

AGENDA
DEPARTMENT OF HEALTH
BOARD OF PHARMACY
FULL BOARD MEETING
LEGISLATIVE UPDATE – CONFERENCE CALL

March 3, 2016

12:30 pm

Call-in number: 888-670-3525

Code: 5134896685

Board Members

Debra B. Glass, BPharm, Chair, Tallahassee
Mark Mikhael, PharmD, Vice-Chair, Orlando
Goar Alvarez, PharmD, Cooper City
Michele Weizer, PharmD, Boca Raton
Leo “Lee” Fallon, BPharm, PhD, The Villages
Gavin Meshad, Consumer Member, Sarasota
Jeenu Philip, BPharm, Jacksonville
Jeffrey J. Mesaros, PharmD, JD, Orlando
David Bisailon, Consumer Member, Bradenton

Board Staff

Allison Dudley, Executive Director
Emily Roach, Program Operations Administrator
Amber Greene, Regulatory Specialist III

Board Counsel

David Flynn, Assistant Attorney General
Lawrence Harris, Assistant Attorney General

Thursday, March 3, 2016, 12:30 pm

1. Legislation

- A. SB 152 – Ordering of Medication
- B. HB 1241 - Ordering of Medication
- C. SB 676 - Access to Health Care Services
- D. HB 423 – Drug Prescription by Advanced Registered Nurse Practitioners & Physician Assistants

By Senator Grimsley

21-00029-16

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1 A bill to be entitled
2 An act relating to the ordering of medication;
3 amending ss. 458.347 and 459.022, F.S.; revising the
4 authority of a licensed physician assistant to order
5 medication under the direction of a supervisory
6 physician for a specified patient; amending s.
7 464.012, F.S.; authorizing an advanced registered
8 nurse practitioner to order medication for
9 administration to a specified patient; amending s.
10 465.003, F.S.; revising the term "prescription" to
11 exclude an order for drugs or medicinal supplies
12 dispensed for administration; amending s. 893.02,
13 F.S.; revising the term "administer" to include the
14 term "administration"; revising the term
15 "prescription" to exclude an order for drugs or
16 medicinal supplies dispensed for administration;
17 amending s. 893.04, F.S.; conforming provisions to
18 changes made by act; amending s. 893.05, F.S.;
19 authorizing a licensed practitioner to authorize a
20 licensed physician assistant or advanced registered
21 nurse practitioner to order controlled substances for
22 a specified patient under certain circumstances;
23 reenacting ss. 400.462(26), 401.445(1), 409.906(18),
24 and 766.103(3), F.S., to incorporate the amendments
25 made to ss. 458.347 and 459.022, F.S., in references
26 thereto; reenacting ss. 401.445(1) and 766.103(3),
27 F.S., to incorporate the amendment made to s. 464.012,
28 F.S., in references thereto; reenacting ss.
29 409.9201(1)(a), 458.331(1)(pp), 459.015(1)(rr),

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30 465.014(1), 465.015(2)(c), 465.016(1)(s),
 31 465.022(5)(j), 465.023(1)(h), 465.1901, 499.003(43),
 32 and 831.30(1), F.S., to incorporate the amendment made
 33 to s. 465.003, F.S., in references thereto; reenacting
 34 ss. 112.0455(5)(i), 381.986(7)(b), 440.102(1)(l),
 35 458.331(1)(pp), 459.015(1)(rr), 465.015(3),
 36 465.016(1)(s), 465.022(5)(j), 465.023(1)(h),
 37 499.0121(14), 768.36(1)(b), 810.02(3)(f),
 38 812.014(2)(c), 856.015(1)(c), 944.47(1)(a), 951.22(1),
 39 985.711(1)(a), 1003.57(1)(i), and 1006.09(8), F.S., to
 40 incorporate the amendment made to s. 893.02, F.S., in
 41 references thereto; reenacting s. 893.0551(3)(e),
 42 F.S., to incorporate the amendment made to s. 893.04,
 43 F.S., in a reference thereto; reenacting s.
 44 893.0551(3)(d), F.S., to incorporate the amendment
 45 made to s. 893.05, F.S., in a reference thereto;
 46 providing an effective date.

47

48 Be It Enacted by the Legislature of the State of Florida:

49

50 Section 1. Paragraph (g) of subsection (4) of section
 51 458.347, Florida Statutes, is amended to read:

52 458.347 Physician assistants.—

53 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

54 (g) A supervisory physician may delegate to a licensed
 55 physician assistant the authority to, and the licensed physician
 56 assistant acting under the direction of the supervisory
 57 physician may, order any medication ~~medications~~ for
 58 administration to the supervisory physician's patient ~~during his~~

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59 ~~or her care in a facility licensed under chapter 395,~~
60 ~~notwithstanding any provisions in chapter 465 or chapter 893~~
61 ~~which may prohibit this delegation. For the purpose of this~~
62 ~~paragraph, an order is not considered a prescription. A licensed~~
63 ~~physician assistant working in a facility that is licensed under~~
64 ~~chapter 395 may order any medication under the direction of the~~
65 ~~supervisory physician.~~

66 Section 2. Paragraph (f) of subsection (4) of section
67 459.022, Florida Statutes, is amended to read:

68 459.022 Physician assistants.—

69 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

70 (f) A supervisory physician may delegate to a licensed
71 physician assistant the authority to, and the licensed physician
72 assistant acting under the direction of the supervisory
73 physician may, order any medication ~~medications~~ for
74 administration to the supervisory physician's patient ~~during his~~
75 ~~or her care in a facility licensed under chapter 395,~~
76 ~~notwithstanding any provisions in chapter 465 or chapter 893~~
77 ~~which may prohibit this delegation. For the purpose of this~~
78 ~~paragraph, an order is not considered a prescription. A licensed~~
79 ~~physician assistant working in a facility that is licensed under~~
80 ~~chapter 395 may order any medication under the direction of the~~
81 ~~supervisory physician.~~

82 Section 3. Paragraph (a) of subsection (3) of section
83 464.012, Florida Statutes, is amended to read:

84 464.012 Certification of advanced registered nurse
85 practitioners; fees.—

86 (3) An advanced registered nurse practitioner shall perform
87 those functions authorized in this section within the framework

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88 of an established protocol that is filed with the board upon
89 biennial license renewal and within 30 days after entering into
90 a supervisory relationship with a physician or changes to the
91 protocol. The board shall review the protocol to ensure
92 compliance with applicable regulatory standards for protocols.
93 The board shall refer to the department licensees submitting
94 protocols that are not compliant with the regulatory standards
95 for protocols. A practitioner currently licensed under chapter
96 458, chapter 459, or chapter 466 shall maintain supervision for
97 directing the specific course of medical treatment. Within the
98 established framework, an advanced registered nurse practitioner
99 may:

100 (a) Monitor and alter drug therapies and order any
101 medication for administration to a patient in a facility
102 licensed under chapter 395.

103 Section 4. Subsection (14) of section 465.003, Florida
104 Statutes, is amended to read:

105 465.003 Definitions.—As used in this chapter, the term:

106 (14) "Prescription" includes any order for drugs or
107 medicinal supplies written or transmitted by any means of
108 communication by a ~~duly~~ licensed practitioner authorized by the
109 laws of this ~~the~~ state to prescribe such drugs or medicinal
110 supplies and intended to be dispensed by a pharmacist, except
111 for an order that is dispensed for administration. The term also
112 includes an orally transmitted order by the lawfully designated
113 agent of such practitioner; ~~The term also includes an order~~
114 written or transmitted by a practitioner licensed to practice in
115 a jurisdiction other than this state, but only if the pharmacist
116 called upon to dispense such order determines, in the exercise

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117 of her or his professional judgment, that the order is valid and
 118 necessary for the treatment of a chronic or recurrent illness;
 119 ~~and. The term "prescription" also includes~~ a pharmacist's order
 120 for a product selected from the formulary created pursuant to s.
 121 465.186. Prescriptions may be retained in written form or the
 122 pharmacist may cause them to be recorded in a data processing
 123 system, provided that such order can be produced in printed form
 124 upon lawful request.

125 Section 5. Subsections (1) and (22) of section 893.02,
 126 Florida Statutes, are amended to read:

127 893.02 Definitions.—The following words and phrases as used
 128 in this chapter shall have the following meanings, unless the
 129 context otherwise requires:

130 (1) "Administer" or "administration" means the direct
 131 application of a controlled substance, whether by injection,
 132 inhalation, ingestion, or any other means, to the body of a
 133 person or animal.

134 (22) "Prescription" ~~means and~~ includes any an order for
 135 drugs or medicinal supplies which is written, ~~signed,~~ or
 136 transmitted by any ~~word of mouth, telephone, telegram, or other~~
 137 means of communication by a ~~duly~~ licensed practitioner
 138 authorized licensed by the laws of this ~~the~~ state to prescribe
 139 such drugs or medicinal supplies, is issued in good faith and in
 140 the course of professional practice, is intended to be ~~filled,~~
 141 ~~compounded,~~ or dispensed by a ~~another~~ person authorized licensed
 142 by the laws of this ~~the~~ state to do so, and meets ~~meeting~~ the
 143 requirements of s. 893.04.

144 (a) The term also includes an order for drugs or medicinal
 145 supplies ~~so~~ transmitted or written by a physician, dentist,

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146 veterinarian, or other practitioner licensed to practice in a
147 state other than Florida, but only if the pharmacist called upon
148 to fill such an order determines, in the exercise of his or her
149 professional judgment, that the order was issued pursuant to a
150 valid patient-physician relationship, that it is authentic, and
151 that the drugs or medicinal supplies ~~se~~ ordered are considered
152 necessary for the continuation of treatment of a chronic or
153 recurrent illness.

154 (b) The term does not include an order that is dispensed
155 for administration by a licensed practitioner authorized by the
156 laws of this state to administer such drugs or medicinal
157 supplies.

158 (c) However, If the physician writing the prescription is
159 not known to the pharmacist, the pharmacist shall obtain proof
160 to a reasonable certainty of the validity of the said
161 prescription.

162 (d) A prescription order for a controlled substance may
163 ~~shall~~ not be issued on the same prescription blank with another
164 prescription ~~order~~ for a controlled substance that which is
165 named or described in a different schedule or with another, ~~nor~~
166 ~~shall any prescription order for a controlled substance be~~
167 ~~issued on the same prescription blank as a prescription order~~
168 for a medicinal drug, as defined in s. 465.003(8), that is which
169 ~~does not fall within the definition of a controlled substance as~~
170 ~~defined in this act.~~

171 Section 6. Paragraphs (a), (d), and (f) of subsection (2)
172 of section 893.04, Florida Statutes, are amended to read:

173 893.04 Pharmacist and practitioner.—

174 (2) (a) A pharmacist may not dispense a controlled substance

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175 listed in Schedule II, Schedule III, or Schedule IV to any
176 patient or patient's agent without first determining, in the
177 exercise of her or his professional judgment, that the
178 prescription ~~order~~ is valid. The pharmacist may dispense the
179 controlled substance, in the exercise of her or his professional
180 judgment, when the pharmacist or pharmacist's agent has obtained
181 satisfactory patient information from the patient or the
182 patient's agent.

