		
Peter Nehr	X		
Ari Porth	X		
William Proctor	X		
Michelle Rehwinkel Vasilinda	X		
Ronald Renuart	X		
Yolly Roberson	X		
Charles Van Zant			X
Totals:	13	0	1

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COMMITTEE MEETING REPORT
Health Care Regulation Policy Committee

3/1/2010 3:15:00PM

Location: Morris Hall (17 HOB)

HB 45 : Use of Prescribed Pancreatic Enzyme Supplements

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
James Bush III	X				
Clay Ford	X				
Erik Fresen	X				
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Peter Nehr			X		
Ari Porth	X				
William Proctor	X				
Michelle Rehwinkel Vasilinda	X				
Ronald Renuart	X				
Yolly Roberson	X				
Charles Van Zant			X		
Nicholas Thompson (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Appearances:

Use of Prescribed Pancreatic Enzyme Supplements
 Mike McQuone, RPh., MS., CPh., Executive V.P./CEO (Lobbyist) - Proponent
 Florida Society of Health System Pharmacists (FSHP)
 2304 Killlearn Center Boulevard
 Tallahassee FL 32309
 Phone: 850-906-9333

COMMITTEE MEETING REPORT
Health Care Regulation Policy Committee

3/1/2010 3:15:00PM

Location: Morris Hall (17 HOB)

HB 573 : Physician Assistants

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
James Bush III	X				
Clay Ford	X				
Erik Fresen	X				
Mike Horner			X		
Matt Hudson	X				
Dorothy Hukill	X				
Peter Nehr	X				
Ari Porth				X	
William Proctor	X				
Michelle Rehwinkel Vasilinda	X				
Ronald Renuart	X				
Yolly Roberson	X				
Charles Van Zant			X		
Nicholas Thompson (Chair)	X				
Total Yeas: 11		Total Nays: 0			

Appearances:

Physician Assistants

Juhan Mixon, Consultant (Lobbyist) - Proponent

Florida Academy of Physician Assistants
 119 E. Park Avenue
 Tallahassee FL 32301
 Phone: 850-222-2591

Physician Assistants

Michael Funk, PA-C, MPH, Physician Assistant - Proponent

Florida Academy of Physician Assistants
 5638 Dewberry Way
 West Palm Beach FL 33415
 Phone: 561-682-5166

COMMITTEE MEETING REPORT
Health Care Regulation Policy Committee

3/1/2010 3:15:00PM

Location: Morris Hall (17 HOB)

PCB HCR 10-01 : Relating to Obsolete Health Care Provisions

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
James Bush III	X				
Clay Ford	X				
Erik Fresen			X		
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Peter Nehr			X		
Ari Porth	X				
William Proctor	X				
Michelle Rehwinkel Vasilinda	X				
Ronald Renuart	X				
Yolly Roberson	X				
Charles Van Zant			X		
Nicholas Thompson (Chair)	X				
Total Yeas: 11		Total Nays: 0			

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COMMITTEE MEETING REPORT
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Location: Morris Hall (17 HOB)

PCS for HB 225 : Controlled Substances

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
James Bush III	X				
Clay Ford	X				
Erik Fresen	X				
Mike Horner	X				
Matt Hudson	X				
Dorothy Hukill	X				
Peter Nehr	X				
Ari Porth	X				
William Proctor	X				
Michelle Rehwinkel Vasilinda	X				
Ronald Renuart		X			
Yolly Roberson	X				
Charles Van Zant			X		
Nicholas Thompson (Chair)	X				
Total Yeas: 12		Total Nays: 1			

Appearances:

Controlled Substances

Sean Espinosa, Student - Proponent
 Hialeah Gardens Middle School
 11690 NW 92 Avenue
 Hialeah Gardens FL 33018
 Phone: 305-817-0017

Controlled Substances

Yanelys Oconor, Student - Proponent
 Hialeah Gardens Middle School
 11690 NW 92 Avenue
 Hialeah Gardens FL 33018
 Phone: 305-817-0017

Controlled Substances

Maria Ordax, Student - Proponent
 Hialeah Gardens Middle School
 11690 NW 92 Avenue
 Hialeah Gardens FL 33018
 Phone: 305-817-0017

Controlled Substances

Francesca Garcia, Student - Proponent
 Hialeah Gardens Middle School
 11690 NW 92 Avenue
 Hialeah Gardens FL 33018
 Phone: 305-817-0017

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Controlled Substances

Kerri Navarro, Teacher - Proponent

Hialeah Gardens Middle School

1030 NW 191 Avenue

Pembroke Pines FL 33029

Phone: 954-431-1133

Controlled Substances

Stephen R. Winn, Executive Director (Lobbyist) - Proponent

Florida Osteopathic Medical Association

2007 Apalachee Parkway

Tallahassee FL 32301

Phone: 850-878-3056

Controlled Substances

Paul Lambert, General Counsel (Lobbyist) - Proponent

Florida Chiropractic Association, Florida State Massage Therapy Association

502 N. Adams Street

Tallahassee FL 32301

Phone: 850-224-9393

Controlled Substances

Jodi Chase (Lobbyist) - Proponent

Florida Society Pain Management Providers

1566 Village Square Boulevard, Suite A1

Tallahassee FL 32312

Phone: 850-385-9880

Controlled Substances

Warren G. Moseley, President - Proponent

Physicians Total Care, Inc.