183 (d) Each ~~written~~ prescription written ~~prescribed~~ by a
184 practitioner in this state for a controlled substance listed in
185 Schedule II, Schedule III, or Schedule IV must include ~~both~~ a
186 written and a numerical notation of the quantity of the
187 controlled substance prescribed and a notation of the date in
188 numerical, month/day/year format, or with the abbreviated month
189 written out, or the month written out in whole. A pharmacist
190 may, upon verification by the prescriber, document any
191 information required by this paragraph. If the prescriber is not
192 available to verify a prescription, the pharmacist may dispense
193 the controlled substance, but may insist that the person to whom
194 the controlled substance is dispensed provide valid photographic
195 identification. If a prescription includes a numerical notation
196 of the quantity of the controlled substance or date, but does
197 not include the quantity or date written out in textual format,
198 the pharmacist may dispense the controlled substance without
199 verification by the prescriber of the quantity or date if the
200 pharmacy previously dispensed another prescription for the
201 person to whom the prescription was written.

202 (f) A pharmacist may not knowingly dispense ~~fill~~ a
203 prescription that has been forged for a controlled substance

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204 listed in Schedule II, Schedule III, or Schedule IV.

205 Section 7. Subsection (1) of section 893.05, Florida
206 Statutes, is amended to read:

207 893.05 Practitioners and persons administering controlled
208 substances in their absence.—

209 (1) (a) A practitioner, in good faith and in the course of
210 his or her professional practice only, may prescribe,
211 administer, dispense, mix, or otherwise prepare a controlled
212 substance, or the practitioner may cause the controlled
213 substance ~~same~~ to be administered by a licensed nurse or an
214 intern practitioner under his or her direction and supervision
215 only.

216 (b) Pursuant to s. 458.347(4)(g), s. 459.022(4)(f), or s.
217 464.012(3), as applicable, a practitioner who supervises a
218 licensed physician assistant or advanced registered nurse
219 practitioner may authorize the licensed physician assistant or
220 advanced registered nurse practitioner to order controlled
221 substances for administration to a patient in a facility
222 licensed under chapter 395.

223 (c) A veterinarian may ~~so~~ prescribe, administer, dispense,
224 mix, or prepare a controlled substance for use on animals only,
225 and may cause the controlled substance ~~it~~ to be administered by
226 an assistant or orderly under the veterinarian's direction and
227 supervision only.

228 (d) A certified optometrist licensed under chapter 463 may
229 not administer or prescribe a controlled substance listed in
230 Schedule I or Schedule II of s. 893.03.

231 Section 8. Subsection (26) of s. 400.462, subsection (1) of
232 s. 401.445, subsection (18) of s. 409.906, and subsection (3) of

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233 s. 766.103, Florida Statutes, are reenacted for the purpose of
234 incorporating the amendments made by this act to ss. 458.347 and
235 459.022, Florida Statutes, in references thereto.

236 Section 9. Subsection (1) of s. 401.445 and subsection (3)
237 of s. 766.103, Florida Statutes, are reenacted for the purpose
238 of incorporating the amendment made by this act to s. 464.012,
239 Florida Statutes, in references thereto.

240 Section 10. Paragraph (a) of subsection (1) of s. 409.9201,
241 paragraph (pp) of subsection (1) of s. 458.331, paragraph (rr)
242 of subsection (1) of s. 459.015, subsection (1) of s. 465.014,
243 paragraph (c) of subsection (2) of s. 465.015, paragraph (s) of
244 subsection (1) of s. 465.016, paragraph (j) of subsection (5) of
245 s. 465.022, paragraph (h) of subsection (1) of s. 465.023, s.
246 465.1901, subsection (43) of s. 499.003, and subsection (1) of
247 s. 831.30, Florida Statutes, are reenacted for the purpose of
248 incorporating the amendments made by this act to s. 465.003,
249 Florida Statutes, in references thereto.

250 Section 11. Paragraph (i) of subsection (5) of s. 112.0455,
251 paragraph (b) of subsection (7) of s. 381.986, paragraph (l) of
252 subsection (1) of s. 440.102, paragraph (pp) of subsection (1)
253 of s. 458.331, paragraph (rr) of subsection (1) of s. 459.015,
254 subsection (3) of s. 465.015, paragraph (s) of subsection (1) of
255 s. 465.016, paragraph (j) of subsection (5) of s. 465.022,
256 paragraph (h) of subsection (1) of s. 465.023, subsection (14)
257 of s. 499.0121, paragraph (b) of subsection (1) of s. 768.36,
258 paragraph (f) of subsection (3) of s. 810.02, paragraph (c) of
259 subsection (2) of s. 812.014, paragraph (c) of subsection (1) of
260 s. 856.015, paragraph (a) of subsection (1) of s. 944.47,
261 subsection (1) of s. 951.22, paragraph (a) of subsection (1) of

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262 s. 985.711, paragraph (i) of subsection (1) of s. 1003.57, and
263 subsection (8) of s. 1006.09, Florida Statutes, are reenacted
264 for the purpose of incorporating the amendments made by this act
265 to s. 893.02, Florida Statutes, in references thereto.

266 Section 12. Paragraph (e) of subsection (3) of s. 893.0551,
267 Florida Statutes, is reenacted for the purpose of incorporating
268 the amendments made by this act to s. 893.04, Florida Statutes,
269 in a reference thereto.

270 Section 13. Paragraph (d) of subsection (3) of s. 893.0551,
271 Florida Statutes, is reenacted for the purpose of incorporating
272 the amendments made by this act to s. 893.05, Florida Statutes,
273 in a reference thereto.

274 Section 14. This act shall take effect July 1, 2016.

1 A bill to be entitled
2 An act relating to the ordering of medication;
3 amending ss. 458.347 and 459.022, F.S.; revising the
4 authority of a licensed physician assistant to order
5 medication under the direction of a supervisory
6 physician for a specified patient; amending s.
7 464.012, F.S.; authorizing an advanced registered
8 nurse practitioner to order medication for
9 administration to a specified patient; amending s.
10 465.003, F.S.; revising the term "prescription" to
11 exclude an order for drugs or medicinal supplies
12 dispensed for administration; amending s. 893.02,
13 F.S.; revising the term "administer" to include the
14 term "administration"; revising the term
15 "prescription" to exclude an order for drugs or
16 medicinal supplies dispensed for administration;
17 amending s. 893.04, F.S.; conforming provisions to
18 changes made by the act; amending s. 893.05, F.S.;
19 authorizing a licensed practitioner to authorize a
20 licensed physician assistant or advanced registered
21 nurse practitioner to order controlled substances for
22 a specified patient under certain circumstances;
23 reenacting ss. 400.462(26) and 409.906(18), F.S.,
24 relating to the definition of the term "physician
25 assistant" for purposes of the Home Health Services
26 Act and physician assistant services under the

27 Medicaid program, respectively, to incorporate the
28 amendments made by the act to ss. 458.347 and 459.022,
29 F.S., in references thereto; reenacting ss. 401.445(1)
30 and 766.103(3), F.S., relating to emergency
31 examination and treatment of incapacitated persons and
32 the Florida Medical Consent Law, respectively, to
33 incorporate the amendments made by the act to ss.
34 458.347, 459.022, and 464.012, F.S., in references
35 thereto; reenacting ss. 409.9201(1)(a), 465.014(1),
36 465.1901, 499.003(43), and 831.30(1), F.S., relating
37 to the definition of "prescription drug" for purposes
38 of Medicaid fraud, the supervision of registered
39 pharmacy technicians, applicability of provisions
40 regulating the practice of orthotics or pedorthics to
41 pharmacists, the definition of the term "prescription
42 drug" for purposes of the Florida Drug and Cosmetic
43 Act, and criminal penalties related to the fraudulent
44 obtaining of medicinal drugs, respectively, to
45 incorporate the amendment made by the act to s.
46 465.003, F.S., in references thereto; reenacting ss.
47 458.331(1)(pp), 459.015(1)(rr), 465.015(2)(c) and (3),
48 465.016(1)(s), 465.022(5)(j), and 465.023(1)(h), F.S.,
49 relating to grounds for disciplinary action by the
50 Board of Medicine or the Board of Osteopathic
51 Medicine, unlawful acts and penalties related to the
52 practice of pharmacy, grounds for denial of a pharmacy

53 permit or disciplinary action against a pharmacy
54 permittee, respectively, to incorporate the amendments
55 made by the act to ss. 465.003 and 893.02, F.S., in
56 references thereto; reenacting ss. 112.0455(5)(i),
57 381.986(7)(b), 440.102(1)(1), 499.0121(14),
58 768.36(1)(b), 810.02(3)(f), 812.014(2)(c),
59 856.015(1)(c), 944.47(1)(a), 951.22(1), 985.711(1)(a),
60 1003.57(1)(i), and 1006.09(8), F.S., relating to the
61 Drug-Free Workplace Act, the compassionate use of low-
62 THC cannabis, drug-free workplace program
63 requirements, reporting of prescription drug
64 distribution, the definition of the term "drug" for
65 purposes of defenses from civil actions related to
66 alcohol or drugs, burglary offenses, penalties for
67 grand theft, the definition of the term "drug" for
68 purposes of offenses related to open house parties,
69 unlawful introduction of certain articles into
70 correctional institutions, county detention
71 facilities, or juvenile detention facilities, the
72 definition of the term "controlled substance" for
73 purposes of exceptional student instruction, and
74 duties of school principals related to student
75 discipline, respectively, to incorporate the amendment
76 made by the act to s. 893.02, F.S., in references
77 thereto; reenacting s. 893.0551(3)(d) and (e), F.S.,
78 relating to disclosure by the Department of Health of

79 confidential information in prescription drug
 80 monitoring program records, to incorporate the
 81 amendments made by the act to ss. 893.04 and 893.05,
 82 F.S., in references thereto; providing an effective
 83 date.

84
 85 Be It Enacted by the Legislature of the State of Florida:

86
 87 Section 1. Paragraph (g) of subsection (4) of section
 88 458.347, Florida Statutes, is amended to read:

89 458.347 Physician assistants.—

90 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

91 (g) A supervisory physician may delegate to a licensed
 92 physician assistant the authority to, and the licensed physician
 93 assistant acting under the direction of the supervisory
 94 physician may, order any medication ~~medications~~ for
 95 administration to the supervisory physician's patient ~~during his~~
 96 ~~or her care~~ in a facility licensed under chapter 395 or part II
 97 of chapter 400, notwithstanding any provisions in chapter 465 or
 98 ~~chapter 893 which may prohibit this delegation. For the purpose~~
 99 ~~of this paragraph, an order is not considered a prescription. A~~
 100 ~~licensed physician assistant working in a facility that is~~
 101 ~~licensed under chapter 395 may order any medication under the~~
 102 ~~direction of the supervisory physician.~~

103 Section 2. Paragraph (f) of subsection (4) of section
 104 459.022, Florida Statutes, is amended to read:

105 459.022 Physician assistants.—

106 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

107 (f) A supervisory physician may delegate to a licensed
 108 physician assistant the authority to, and the licensed physician
 109 assistant acting under the direction of the supervisory
 110 physician may, order any medication ~~medications~~ for
 111 administration to the supervisory physician's patient ~~during his~~
 112 ~~or her care~~ in a facility licensed under chapter 395 or part II
 113 of chapter 400, ~~notwithstanding any provisions in chapter 465 or~~
 114 ~~chapter 893 which may prohibit this delegation. For the purpose~~
 115 ~~of this paragraph, an order is not considered a prescription. A~~
 116 ~~licensed physician assistant working in a facility that is~~
 117 ~~licensed under chapter 395 may order any medication under the~~
 118 ~~direction of the supervisory physician.~~

119 Section 3. Paragraph (e) is added to subsection (3) of
 120 section 464.012, Florida Statutes, to read:

121 464.012 Certification of advanced registered nurse
 122 practitioners; fees.—

123 (3) An advanced registered nurse practitioner shall
 124 perform those functions authorized in this section within the
 125 framework of an established protocol that is filed with the
 126 board upon biennial license renewal and within 30 days after
 127 entering into a supervisory relationship with a physician or
 128 changes to the protocol. The board shall review the protocol to
 129 ensure compliance with applicable regulatory standards for
 130 protocols. The board shall refer to the department licensees

131 submitting protocols that are not compliant with the regulatory
 132 standards for protocols. A practitioner currently licensed under
 133 chapter 458, chapter 459, or chapter 466 shall maintain
 134 supervision for directing the specific course of medical
 135 treatment. Within the established framework, an advanced
 136 registered nurse practitioner may:

137 (e) Order any medication for administration to a patient
 138 in a facility licensed under chapter 395 or part II of chapter
 139 400.

140 Section 4. Subsection (14) of section 465.003, Florida
 141 Statutes, is amended to read:

142 465.003 Definitions.—As used in this chapter, the term:

143 (14) "Prescription" includes any order for drugs or
 144 medicinal supplies written or transmitted by any means of
 145 communication by a ~~duly~~ licensed practitioner authorized by the
 146 laws of this ~~the~~ state to prescribe such drugs or medicinal
 147 supplies and intended to be dispensed by a pharmacist, except
 148 for an order that is dispensed for administration. The term also
 149 includes an orally transmitted order by the lawfully designated
 150 agent of such practitioner; ~~-. The term also includes an order~~
 151 written or transmitted by a practitioner licensed to practice in
 152 a jurisdiction other than this state, but only if the pharmacist
 153 called upon to dispense such order determines, in the exercise
 154 of her or his professional judgment, that the order is valid and
 155 necessary for the treatment of a chronic or recurrent illness;
 156 and. ~~The term "prescription" also includes a pharmacist's order~~

157 | for a product selected from the formulary created pursuant to s.
 158 | 465.186. Prescriptions may be retained in written form or the
 159 | pharmacist may cause them to be recorded in a data processing
 160 | system, provided that such order can be produced in printed form
 161 | upon lawful request.

162 | Section 5. Subsections (1) and (22) of section 893.02,
 163 | Florida Statutes, are amended to read:

164 | 893.02 Definitions.—The following words and phrases as
 165 | used in this chapter shall have the following meanings, unless
 166 | the context otherwise requires:

167 | (1) "Administer" or "administration" means the direct
 168 | application of a controlled substance, whether by injection,
 169 | inhalation, ingestion, or any other means, to the body of a
 170 | person or animal.

171 | (22) "Prescription" ~~means and~~ includes any ~~an~~ order for
 172 | drugs or medicinal supplies which is written, ~~signed,~~ or
 173 | transmitted by any ~~word of mouth, telephone, telegram, or other~~
 174 | means of communication by a ~~duly~~ licensed practitioner
 175 | authorized ~~licensed~~ by the laws of this ~~the~~ state to prescribe
 176 | such drugs or medicinal supplies, is issued in good faith and in
 177 | the course of professional practice, is intended to be filled,
 178 | ~~compounded, or~~ dispensed by a ~~another~~ person authorized ~~licensed~~
 179 | by the laws of this ~~the~~ state to do so, and meets ~~meeting~~ the
 180 | requirements of s. 893.04.

181 | (a) The term also includes an order for drugs or medicinal
 182 | supplies ~~so~~ transmitted or written by a physician, dentist,

183 veterinarian, or other practitioner licensed to practice in a
 184 state other than Florida, but only if the pharmacist called upon
 185 to fill such an order determines, in the exercise of his or her
 186 professional judgment, that the order was issued pursuant to a
 187 valid patient-physician relationship, that it is authentic, and
 188 that the drugs or medicinal supplies ~~so~~ ordered are considered
 189 necessary for the continuation of treatment of a chronic or
 190 recurrent illness.

191 (b) The term does not include an order that is dispensed
 192 for administration by a licensed practitioner authorized by the
 193 laws of this state to administer such drugs or medicinal
 194 supplies.

195 (c) However, If the physician writing the prescription is
 196 not known to the pharmacist, the pharmacist shall obtain proof
 197 to a reasonable certainty of the validity of the said
 198 prescription.

199 (d) A prescription order for a controlled substance may
 200 ~~shall~~ not be issued on the same prescription blank with another
 201 prescription ~~order~~ for a controlled substance that ~~which~~ is
 202 named or described in a different schedule or with another, ~~nor~~
 203 ~~shall any prescription order for a controlled substance be~~
 204 ~~issued on the same prescription blank as a prescription order~~
 205 for a medicinal drug, as defined in s. 465.003(8), that is ~~which~~
 206 ~~does not fall within the definition of a controlled substance as~~
 207 ~~defined in this act.~~

208 Section 6. Paragraphs (a), (d), and (f) of subsection (2)

HB 1241

2016

209 of section 893.04, Florida Statutes, are amended to read:

210 893.04 Pharmacist and practitioner.—

211 (2) (a) A pharmacist may not dispense a controlled
212 substance listed in Schedule II, Schedule III, or Schedule IV to
213 any patient or patient's agent without first determining, in the
214 exercise of her or his professional judgment, that the
215 prescription ~~order~~ is valid. The pharmacist may dispense the
216 controlled substance, in the exercise of her or his professional
217 judgment, when the pharmacist or pharmacist's agent has obtained
218 satisfactory patient information from the patient or the
219 patient's agent.

220 (d) Each ~~written~~ prescription written ~~prescribed~~ by a
221 practitioner in this state for a controlled substance listed in
222 Schedule II, Schedule III, or Schedule IV must include ~~both~~ a
223 written and a numerical notation of the quantity of the
224 controlled substance prescribed and a notation of the date in
225 numerical, month/day/year format, or with the abbreviated month
226 written out, or the month written out in whole. A pharmacist
227 may, upon verification by the prescriber, document any
228 information required by this paragraph. If the prescriber is not
229 available to verify a prescription, the pharmacist may dispense
230 the controlled substance, but may insist that the person to whom
231 the controlled substance is dispensed provide valid photographic
232 identification. If a prescription includes a numerical notation
233 of the quantity of the controlled substance or date, but does
234 not include the quantity or date written out in textual format,

235 the pharmacist may dispense the controlled substance without
 236 verification by the prescriber of the quantity or date if the
 237 pharmacy previously dispensed another prescription for the
 238 person to whom the prescription was written.

239 (f) A pharmacist may not knowingly dispense ~~fill~~ a
 240 prescription that has been forged for a controlled substance
 241 listed in Schedule II, Schedule III, or Schedule IV.

242 Section 7. Subsection (1) of section 893.05, Florida
 243 Statutes, is amended to read:

244 893.05 Practitioners and persons administering controlled
 245 substances in their absence.—

246 (1) (a) A practitioner, in good faith and in the course of
 247 his or her professional practice only, may prescribe,
 248 administer, dispense, mix, or otherwise prepare a controlled
 249 substance, or the practitioner may cause the controlled
 250 substance ~~same~~ to be administered by a licensed nurse or an
 251 intern practitioner under his or her direction and supervision
 252 only.

253 (b) Pursuant to s. 458.347(4)(g), s. 459.022(4)(f), or s.
 254 464.012(3), as applicable, a practitioner who supervises a
 255 licensed physician assistant or advanced registered nurse
 256 practitioner may authorize the licensed physician assistant or
 257 advanced registered nurse practitioner to order controlled
 258 substances for administration to a patient in a facility
 259 licensed under chapter 395 or part II of chapter 400.

260 (c) A veterinarian may ~~so~~ prescribe, administer, dispense,

261 mix, or prepare a controlled substance for use on animals only,
 262 and may cause the controlled substance ~~it~~ to be administered by
 263 an assistant or orderly under the veterinarian's direction and
 264 supervision only.

265 (d) A certified optometrist licensed under chapter 463 may
 266 not administer or prescribe a controlled substance listed in
 267 Schedule I or Schedule II of s. 893.03.

268 Section 8. For the purpose of incorporating the amendments
 269 made by this act to sections 458.347 and 459.022, Florida
 270 Statutes, in references thereto, subsection (26) of section
 271 400.462, Florida Statutes, is reenacted to read:

272 400.462 Definitions.—As used in this part, the term:

273 (26) "Physician assistant" means a person who is a
 274 graduate of an approved program or its equivalent, or meets
 275 standards approved by the boards, and is licensed to perform
 276 medical services delegated by the supervising physician, as
 277 defined in s. 458.347 or s. 459.022.