12515 East 55th Street

Tulsa OK 74146

Phone: 918-671-8761

Controlled Substances

Ron Book (Lobbyist) - Opponent

Assurance Financial

104 W. Jefferson

Tallahassee FL 32301

Controlled Substances

David S. Bowen, II, Executive Vice President - Proponent

Automated Healthcare Solutions

2901 SW 149th Avenue

Miramar FL 33027

Phone: 954-864-2478

Controlled Substances

James K. Durr, Captain - Information Only

Palm Beach County Sheriff's Department

North Palm Beach FL

Phone: 561-688-3400

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COMMITTEE MEETING REPORT
Health Care Regulation Policy Committee

3/1/2010 3:15:00PM

Location: Morris Hall (17 HOB)

Controlled Substances

Steve E. Jordan, M.D. (Surgeon) - Proponent

6995 Big Woods Drive

Tallahassee FL 32309

Phone: 850-528-3819

Controlled Substances

Rafael Miguel, M.D. - Proponent

Florida Society of Anesthesiologists/Florida Society of Pain Physicians

25 Treasure Drive

Tampa FL

Phone: 813-310-7155

Committee meeting was reported out: Monday, March 01, 2010 7:43:33PM

Amendment No.

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Health Care Regulation Policy
2 Committee

3 Representative Kreegel offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (e) of subsection (4) of section
8 458.347, Florida Statutes, is amended, and paragraph (h) is
9 added to subsection (7) of that section, to read:

10 458.347 Physician assistants.—

11 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

12 (e) A supervisory physician may delegate to a fully
13 licensed physician assistant the authority to prescribe or
14 dispense any medication used in the supervisory physician's
15 practice unless such medication is listed on the formulary
16 created pursuant to paragraph (f). A fully licensed physician
17 assistant may only prescribe or dispense such medication under
18 the following circumstances:

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 573 (2010)

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19 1. A physician assistant must clearly identify to the
20 patient that he or she is a physician assistant. Furthermore,
21 the physician assistant must inform the patient that the patient
22 has the right to see the physician prior to any prescription
23 being prescribed or dispensed by the physician assistant.

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

31 3. The physician assistant must file with the department,
32 before commencing to prescribe or dispense, evidence that he or
33 she has completed a continuing medical education course of at
34 least 3 classroom hours in prescriptive practice, conducted by
35 an accredited program approved by the boards, which course
36 covers the limitations, responsibilities, and privileges
37 involved in prescribing medicinal drugs, or evidence that he or
38 she has received education comparable to the continuing
39 education course as part of an accredited physician assistant
40 training program.

41 ~~4. The physician assistant must file with the department,~~
42 ~~before commencing to prescribe or dispense, evidence that the~~
43 ~~physician assistant has a minimum of 3 months of clinical~~
44 ~~experience in the specialty area of the supervising physician.~~

45 4.5. The physician assistant must file with the department
46 a signed affidavit that he or she has completed a minimum of 10

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47 continuing medical education hours in the specialty practice in
48 which the physician assistant has prescriptive privileges with
49 each licensure renewal application.

50 5.6- The department shall issue a license and a prescriber
51 number to the physician assistant granting authority for the
52 prescribing of medicinal drugs authorized within this paragraph
53 upon completion of the foregoing requirements. The physician
54 assistant shall not be required to independently register
55 pursuant to s. 465.0276.

56 6.7- The prescription must be written in a form that
57 complies with chapter 499 and must contain, in addition to the
58 supervisory physician's name, address, and telephone number, the
59 physician assistant's prescriber number. Unless it is a drug or
60 drug sample dispensed by the physician assistant, the
61 prescription must be filled in a pharmacy permitted under
62 chapter 465 and must be dispensed in that pharmacy by a
63 pharmacist licensed under chapter 465. The appearance of the
64 prescriber number creates a presumption that the physician
65 assistant is authorized to prescribe the medicinal drug and the
66 prescription is valid.

67 7.8- The physician assistant must note the prescription or
68 dispensing of medication in the appropriate medical record.