278 Section 9. For the purpose of incorporating the amendments
 279 made by this act to sections 458.347 and 459.022, Florida
 280 Statutes, in references thereto, subsection (18) of section
 281 409.906, Florida Statutes, is reenacted to read:

282 409.906 Optional Medicaid services.—Subject to specific
 283 appropriations, the agency may make payments for services which
 284 are optional to the state under Title XIX of the Social Security
 285 Act and are furnished by Medicaid providers to recipients who
 286 are determined to be eligible on the dates on which the services

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287 | were provided. Any optional service that is provided shall be
288 | provided only when medically necessary and in accordance with
289 | state and federal law. Optional services rendered by providers
290 | in mobile units to Medicaid recipients may be restricted or
291 | prohibited by the agency. Nothing in this section shall be
292 | construed to prevent or limit the agency from adjusting fees,
293 | reimbursement rates, lengths of stay, number of visits, or
294 | number of services, or making any other adjustments necessary to
295 | comply with the availability of moneys and any limitations or
296 | directions provided for in the General Appropriations Act or
297 | chapter 216. If necessary to safeguard the state's systems of
298 | providing services to elderly and disabled persons and subject
299 | to the notice and review provisions of s. 216.177, the Governor
300 | may direct the Agency for Health Care Administration to amend
301 | the Medicaid state plan to delete the optional Medicaid service
302 | known as "Intermediate Care Facilities for the Developmentally
303 | Disabled." Optional services may include:

304 | (18) PHYSICIAN ASSISTANT SERVICES.—The agency may pay for
305 | all services provided to a recipient by a physician assistant
306 | licensed under s. 458.347 or s. 459.022. Reimbursement for such
307 | services must be not less than 80 percent of the reimbursement
308 | that would be paid to a physician who provided the same
309 | services.

310 | Section 10. For the purpose of incorporating the
311 | amendments made by this act to sections 458.347, 459.022, and
312 | 464.012, Florida Statutes, in references thereto, subsection (1)

313 of section 401.445, Florida Statutes, is reenacted to read:

314 401.445 Emergency examination and treatment of
 315 incapacitated persons.—

316 (1) No recovery shall be allowed in any court in this
 317 state against any emergency medical technician, paramedic, or
 318 physician as defined in this chapter, any advanced registered
 319 nurse practitioner certified under s. 464.012, or any physician
 320 assistant licensed under s. 458.347 or s. 459.022, or any person
 321 acting under the direct medical supervision of a physician, in
 322 an action brought for examining or treating a patient without
 323 his or her informed consent if:

324 (a) The patient at the time of examination or treatment is
 325 intoxicated, under the influence of drugs, or otherwise
 326 incapable of providing informed consent as provided in s.
 327 766.103;

328 (b) The patient at the time of examination or treatment is
 329 experiencing an emergency medical condition; and

330 (c) The patient would reasonably, under all the
 331 surrounding circumstances, undergo such examination, treatment,
 332 or procedure if he or she were advised by the emergency medical
 333 technician, paramedic, physician, advanced registered nurse
 334 practitioner, or physician assistant in accordance with s.
 335 766.103(3).

336
 337 Examination and treatment provided under this subsection shall
 338 be limited to reasonable examination of the patient to determine

339 the medical condition of the patient and treatment reasonably
 340 necessary to alleviate the emergency medical condition or to
 341 stabilize the patient.

342 Section 11. For the purpose of incorporating the
 343 amendments made by this act to sections 458.347, 459.022, and
 344 464.012, Florida Statutes, in references thereto, subsection (3)
 345 of section 766.103, Florida Statutes, is reenacted to read:

346 766.103 Florida Medical Consent Law.—

347 (3) No recovery shall be allowed in any court in this
 348 state against any physician licensed under chapter 458,
 349 osteopathic physician licensed under chapter 459, chiropractic
 350 physician licensed under chapter 460, podiatric physician
 351 licensed under chapter 461, dentist licensed under chapter 466,
 352 advanced registered nurse practitioner certified under s.
 353 464.012, or physician assistant licensed under s. 458.347 or s.
 354 459.022 in an action brought for treating, examining, or
 355 operating on a patient without his or her informed consent when:

356 (a)1. The action of the physician, osteopathic physician,
 357 chiropractic physician, podiatric physician, dentist, advanced
 358 registered nurse practitioner, or physician assistant in
 359 obtaining the consent of the patient or another person
 360 authorized to give consent for the patient was in accordance
 361 with an accepted standard of medical practice among members of
 362 the medical profession with similar training and experience in
 363 the same or similar medical community as that of the person
 364 treating, examining, or operating on the patient for whom the

365 consent is obtained; and

366 2. A reasonable individual, from the information provided
 367 by the physician, osteopathic physician, chiropractic physician,
 368 podiatric physician, dentist, advanced registered nurse
 369 practitioner, or physician assistant, under the circumstances,
 370 would have a general understanding of the procedure, the
 371 medically acceptable alternative procedures or treatments, and
 372 the substantial risks and hazards inherent in the proposed
 373 treatment or procedures, which are recognized among other
 374 physicians, osteopathic physicians, chiropractic physicians,
 375 podiatric physicians, or dentists in the same or similar
 376 community who perform similar treatments or procedures; or

377 (b) The patient would reasonably, under all the
 378 surrounding circumstances, have undergone such treatment or
 379 procedure had he or she been advised by the physician,
 380 osteopathic physician, chiropractic physician, podiatric
 381 physician, dentist, advanced registered nurse practitioner, or
 382 physician assistant in accordance with the provisions of
 383 paragraph (a).

384 Section 12. For the purpose of incorporating the amendment
 385 made by this act to section 465.003, Florida Statutes, in a
 386 reference thereto, paragraph (a) of subsection (1) of section
 387 409.9201, Florida Statutes, is reenacted to read:

388 409.9201 Medicaid fraud.—

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

390 (a) "Prescription drug" means any drug, including, but not

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391 limited to, finished dosage forms or active ingredients that are
392 subject to, defined in, or described in s. 503(b) of the Federal
393 Food, Drug, and Cosmetic Act or in s. 465.003(8), s.
394 499.003(52), s. 499.007(13), or s. 499.82(10).

395
396 The value of individual items of the legend drugs or goods or
397 services involved in distinct transactions committed during a
398 single scheme or course of conduct, whether involving a single
399 person or several persons, may be aggregated when determining
400 the punishment for the offense.

401 Section 13. For the purpose of incorporating the amendment
402 made by this act to section 465.003, Florida Statutes, in a
403 reference thereto, subsection (1) of section 465.014, Florida
404 Statutes, is reenacted to read:

405 465.014 Pharmacy technician.—

406 (1) A person other than a licensed pharmacist or pharmacy
407 intern may not engage in the practice of the profession of
408 pharmacy, except that a licensed pharmacist may delegate to
409 pharmacy technicians who are registered pursuant to this section
410 those duties, tasks, and functions that do not fall within the
411 purview of s. 465.003(13). All such delegated acts must be
412 performed under the direct supervision of a licensed pharmacist
413 who is responsible for all such acts performed by persons under
414 his or her supervision. A registered pharmacy technician, under
415 the supervision of a pharmacist, may initiate or receive
416 communications with a practitioner or his or her agent, on

417 | behalf of a patient, regarding refill authorization requests. A
418 | licensed pharmacist may not supervise more than one registered
419 | pharmacy technician unless otherwise permitted by the guidelines
420 | adopted by the board. The board shall establish guidelines to be
421 | followed by licensees or permittees in determining the
422 | circumstances under which a licensed pharmacist may supervise
423 | more than one pharmacy technician.

424 | Section 14. For the purpose of incorporating the amendment
425 | made by this act to section 465.003, Florida Statutes, in a
426 | reference thereto, section 465.1901, Florida Statutes, is
427 | reenacted to read:

428 | 465.1901 Practice of orthotics and pedorthics.—The
429 | provisions of chapter 468 relating to orthotics or pedorthics do
430 | not apply to any licensed pharmacist or to any person acting
431 | under the supervision of a licensed pharmacist. The practice of
432 | orthotics or pedorthics by a pharmacist or any of the
433 | pharmacist's employees acting under the supervision of a
434 | pharmacist shall be construed to be within the meaning of the
435 | term "practice of the profession of pharmacy" as set forth in s.
436 | 465.003(13), and shall be subject to regulation in the same
437 | manner as any other pharmacy practice. The Board of Pharmacy
438 | shall develop rules regarding the practice of orthotics and
439 | pedorthics by a pharmacist. Any pharmacist or person under the
440 | supervision of a pharmacist engaged in the practice of orthotics
441 | or pedorthics is not precluded from continuing that practice
442 | pending adoption of these rules.

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443 Section 15. For the purpose of incorporating the amendment
 444 made by this act to section 465.003, Florida Statutes, in a
 445 reference thereto, subsection (43) of section 499.003, Florida
 446 Statutes, is reenacted to read:

447 499.003 Definitions of terms used in this part.—As used in
 448 this part, the term:

449 (43) "Prescription drug" means a prescription, medicinal,
 450 or legend drug, including, but not limited to, finished dosage
 451 forms or active pharmaceutical ingredients subject to, defined
 452 by, or described by s. 503(b) of the federal act or s.
 453 465.003(8), s. 499.007(13), subsection (32), or subsection (52),
 454 except that an active pharmaceutical ingredient is a
 455 prescription drug only if substantially all finished dosage
 456 forms in which it may be lawfully dispensed or administered in
 457 this state are also prescription drugs.

458 Section 16. For the purpose of incorporating the amendment
 459 made by this act to section 465.003, Florida Statutes, in a
 460 reference thereto, subsection (1) of section 831.30, Florida
 461 Statutes, is reenacted to read:

462 831.30 Medicinal drugs; fraud in obtaining.—Whoever:

463 (1) Falsely makes, alters, or forges any prescription, as
 464 defined in s. 465.003, for a medicinal drug other than a drug
 465 controlled by chapter 893;

466
 467 with intent to obtain such drug commits a misdemeanor of the
 468 second degree, punishable as provided in s. 775.082 or s.

469 775.083. A second or subsequent conviction constitutes a
 470 misdemeanor of the first degree, punishable as provided in s.
 471 775.082 or s. 775.083.

472 Section 17. For the purpose of incorporating the
 473 amendments made by this act to sections 465.003 and 893.02,
 474 Florida Statutes, in references thereto, paragraph (pp) of
 475 subsection (1) of section 458.331, Florida Statutes, is
 476 reenacted to read:

477 458.331 Grounds for disciplinary action; action by the
 478 board and department.—

479 (1) The following acts constitute grounds for denial of a
 480 license or disciplinary action, as specified in s. 456.072(2):

481 (pp) Applicable to a licensee who serves as the designated
 482 physician of a pain-management clinic as defined in s. 458.3265
 483 or s. 459.0137:

484 1. Registering a pain-management clinic through
 485 misrepresentation or fraud;

486 2. Procuring, or attempting to procure, the registration
 487 of a pain-management clinic for any other person by making or
 488 causing to be made, any false representation;

489 3. Failing to comply with any requirement of chapter 499,
 490 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the
 491 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,
 492 the Drug Abuse Prevention and Control Act; or chapter 893, the
 493 Florida Comprehensive Drug Abuse Prevention and Control Act;

494 4. Being convicted or found guilty of, regardless of

495 adjudication to, a felony or any other crime involving moral
 496 turpitude, fraud, dishonesty, or deceit in any jurisdiction of
 497 the courts of this state, of any other state, or of the United
 498 States;

499 5. Being convicted of, or disciplined by a regulatory
 500 agency of the Federal Government or a regulatory agency of
 501 another state for, any offense that would constitute a violation
 502 of this chapter;

503 6. Being convicted of, or entering a plea of guilty or
 504 nolo contendere to, regardless of adjudication, a crime in any
 505 jurisdiction of the courts of this state, of any other state, or
 506 of the United States which relates to the practice of, or the
 507 ability to practice, a licensed health care profession;

508 7. Being convicted of, or entering a plea of guilty or
 509 nolo contendere to, regardless of adjudication, a crime in any
 510 jurisdiction of the courts of this state, of any other state, or
 511 of the United States which relates to health care fraud;

512 8. Dispensing any medicinal drug based upon a
 513 communication that purports to be a prescription as defined in
 514 s. 465.003(14) or s. 893.02 if the dispensing practitioner knows
 515 or has reason to believe that the purported prescription is not
 516 based upon a valid practitioner-patient relationship; or

517 9. Failing to timely notify the board of the date of his
 518 or her termination from a pain-management clinic as required by
 519 s. 458.3265(2).

520 Section 18. For the purpose of incorporating the

521 amendments made by this act to sections 465.003 and 893.02,
 522 Florida Statutes, in references thereto, paragraph (rr) of
 523 subsection (1) of section 459.015, Florida Statutes, is
 524 reenacted to read:

525 459.015 Grounds for disciplinary action; action by the
 526 board and department.—

527 (1) The following acts constitute grounds for denial of a
 528 license or disciplinary action, as specified in s. 456.072(2):

529 (rr) Applicable to a licensee who serves as the designated
 530 physician of a pain-management clinic as defined in s. 458.3265
 531 or s. 459.0137:

532 1. Registering a pain-management clinic through
 533 misrepresentation or fraud;

534 2. Procuring, or attempting to procure, the registration
 535 of a pain-management clinic for any other person by making or
 536 causing to be made, any false representation;

537 3. Failing to comply with any requirement of chapter 499,
 538 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the
 539 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,
 540 the Drug Abuse Prevention and Control Act; or chapter 893, the
 541 Florida Comprehensive Drug Abuse Prevention and Control Act;

542 4. Being convicted or found guilty of, regardless of
 543 adjudication to, a felony or any other crime involving moral
 544 turpitude, fraud, dishonesty, or deceit in any jurisdiction of
 545 the courts of this state, of any other state, or of the United
 546 States;

547 5. Being convicted of, or disciplined by a regulatory
 548 agency of the Federal Government or a regulatory agency of
 549 another state for, any offense that would constitute a violation
 550 of this chapter;

551 6. Being convicted of, or entering a plea of guilty or
 552 nolo contendere to, regardless of adjudication, a crime in any
 553 jurisdiction of the courts of this state, of any other state, or
 554 of the United States which relates to the practice of, or the
 555 ability to practice, a licensed health care profession;

556 7. Being convicted of, or entering a plea of guilty or
 557 nolo contendere to, regardless of adjudication, a crime in any
 558 jurisdiction of the courts of this state, of any other state, or
 559 of the United States which relates to health care fraud;

560 8. Dispensing any medicinal drug based upon a
 561 communication that purports to be a prescription as defined in
 562 s. 465.003(14) or s. 893.02 if the dispensing practitioner knows
 563 or has reason to believe that the purported prescription is not
 564 based upon a valid practitioner-patient relationship; or

565 9. Failing to timely notify the board of the date of his
 566 or her termination from a pain-management clinic as required by
 567 s. 459.0137(2).

568 Section 19. For the purpose of incorporating the
 569 amendments made by this act to sections 465.003 and 893.02,
 570 Florida Statutes, in references thereto, paragraph (c) of
 571 subsection (2) and subsection (3) of section 465.015, Florida
 572 Statutes, are reenacted to read:

573 465.015 Violations and penalties.—

574 (2) It is unlawful for any person:

575 (c) To sell or dispense drugs as defined in s. 465.003(8)
576 without first being furnished with a prescription.

577 (3) It is unlawful for any pharmacist to knowingly fail to
578 report to the sheriff or other chief law enforcement agency of
579 the county where the pharmacy is located within 24 hours after
580 learning of any instance in which a person obtained or attempted
581 to obtain a controlled substance, as defined in s. 893.02, or at
582 the close of business on the next business day, whichever is
583 later, that the pharmacist knew or believed was obtained or
584 attempted to be obtained through fraudulent methods or
585 representations from the pharmacy at which the pharmacist
586 practiced pharmacy. Any pharmacist who knowingly fails to make
587 such a report within 24 hours after learning of the fraud or
588 attempted fraud or at the close of business on the next business
589 day, whichever is later, commits a misdemeanor of the first
590 degree, punishable as provided in s. 775.082 or s. 775.083. A
591 sufficient report of the fraudulent obtaining of controlled
592 substances under this subsection must contain, at a minimum, a
593 copy of the prescription used or presented and a narrative,
594 including all information available to the pharmacist concerning
595 the transaction, such as the name and telephone number of the
596 prescribing physician; the name, description, and any personal
597 identification information pertaining to the person who
598 presented the prescription; and all other material information,

599 such as photographic or video surveillance of the transaction.

600 Section 20. For the purpose of incorporating the
 601 amendments made by this act to sections 465.003 and 893.02,
 602 Florida Statutes, in references thereto, paragraph (s) of
 603 subsection (1) of section 465.016, Florida Statutes, is
 604 reenacted to read:

605 465.016 Disciplinary actions.—

606 (1) The following acts constitute grounds for denial of a
 607 license or disciplinary action, as specified in s. 456.072(2):

608 (s) Dispensing any medicinal drug based upon a
 609 communication that purports to be a prescription as defined by
 610 s. 465.003(14) or s. 893.02 when the pharmacist knows or has
 611 reason to believe that the purported prescription is not based
 612 upon a valid practitioner-patient relationship.

613 Section 21. For the purpose of incorporating the
 614 amendments made by this act to sections 465.003 and 893.02,
 615 Florida Statutes, in references thereto, paragraph (j) of
 616 subsection (5) of section 465.022, Florida Statutes, is
 617 reenacted to read:

618 465.022 Pharmacies; general requirements; fees.—

619 (5) The department or board shall deny an application for
 620 a pharmacy permit if the applicant or an affiliated person,
 621 partner, officer, director, or prescription department manager
 622 or consultant pharmacist of record of the applicant:

623 (j) Has dispensed any medicinal drug based upon a
 624 communication that purports to be a prescription as defined by

625 s. 465.003(14) or s. 893.02 when the pharmacist knows or has
 626 reason to believe that the purported prescription is not based
 627 upon a valid practitioner-patient relationship that includes a
 628 documented patient evaluation, including history and a physical
 629 examination adequate to establish the diagnosis for which any
 630 drug is prescribed and any other requirement established by
 631 board rule under chapter 458, chapter 459, chapter 461, chapter
 632 463, chapter 464, or chapter 466.

633
 634 For felonies in which the defendant entered a plea of guilty or
 635 nolo contendere in an agreement with the court to enter a
 636 pretrial intervention or drug diversion program, the department
 637 shall deny the application if upon final resolution of the case
 638 the licensee has failed to successfully complete the program.

639 Section 22. For the purpose of incorporating the
 640 amendments made by this act to sections 465.003 and 893.02,
 641 Florida Statutes, in references thereto, paragraph (h) of
 642 subsection (1) of section 465.023, Florida Statutes, is
 643 reenacted to read:

644 465.023 Pharmacy permittee; disciplinary action.—

645 (1) The department or the board may revoke or suspend the
 646 permit of any pharmacy permittee, and may fine, place on
 647 probation, or otherwise discipline any pharmacy permittee if the
 648 permittee, or any affiliated person, partner, officer, director,
 649 or agent of the permittee, including a person fingerprinted
 650 under s. 465.022(3), has:

651 (h) Dispensed any medicinal drug based upon a
652 communication that purports to be a prescription as defined by
653 s. 465.003(14) or s. 893.02 when the pharmacist knows or has
654 reason to believe that the purported prescription is not based
655 upon a valid practitioner-patient relationship that includes a
656 documented patient evaluation, including history and a physical
657 examination adequate to establish the diagnosis for which any
658 drug is prescribed and any other requirement established by
659 board rule under chapter 458, chapter 459, chapter 461, chapter
660 463, chapter 464, or chapter 466.

661 Section 23. For the purpose of incorporating the amendment
662 made by this act to section 893.02, Florida Statutes, in a
663 reference thereto, paragraph (i) of subsection (5) of section
664 112.0455, Florida Statutes, is reenacted to read:

665 112.0455 Drug-Free Workplace Act.—

666 (5) DEFINITIONS.—Except where the context otherwise
667 requires, as used in this act:

668 (i) "Prescription or nonprescription medication" means a
669 drug or medication obtained pursuant to a prescription as
670 defined by s. 893.02 or a medication that is authorized pursuant
671 to federal or state law for general distribution and use without
672 a prescription in the treatment of human diseases, ailments, or
673 injuries.

674 Section 24. For the purpose of incorporating the amendment
675 made by this act to section 893.02, Florida Statutes, in a
676 reference thereto, paragraph (b) of subsection (7) of section

677 381.986, Florida Statutes, is reenacted to read:

678 381.986 Compassionate use of low-THC cannabis.—

679 (7) EXCEPTIONS TO OTHER LAWS.—

680 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
 681 any other provision of law, but subject to the requirements of
 682 this section, an approved dispensing organization and its
 683 owners, managers, and employees may manufacture, possess, sell,
 684 deliver, distribute, dispense, and lawfully dispose of
 685 reasonable quantities, as established by department rule, of
 686 low-THC cannabis. For purposes of this subsection, the terms
 687 "manufacture," "possession," "deliver," "distribute," and
 688 "dispense" have the same meanings as provided in s. 893.02.