69 8.9- This paragraph does not prohibit a supervisory
70 physician from delegating to a physician assistant the authority
71 to order medication for a hospitalized patient of the
72 supervisory physician.

73

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74 This paragraph does not apply to facilities licensed pursuant to
75 chapter 395.

76 (7) PHYSICIAN ASSISTANT LICENSURE.—

77 (h) An application or other documentation required to be
78 submitted to the department under this subsection may be
79 submitted electronically.

80 Section 2. Paragraph (c) of subsection (4) of section
81 458.348, Florida Statutes, is amended to read:

82 458.348 Formal supervisory relationships, standing orders,
83 and established protocols; notice; standards.—

84 (4) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—

85 A physician who supervises an advanced registered nurse
86 practitioner or physician assistant at a medical office other
87 than the physician's primary practice location, where the
88 advanced registered nurse practitioner or physician assistant is
89 not under the onsite supervision of a supervising physician,
90 must comply with the standards set forth in this subsection. For
91 the purpose of this subsection, a physician's "primary practice
92 location" means the address reflected on the physician's profile
93 published pursuant to s. 456.041.

94 (c) A physician who supervises an advanced registered
95 nurse practitioner or physician assistant at a medical office
96 other than the physician's primary practice location, where the
97 advanced registered nurse practitioner or physician assistant is
98 not under the onsite supervision of a supervising physician and
99 the services offered at the office are primarily dermatologic or
100 skin care services, which include aesthetic skin care services
101 other than plastic surgery, must comply with the standards

COUNCIL/COMMITTEE AMENDMENT

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102 listed in subparagraphs 1.-4. Notwithstanding s.

103 458.347(4)(e)~~7.8-~~, a physician supervising a physician assistant
104 pursuant to this paragraph may not be required to review and
105 cosign charts or medical records prepared by such physician
106 assistant.

107 1. The physician shall submit to the board the addresses
108 of all offices where he or she is supervising an advanced
109 registered nurse practitioner or a physician's assistant which
110 are not the physician's primary practice location.

111 2. The physician must be board certified or board eligible
112 in dermatology or plastic surgery as recognized by the board
113 pursuant to s. 458.3312.

114 3. All such offices that are not the physician's primary
115 place of practice must be within 25 miles of the physician's
116 primary place of practice or in a county that is contiguous to
117 the county of the physician's primary place of practice.

118 However, the distance between any of the offices may not exceed
119 75 miles.

120 4. The physician may supervise only one office other than
121 the physician's primary place of practice except that until July
122 1, 2011, the physician may supervise up to two medical offices
123 other than the physician's primary place of practice if the
124 addresses of the offices are submitted to the board before July
125 1, 2006. Effective July 1, 2011, the physician may supervise
126 only one office other than the physician's primary place of
127 practice, regardless of when the addresses of the offices were
128 submitted to the board.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 573 (2010)

Amendment No.

129 Section 3. Paragraph (e) of subsection (4) of section
130 459.022, Florida Statutes, is amended, and paragraph (g) is
131 added to subsection (7) of that section, to read:

132 459.022 Physician assistants.—

133 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

134 (e) A supervisory physician may delegate to a fully
135 licensed physician assistant the authority to prescribe or
136 dispense any medication used in the supervisory physician's
137 practice unless such medication is listed on the formulary
138 created pursuant to s. 458.347. A fully licensed physician
139 assistant may only prescribe or dispense such medication under
140 the following circumstances:

141 1. A physician assistant must clearly identify to the
142 patient that she or he is a physician assistant. Furthermore,
143 the physician assistant must inform the patient that the patient
144 has the right to see the physician prior to any prescription
145 being prescribed or dispensed by the physician assistant.

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

153 3. The physician assistant must file with the department,
154 before commencing to prescribe or dispense, evidence that she or
155 he has completed a continuing medical education course of at
156 least 3 classroom hours in prescriptive practice, conducted by

COUNCIL/COMMITTEE AMENDMENT

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157 an accredited program approved by the boards, which course
158 covers the limitations, responsibilities, and privileges
159 involved in prescribing medicinal drugs, or evidence that she or
160 he has received education comparable to the continuing education
161 course as part of an accredited physician assistant training
162 program.

163 ~~4. The physician assistant must file with the department,~~
164 ~~before commencing to prescribe or dispense, evidence that the~~
165 ~~physician assistant has a minimum of 3 months of clinical~~
166 ~~experience in the specialty area of the supervising physician.~~

167 4.5. The physician assistant must file with the department
168 a signed affidavit that she or he has completed a minimum of 10
169 continuing medical education hours in the specialty practice in
170 which the physician assistant has prescriptive privileges with
171 each licensure renewal application.