689 Section 25. For the purpose of incorporating the amendment
 690 made by this act to section 893.02, Florida Statutes, in a
 691 reference thereto, paragraph (1) of subsection (1) of section
 692 440.102, Florida Statutes, is reenacted to read:

693 440.102 Drug-free workplace program requirements.—The
 694 following provisions apply to a drug-free workplace program
 695 implemented pursuant to law or to rules adopted by the Agency
 696 for Health Care Administration:

697 (1) DEFINITIONS.—Except where the context otherwise
 698 requires, as used in this act:

699 (1) "Prescription or nonprescription medication" means a
 700 drug or medication obtained pursuant to a prescription as
 701 defined by s. 893.02 or a medication that is authorized pursuant
 702 to federal or state law for general distribution and use without

703 a prescription in the treatment of human diseases, ailments, or
704 injuries.

705 Section 26. For the purpose of incorporating the amendment
706 made by this act to section 893.02, Florida Statutes, in a
707 reference thereto, subsection (14) of section 499.0121, Florida
708 Statutes, is reenacted to read:

709 499.0121 Storage and handling of prescription drugs;
710 recordkeeping.—The department shall adopt rules to implement
711 this section as necessary to protect the public health, safety,
712 and welfare. Such rules shall include, but not be limited to,
713 requirements for the storage and handling of prescription drugs
714 and for the establishment and maintenance of prescription drug
715 distribution records.

716 (14) DISTRIBUTION REPORTING.—Each prescription drug
717 wholesale distributor, out-of-state prescription drug wholesale
718 distributor, retail pharmacy drug wholesale distributor,
719 manufacturer, or repackager that engages in the wholesale
720 distribution of controlled substances as defined in s. 893.02
721 shall submit a report to the department of its receipts and
722 distributions of controlled substances listed in Schedule II,
723 Schedule III, Schedule IV, or Schedule V as provided in s.
724 893.03. Wholesale distributor facilities located within this
725 state shall report all transactions involving controlled
726 substances, and wholesale distributor facilities located outside
727 this state shall report all distributions to entities located in
728 this state. If the prescription drug wholesale distributor, out-

729 of-state prescription drug wholesale distributor, retail
730 pharmacy drug wholesale distributor, manufacturer, or repackager
731 does not have any controlled substance distributions for the
732 month, a report shall be sent indicating that no distributions
733 occurred in the period. The report shall be submitted monthly by
734 the 20th of the next month, in the electronic format used for
735 controlled substance reporting to the Automation of Reports and
736 Consolidated Orders System division of the federal Drug
737 Enforcement Administration. Submission of electronic data must
738 be made in a secured Internet environment that allows for manual
739 or automated transmission. Upon successful transmission, an
740 acknowledgment page must be displayed to confirm receipt. The
741 report must contain the following information:

742 (a) The federal Drug Enforcement Administration
743 registration number of the wholesale distributing location.

744 (b) The federal Drug Enforcement Administration
745 registration number of the entity to which the drugs are
746 distributed or from which the drugs are received.

747 (c) The transaction code that indicates the type of
748 transaction.

749 (d) The National Drug Code identifier of the product and
750 the quantity distributed or received.

751 (e) The Drug Enforcement Administration Form 222 number or
752 Controlled Substance Ordering System Identifier on all Schedule
753 II transactions.

754 (f) The date of the transaction.

755
756 The department must share the reported data with the Department
757 of Law Enforcement and local law enforcement agencies upon
758 request and must monitor purchasing to identify purchasing
759 levels that are inconsistent with the purchasing entity's
760 clinical needs. The Department of Law Enforcement shall
761 investigate purchases at levels that are inconsistent with the
762 purchasing entity's clinical needs to determine whether
763 violations of chapter 893 have occurred.

764 Section 27. For the purpose of incorporating the amendment
765 made by this act to section 893.02, Florida Statutes, in a
766 reference thereto, paragraph (b) of subsection (1) of section
767 768.36, Florida Statutes, is reenacted to read:

768 768.36 Alcohol or drug defense.—

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

770 (b) "Drug" means any chemical substance set forth in s.
771 877.111 or any substance controlled under chapter 893. The term
772 does not include any drug or medication obtained pursuant to a
773 prescription as defined in s. 893.02 which was taken in
774 accordance with the prescription, or any medication that is
775 authorized under state or federal law for general distribution
776 and use without a prescription in treating human diseases,
777 ailments, or injuries and that was taken in the recommended
778 dosage.

779 Section 28. For the purpose of incorporating the amendment
780 made by this act to section 893.02, Florida Statutes, in a

781 reference thereto, paragraph (f) of subsection (3) of section
 782 810.02, Florida Statutes, is reenacted to read:

783 810.02 Burglary.—

784 (3) Burglary is a felony of the second degree, punishable
 785 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
 786 course of committing the offense, the offender does not make an
 787 assault or battery and is not and does not become armed with a
 788 dangerous weapon or explosive, and the offender enters or
 789 remains in a:

790 (f) Structure or conveyance when the offense intended to
 791 be committed therein is theft of a controlled substance as
 792 defined in s. 893.02. Notwithstanding any other law, separate
 793 judgments and sentences for burglary with the intent to commit
 794 theft of a controlled substance under this paragraph and for any
 795 applicable possession of controlled substance offense under s.
 796 893.13 or trafficking in controlled substance offense under s.
 797 893.135 may be imposed when all such offenses involve the same
 798 amount or amounts of a controlled substance.

799
 800 However, if the burglary is committed within a county that is
 801 subject to a state of emergency declared by the Governor under
 802 chapter 252 after the declaration of emergency is made and the
 803 perpetration of the burglary is facilitated by conditions
 804 arising from the emergency, the burglary is a felony of the
 805 first degree, punishable as provided in s. 775.082, s. 775.083,
 806 or s. 775.084. As used in this subsection, the term "conditions

807 arising from the emergency" means civil unrest, power outages,
 808 curfews, voluntary or mandatory evacuations, or a reduction in
 809 the presence of or response time for first responders or
 810 homeland security personnel. A person arrested for committing a
 811 burglary within a county that is subject to such a state of
 812 emergency may not be released until the person appears before a
 813 committing magistrate at a first appearance hearing. For
 814 purposes of sentencing under chapter 921, a felony offense that
 815 is reclassified under this subsection is ranked one level above
 816 the ranking under s. 921.0022 or s. 921.0023 of the offense
 817 committed.

818 Section 29. For the purpose of incorporating the amendment
 819 made by this act to section 893.02, Florida Statutes, in a
 820 reference thereto, paragraph (c) of subsection (2) of section
 821 812.014, Florida Statutes, is reenacted to read:

822 812.014 Theft.—

823 (2)

824 (c) It is grand theft of the third degree and a felony of
 825 the third degree, punishable as provided in s. 775.082, s.
 826 775.083, or s. 775.084, if the property stolen is:

- 827 1. Valued at \$300 or more, but less than \$5,000.
- 828 2. Valued at \$5,000 or more, but less than \$10,000.
- 829 3. Valued at \$10,000 or more, but less than \$20,000.
- 830 4. A will, codicil, or other testamentary instrument.
- 831 5. A firearm.
- 832 6. A motor vehicle, except as provided in paragraph (a).

833 7. Any commercially farmed animal, including any animal of
 834 the equine, bovine, or swine class or other grazing animal; a
 835 bee colony of a registered beekeeper; and aquaculture species
 836 raised at a certified aquaculture facility. If the property
 837 stolen is aquaculture species raised at a certified aquaculture
 838 facility, then a \$10,000 fine shall be imposed.

839 8. Any fire extinguisher.

840 9. Any amount of citrus fruit consisting of 2,000 or more
 841 individual pieces of fruit.

842 10. Taken from a designated construction site identified
 843 by the posting of a sign as provided for in s. 810.09(2)(d).

844 11. Any stop sign.

845 12. Anhydrous ammonia.

846 13. Any amount of a controlled substance as defined in s.
 847 893.02. Notwithstanding any other law, separate judgments and
 848 sentences for theft of a controlled substance under this
 849 subparagraph and for any applicable possession of controlled
 850 substance offense under s. 893.13 or trafficking in controlled
 851 substance offense under s. 893.135 may be imposed when all such
 852 offenses involve the same amount or amounts of a controlled
 853 substance.

854
 855 However, if the property is stolen within a county that is
 856 subject to a state of emergency declared by the Governor under
 857 chapter 252, the property is stolen after the declaration of
 858 emergency is made, and the perpetration of the theft is

859 facilitated by conditions arising from the emergency, the
860 offender commits a felony of the second degree, punishable as
861 provided in s. 775.082, s. 775.083, or s. 775.084, if the
862 property is valued at \$5,000 or more, but less than \$10,000, as
863 provided under subparagraph 2., or if the property is valued at
864 \$10,000 or more, but less than \$20,000, as provided under
865 subparagraph 3. As used in this paragraph, the term "conditions
866 arising from the emergency" means civil unrest, power outages,
867 curfews, voluntary or mandatory evacuations, or a reduction in
868 the presence of or the response time for first responders or
869 homeland security personnel. For purposes of sentencing under
870 chapter 921, a felony offense that is reclassified under this
871 paragraph is ranked one level above the ranking under s.
872 921.0022 or s. 921.0023 of the offense committed.

873 Section 30. For the purpose of incorporating the amendment
874 made by this act to section 893.02, Florida Statutes, in a
875 reference thereto, paragraph (c) of subsection (1) of section
876 856.015, Florida Statutes, is reenacted to read:

877 856.015 Open house parties.—

878 (1) Definitions.—As used in this section:

879 (c) "Drug" means a controlled substance, as that term is
880 defined in ss. 893.02(4) and 893.03.

881 Section 31. For the purpose of incorporating the amendment
882 made by this act to section 893.02, Florida Statutes, in a
883 reference thereto, paragraph (a) of subsection (1) of section
884 944.47, Florida Statutes, is reenacted to read:

885 944.47 Introduction, removal, or possession of certain
886 articles unlawful; penalty.—

887 (1) (a) Except through regular channels as authorized by
888 the officer in charge of the correctional institution, it is
889 unlawful to introduce into or upon the grounds of any state
890 correctional institution, or to take or attempt to take or send
891 or attempt to send therefrom, any of the following articles
892 which are hereby declared to be contraband for the purposes of
893 this section, to wit:

894 1. Any written or recorded communication or any currency
895 or coin given or transmitted, or intended to be given or
896 transmitted, to any inmate of any state correctional
897 institution.

898 2. Any article of food or clothing given or transmitted,
899 or intended to be given or transmitted, to any inmate of any
900 state correctional institution.

901 3. Any intoxicating beverage or beverage which causes or
902 may cause an intoxicating effect.

903 4. Any controlled substance as defined in s. 893.02(4) or
904 any prescription or nonprescription drug having a hypnotic,
905 stimulating, or depressing effect.

906 5. Any firearm or weapon of any kind or any explosive
907 substance.

908 6. Any cellular telephone or other portable communication
909 device intentionally and unlawfully introduced inside the secure
910 perimeter of any state correctional institution without prior

911 authorization or consent from the officer in charge of such
912 correctional institution. As used in this subparagraph, the term
913 "portable communication device" means any device carried, worn,
914 or stored which is designed or intended to receive or transmit
915 verbal or written messages, access or store data, or connect
916 electronically to the Internet or any other electronic device
917 and which allows communications in any form. Such devices
918 include, but are not limited to, portable two-way pagers, hand-
919 held radios, cellular telephones, Blackberry-type devices,
920 personal digital assistants or PDA's, laptop computers, or any
921 components of these devices which are intended to be used to
922 assemble such devices. The term also includes any new technology
923 that is developed for similar purposes. Excluded from this
924 definition is any device having communication capabilities which
925 has been approved or issued by the department for investigative
926 or institutional security purposes or for conducting other state
927 business.

928 Section 32. For the purpose of incorporating the amendment
929 made by this act to section 893.02, Florida Statutes, in a
930 reference thereto, subsection (1) of section 951.22, Florida
931 Statutes, is reenacted to read:

932 951.22 County detention facilities; contraband articles.-

933 (1) It is unlawful, except through regular channels as
934 duly authorized by the sheriff or officer in charge, to
935 introduce into or possess upon the grounds of any county
936 detention facility as defined in s. 951.23 or to give to or

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937 receive from any inmate of any such facility wherever said
938 inmate is located at the time or to take or to attempt to take
939 or send therefrom any of the following articles which are hereby
940 declared to be contraband for the purposes of this act, to wit:
941 Any written or recorded communication; any currency or coin; any
942 article of food or clothing; any tobacco products as defined in
943 s. 210.25(11); any cigarette as defined in s. 210.01(1); any
944 cigar; any intoxicating beverage or beverage which causes or may
945 cause an intoxicating effect; any narcotic, hypnotic, or
946 excitative drug or drug of any kind or nature, including nasal
947 inhalators, sleeping pills, barbiturates, and controlled
948 substances as defined in s. 893.02(4); any firearm or any
949 instrumentality customarily used or which is intended to be used
950 as a dangerous weapon; and any instrumentality of any nature
951 that may be or is intended to be used as an aid in effecting or
952 attempting to effect an escape from a county facility.

953 Section 33. For the purpose of incorporating the amendment
954 made by this act to section 893.02, Florida Statutes, in a
955 reference thereto, paragraph (a) of subsection (1) of section
956 985.711, Florida Statutes, is reenacted to read:

957 985.711 Introduction, removal, or possession of certain
958 articles unlawful; penalty.—

959 (1) (a) Except as authorized through program policy or
960 operating procedure or as authorized by the facility
961 superintendent, program director, or manager, a person may not
962 introduce into or upon the grounds of a juvenile detention

963 facility or commitment program, or take or send, or attempt to
 964 take or send, from a juvenile detention facility or commitment
 965 program, any of the following articles, which are declared to be
 966 contraband under this section:

- 967 1. Any unauthorized article of food or clothing.
- 968 2. Any intoxicating beverage or any beverage that causes
 969 or may cause an intoxicating effect.
- 970 3. Any controlled substance, as defined in s. 893.02(4),
 971 or any prescription or nonprescription drug that has a hypnotic,
 972 stimulating, or depressing effect.
- 973 4. Any firearm or weapon of any kind or any explosive
 974 substance.

975 Section 34. For the purpose of incorporating the amendment
 976 made by this act to section 893.02, Florida Statutes, in a
 977 reference thereto, paragraph (i) of subsection (1) of section
 978 1003.57, Florida Statutes, is reenacted to read:

979 1003.57 Exceptional students instruction.-

980 (1)

981 (i) For purposes of paragraph (h), the term:

982 1. "Controlled substance" means a drug or other substance
 983 identified under Schedule I, Schedule II, Schedule III, Schedule
 984 IV, or Schedule V of the Controlled Substances Act, 21 U.S.C. s.
 985 812(c) and s. 893.02(4).

986 2. "Weapon" means a device, instrument, material, or
 987 substance, animate or inanimate, which is used for, or is
 988 readily capable of, causing death or serious bodily injury;

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989 | however, this definition does not include a pocketknife having a
990 | blade that is less than 2 1/2 inches in length.

991 | Section 35. For the purpose of incorporating the amendment
992 | made by this act to section 893.02, Florida Statutes, in a
993 | reference thereto, subsection (8) of section 1006.09, Florida
994 | Statutes, is reenacted to read:

995 | 1006.09 Duties of school principal relating to student
996 | discipline and school safety.—

997 | (8) The school principal shall require all school
998 | personnel to report to the principal or principal's designee any
999 | suspected unlawful use, possession, or sale by a student of any
1000 | controlled substance, as defined in s. 893.02; any counterfeit
1001 | controlled substance, as defined in s. 831.31; any alcoholic
1002 | beverage, as defined in s. 561.01(4); or model glue. School
1003 | personnel are exempt from civil liability when reporting in good
1004 | faith to the proper school authority such suspected unlawful
1005 | use, possession, or sale by a student. Only a principal or
1006 | principal's designee is authorized to contact a parent or legal
1007 | guardian of a student regarding this situation. Reports made and
1008 | verified under this subsection shall be forwarded to an
1009 | appropriate agency. The principal or principal's designee shall
1010 | timely notify the student's parent that a verified report made
1011 | under this subsection with respect to the student has been made
1012 | and forwarded.

1013 | Section 36. For the purpose of incorporating the
1014 | amendments made by this act to sections 893.04 and 893.05,

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1015 Florida Statutes, in references thereto, paragraphs (d) and (e)
1016 of subsection (3) of section 893.0551, Florida Statutes, are
1017 reenacted to read:

1018 893.0551 Public records exemption for the prescription
1019 drug monitoring program.—

1020 (3) The department shall disclose such confidential and
1021 exempt information to the following persons or entities upon
1022 request and after using a verification process to ensure the
1023 legitimacy of the request as provided in s. 893.055:

1024 (d) A health care practitioner who certifies that the
1025 information is necessary to provide medical treatment to a
1026 current patient in accordance with ss. 893.05 and 893.055.

1027 (e) A pharmacist who certifies that the requested
1028 information will be used to dispense controlled substances to a
1029 current patient in accordance with ss. 893.04 and 893.055.

1030 Section 37. This act shall take effect July 1, 2016.

By Senator Grimsley

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1 A bill to be entitled
2 An act relating to health care; amending s. 110.12315,
3 F.S.; expanding the categories of persons who may
4 prescribe brand name drugs under the prescription drug
5 program when medically necessary; amending ss.
6 310.071, 310.073, and 310.081, F.S.; exempting
7 controlled substances prescribed by an advanced
8 registered nurse practitioner or a physician assistant
9 from the disqualifications for certification or
10 licensure, and for continued certification or
11 licensure, as a deputy pilot or state pilot; repealing
12 s. 383.336, F.S., relating to provider hospitals,
13 practice parameters, and peer review boards; amending
14 s. 395.1051, F.S.; requiring a hospital to provide
15 specified advance notice to certain obstetrical
16 physicians before it closes its obstetrical department
17 or ceases to provide obstetrical services; amending s.
18 456.072, F.S.; applying existing penalties for
19 violations relating to the prescribing or dispensing
20 of controlled substances by an advanced registered
21 nurse practitioner; amending s. 456.44, F.S.; defining
22 the term "registrant"; deleting an obsolete date;
23 requiring advanced registered nurse practitioners and
24 physician assistants who prescribe controlled
25 substances for the treatment of certain pain to make a
26 certain designation, comply with registration
27 requirements, and follow specified standards of
28 practice; providing applicability; amending ss.
29 458.3265 and 459.0137, F.S.; limiting the authority to

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30 prescribe a controlled substance in a pain-management
31 clinic only to a physician licensed under ch. 458 or
32 ch. 459, F.S.; amending s. 458.347, F.S.; revising the
33 required continuing education requirements for a
34 physician assistant; requiring that a specified
35 formulary limit the prescription of certain controlled
36 substances by physician assistants as of a specified
37 date; amending s. 464.003, F.S.; revising the term
38 "advanced or specialized nursing practice"; deleting
39 the joint committee established in the definition;
40 amending s. 464.012, F.S.; requiring the Board of
41 Nursing to establish a committee to recommend a
42 formulary of controlled substances that may not be
43 prescribed, or may be prescribed only on a limited
44 basis, by an advanced registered nurse practitioner;
45 specifying the membership of the committee; providing
46 parameters for the formulary; requiring that the
47 formulary be adopted by board rule; specifying the
48 process for amending the formulary and imposing a
49 burden of proof; limiting the formulary's application
50 in certain instances; requiring the board to adopt the
51 committee's initial recommendations by a specified
52 date; authorizing an advanced registered nurse
53 practitioner to prescribe, dispense, administer, or
54 order drugs, including certain controlled substances
55 under certain circumstances, as of a specified date;
56 amending s. 464.013, F.S.; revising continuing
57 education requirements for renewal of a license or
58 certificate; amending s. 464.018, F.S.; specifying

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59 acts that constitute grounds for denial of a license
60 or for disciplinary action against an advanced
61 registered nurse practitioner; creating s. 627.42392,
62 F.S.; defining the term "health insurer"; requiring
63 that certain health insurers that do not already use a
64 certain form use only a prior authorization form
65 approved by the Financial Services Commission;
66 requiring the commission to adopt by rule guidelines
67 for such forms; amending s. 627.6131, F.S.;

68 prohibiting a health insurer from retroactively
69 denying a claim under specified circumstances;
70 amending s. 641.3155, F.S.; prohibiting a health
71 maintenance organization from retroactively denying a
72 claim under specified circumstances; amending s.
73 893.02, F.S.; revising the term "practitioner" to
74 include advanced registered nurse practitioners and
75 physician assistants under the Florida Comprehensive
76 Drug Abuse Prevention and Control Act if a certain
77 requirement is met; amending s. 948.03, F.S.;

78 providing that possession of drugs or narcotics
79 prescribed by an advanced registered nurse
80 practitioner or a physician assistant does not violate
81 a prohibition relating to the possession of drugs or
82 narcotics during probation; amending ss. 458.348 and
83 459.025, F.S.; conforming provisions to changes made
84 by the act; reenacting ss. 458.331(10), 458.347(7)(g),
85 459.015(10), 459.022(7)(f), and 465.0158(5)(b), F.S.,
86 to incorporate the amendment made to s. 456.072, F.S.,
87 in references thereto; reenacting ss. 456.072(1)(mm)

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88 and 466.02751, F.S., to incorporate the amendment made
89 to s. 456.44, F.S., in references thereto; reenacting
90 ss. 458.303, 458.3475(7)(b), 459.022(4)(e) and (9)(c),
91 and 459.023(7)(b), F.S., to incorporate the amendment
92 made to s. 458.347, F.S., in references thereto;
93 reenacting s. 464.012(3)(c), F.S., to incorporate the
94 amendment made to s. 464.003, F.S., in a reference
95 thereto; reenacting ss. 456.041(1)(a), 458.348(1) and
96 (2), and 459.025(1), F.S., to incorporate the
97 amendment made to s. 464.012, F.S., in references
98 thereto; reenacting s. 464.0205(7), F.S., to
99 incorporate the amendment made to s. 464.013, F.S., in
100 a reference thereto; reenacting ss. 320.0848(11),
101 464.008(2), 464.009(5), and 464.0205(1)(b), (3), and
102 (4)(b), F.S., to incorporate the amendment made to s.
103 464.018, F.S., in references thereto; reenacting s.
104 775.051, F.S., to incorporate the amendment made to s.
105 893.02, F.S., in a reference thereto; reenacting ss.
106 944.17(3)(a), 948.001(8), and 948.101(1)(e), F.S., to
107 incorporate the amendment made to s. 948.03, F.S., in
108 references thereto; providing effective dates.