172 5.6. The department shall issue a license and a prescriber
173 number to the physician assistant granting authority for the
174 prescribing of medicinal drugs authorized within this paragraph
175 upon completion of the foregoing requirements. The physician
176 assistant shall not be required to independently register
177 pursuant to s. 465.0276.

178 6.7. The prescription must be written in a form that
179 complies with chapter 499 and must contain, in addition to the
180 supervisory physician's name, address, and telephone number, the
181 physician assistant's prescriber number. Unless it is a drug or
182 drug sample dispensed by the physician assistant, the
183 prescription must be filled in a pharmacy permitted under
184 chapter 465, and must be dispensed in that pharmacy by a

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 573 (2010)

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185 pharmacist licensed under chapter 465. The appearance of the
186 prescriber number creates a presumption that the physician
187 assistant is authorized to prescribe the medicinal drug and the
188 prescription is valid.

189 ~~7.8.~~ The physician assistant must note the prescription or
190 dispensing of medication in the appropriate medical record.

191 ~~8.9.~~ This paragraph does not prohibit a supervisory
192 physician from delegating to a physician assistant the authority
193 to order medication for a hospitalized patient of the
194 supervisory physician.

195

196 This paragraph does not apply to facilities licensed pursuant to
197 chapter 395.

198 ~~(7) PHYSICIAN ASSISTANT LICENSURE.-~~

199 (g) An application or other documentation required to be
200 submitted to the department under this subsection may be
201 submitted electronically.

202 Section 4. Paragraph (c) of subsection (3) of section
203 459.025, Florida Statutes, is amended to read:

204 459.025 Formal supervisory relationships, standing orders,
205 and established protocols; notice; standards.-

206 (3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.-

207 An osteopathic physician who supervises an advanced registered
208 nurse practitioner or physician assistant at a medical office
209 other than the osteopathic physician's primary practice
210 location, where the advanced registered nurse practitioner or
211 physician assistant is not under the onsite supervision of a
212 supervising osteopathic physician, must comply with the

Amendment No.

213 standards set forth in this subsection. For the purpose of this
214 subsection, an osteopathic physician's "primary practice
215 location" means the address reflected on the physician's profile
216 published pursuant to s. 456.041.

217 (c) An osteopathic physician who supervises an advanced
218 registered nurse practitioner or physician assistant at a
219 medical office other than the osteopathic physician's primary
220 practice location, where the advanced registered nurse
221 practitioner or physician assistant is not under the onsite
222 supervision of a supervising osteopathic physician and the
223 services offered at the office are primarily dermatologic or
224 skin care services, which include aesthetic skin care services
225 other than plastic surgery, must comply with the standards
226 listed in subparagraphs 1.-4. Notwithstanding s.
227 459.022(4)(e)~~7.8~~, an osteopathic physician supervising a
228 physician assistant pursuant to this paragraph may not be
229 required to review and cosign charts or medical records prepared
230 by such physician assistant.

231 1. The osteopathic physician shall submit to the Board of
232 Osteopathic Medicine the addresses of all offices where he or
233 she is supervising or has a protocol with an advanced registered
234 nurse practitioner or a physician's assistant which are not the
235 osteopathic physician's primary practice location.

236 2. The osteopathic physician must be board certified or
237 board eligible in dermatology or plastic surgery as recognized
238 by the Board of Osteopathic Medicine pursuant to s. 459.0152.

239 3. All such offices that are not the osteopathic
240 physician's primary place of practice must be within 25 miles of

Amendment No.

241 the osteopathic physician's primary place of practice or in a
242 county that is contiguous to the county of the osteopathic
243 physician's primary place of practice. However, the distance
244 between any of the offices may not exceed 75 miles.

245 4. The osteopathic physician may supervise only one office
246 other than the osteopathic physician's primary place of practice
247 except that until July 1, 2011, the osteopathic physician may
248 supervise up to two medical offices other than the osteopathic
249 physician's primary place of practice if the addresses of the
250 offices are submitted to the Board of Osteopathic Medicine
251 before July 1, 2006. Effective July 1, 2011, the osteopathic
252 physician may supervise only one office other than the
253 osteopathic physician's primary place of practice, regardless of
254 when the addresses of the offices were submitted to the Board of
255 Osteopathic Medicine.

256 Section 5. This act shall take effect July 1, 2010.

257

258

259

260

T I T L E A M E N D M E N T

261

Remove the entire title and insert:

262

A bill to be entitled .

263

An act relating to physician assistants; amending ss.

264

458.347 and 459.022, F.S.; deleting requirements that

265

physician assistants file evidence of certain clinical

266

experience before prescribing or dispensing medication;

267

authorizing the electronic submission of physician

268

assistant license applications and other required

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 573 (2010)

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269 | documentation; amending ss. 458.348 and 459.025, F.S.;

270 | conforming cross-references; providing an effective date.