109
110 Be It Enacted by the Legislature of the State of Florida:

111
112 Section 1. Subsection (7) of section 110.12315, Florida
113 Statutes, is amended to read:

114 110.12315 Prescription drug program.—The state employees'
115 prescription drug program is established. This program shall be
116 administered by the Department of Management Services, according

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117 to the terms and conditions of the plan as established by the
118 relevant provisions of the annual General Appropriations Act and
119 implementing legislation, subject to the following conditions:

120 (7) The department shall establish the reimbursement
121 schedule for prescription pharmaceuticals dispensed under the
122 program. Reimbursement rates for a prescription pharmaceutical
123 must be based on the cost of the generic equivalent drug if a
124 generic equivalent exists, unless the physician, advanced
125 registered nurse practitioner, or physician assistant
126 prescribing the pharmaceutical clearly states on the
127 prescription that the brand name drug is medically necessary or
128 that the drug product is included on the formulary of drug
129 products that may not be interchanged as provided in chapter
130 465, in which case reimbursement must be based on the cost of
131 the brand name drug as specified in the reimbursement schedule
132 adopted by the department.

133 Section 2. Paragraph (c) of subsection (1) of section
134 310.071, Florida Statutes, is amended, and subsection (3) of
135 that section is republished, to read:

136 310.071 Deputy pilot certification.—

137 (1) In addition to meeting other requirements specified in
138 this chapter, each applicant for certification as a deputy pilot
139 must:

140 (c) Be in good physical and mental health, as evidenced by
141 documentary proof of having satisfactorily passed a complete
142 physical examination administered by a licensed physician within
143 the preceding 6 months. The board shall adopt rules to establish
144 requirements for passing the physical examination, which rules
145 shall establish minimum standards for the physical or mental

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146 capabilities necessary to carry out the professional duties of a
147 certificated deputy pilot. Such standards shall include zero
148 tolerance for any controlled substance regulated under chapter
149 893 unless that individual is under the care of a physician, an
150 advanced registered nurse practitioner, or a physician assistant
151 and that controlled substance was prescribed by that physician,
152 advanced registered nurse practitioner, or physician assistant.
153 To maintain eligibility as a certificated deputy pilot, each
154 certificated deputy pilot must annually provide documentary
155 proof of having satisfactorily passed a complete physical
156 examination administered by a licensed physician. The physician
157 must know the minimum standards and certify that the
158 certificateholder satisfactorily meets the standards. The
159 standards for certificateholders shall include a drug test.

160 (3) The initial certificate issued to a deputy pilot shall
161 be valid for a period of 12 months, and at the end of this
162 period, the certificate shall automatically expire and shall not
163 be renewed. During this period, the board shall thoroughly
164 evaluate the deputy pilot's performance for suitability to
165 continue training and shall make appropriate recommendations to
166 the department. Upon receipt of a favorable recommendation by
167 the board, the department shall issue a certificate to the
168 deputy pilot, which shall be valid for a period of 2 years. The
169 certificate may be renewed only two times, except in the case of
170 a fully licensed pilot who is cross-licensed as a deputy pilot
171 in another port, and provided the deputy pilot meets the
172 requirements specified for pilots in paragraph (1)(c).

173 Section 3. Subsection (3) of section 310.073, Florida
174 Statutes, is amended to read:

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175 310.073 State pilot licensing.—In addition to meeting other
176 requirements specified in this chapter, each applicant for
177 license as a state pilot must:

178 (3) Be in good physical and mental health, as evidenced by
179 documentary proof of having satisfactorily passed a complete
180 physical examination administered by a licensed physician within
181 the preceding 6 months. The board shall adopt rules to establish
182 requirements for passing the physical examination, which rules
183 shall establish minimum standards for the physical or mental
184 capabilities necessary to carry out the professional duties of a
185 licensed state pilot. Such standards shall include zero
186 tolerance for any controlled substance regulated under chapter
187 893 unless that individual is under the care of a physician, an
188 advanced registered nurse practitioner, or a physician assistant
189 and that controlled substance was prescribed by that physician,
190 advanced registered nurse practitioner, or physician assistant.
191 To maintain eligibility as a licensed state pilot, each licensed
192 state pilot must annually provide documentary proof of having
193 satisfactorily passed a complete physical examination
194 administered by a licensed physician. The physician must know
195 the minimum standards and certify that the licensee
196 satisfactorily meets the standards. The standards for licensees
197 shall include a drug test.

198 Section 4. Paragraph (b) of subsection (3) of section
199 310.081, Florida Statutes, is amended to read:

200 310.081 Department to examine and license state pilots and
201 certificate deputy pilots; vacancies.—

202 (3) Pilots shall hold their licenses or certificates
203 pursuant to the requirements of this chapter so long as they:

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204 (b) Are in good physical and mental health as evidenced by
205 documentary proof of having satisfactorily passed a physical
206 examination administered by a licensed physician or physician
207 assistant within each calendar year. The board shall adopt rules
208 to establish requirements for passing the physical examination,
209 which rules shall establish minimum standards for the physical
210 or mental capabilities necessary to carry out the professional
211 duties of a licensed state pilot or a certificated deputy pilot.
212 Such standards shall include zero tolerance for any controlled
213 substance regulated under chapter 893 unless that individual is
214 under the care of a physician, an advanced registered nurse
215 practitioner, or a physician assistant and that controlled
216 substance was prescribed by that physician, advanced registered
217 nurse practitioner, or physician assistant. To maintain
218 eligibility as a certificated deputy pilot or licensed state
219 pilot, each certificated deputy pilot or licensed state pilot
220 must annually provide documentary proof of having satisfactorily
221 passed a complete physical examination administered by a
222 licensed physician. The physician must know the minimum
223 standards and certify that the certificateholder or licensee
224 satisfactorily meets the standards. The standards for
225 certificateholders and for licensees shall include a drug test.

226
227 Upon resignation or in the case of disability permanently
228 affecting a pilot's ability to serve, the state license or
229 certificate issued under this chapter shall be revoked by the
230 department.

231 Section 5. Section 383.336, Florida Statutes, is repealed.

232 Section 6. Section 395.1051, Florida Statutes, is amended

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233 to read:

234 395.1051 Duty to notify patients and physicians.-

235 (1) An appropriately trained person designated by each
236 licensed facility shall inform each patient, or an individual
237 identified pursuant to s. 765.401(1), in person about adverse
238 incidents that result in serious harm to the patient.
239 Notification of outcomes of care which ~~that~~ result in harm to
240 the patient under this section does ~~shall~~ not constitute an
241 acknowledgment or admission of liability and may not, ~~nor can it~~
242 be introduced as evidence.

243 (2) A hospital shall notify each obstetrical physician who
244 has privileges at the hospital at least 90 days before the
245 hospital closes its obstetrical department or ceases to provide
246 obstetrical services.

247 Section 7. Subsection (7) of section 456.072, Florida
248 Statutes, is amended to read:

249 456.072 Grounds for discipline; penalties; enforcement.-

250 (7) Notwithstanding subsection (2), upon a finding that a
251 physician has prescribed or dispensed a controlled substance, or
252 caused a controlled substance to be prescribed or dispensed, in
253 a manner that violates the standard of practice set forth in s.
254 458.331(1)(q) or (t), s. 459.015(1)(t) or (x), s. 461.013(1)(o)
255 or (s), or s. 466.028(1)(p) or (x), or that an advanced
256 registered nurse practitioner has prescribed or dispensed a
257 controlled substance, or caused a controlled substance to be
258 prescribed or dispensed, in a manner that violates the standard
259 of practice set forth in s. 464.018(1)(n) or (p)6., the
260 physician or advanced registered nurse practitioner shall be
261 suspended for a period of not less than 6 months and pay a fine

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262 of not less than \$10,000 per count. Repeated violations shall
263 result in increased penalties.

264 Section 8. Section 456.44, Florida Statutes, is amended to
265 read:

266 456.44 Controlled substance prescribing.—

267 (1) DEFINITIONS.—As used in this section, the term:

268 (a) "Addiction medicine specialist" means a board-certified
269 psychiatrist with a subspecialty certification in addiction
270 medicine or who is eligible for such subspecialty certification
271 in addiction medicine, an addiction medicine physician certified
272 or eligible for certification by the American Society of
273 Addiction Medicine, or an osteopathic physician who holds a
274 certificate of added qualification in Addiction Medicine through
275 the American Osteopathic Association.

276 (b) "Adverse incident" means any incident set forth in s.
277 458.351(4)(a)-(e) or s. 459.026(4)(a)-(e).

278 (c) "Board-certified pain management physician" means a
279 physician who possesses board certification in pain medicine by
280 the American Board of Pain Medicine, board certification by the
281 American Board of Interventional Pain Physicians, or board
282 certification or subcertification in pain management or pain
283 medicine by a specialty board recognized by the American
284 Association of Physician Specialists or the American Board of
285 Medical Specialties or an osteopathic physician who holds a
286 certificate in Pain Management by the American Osteopathic
287 Association.

288 (d) "Board eligible" means successful completion of an
289 anesthesia, physical medicine and rehabilitation, rheumatology,
290 or neurology residency program approved by the Accreditation

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291 Council for Graduate Medical Education or the American
292 Osteopathic Association for a period of 6 years from successful
293 completion of such residency program.

294 (e) "Chronic nonmalignant pain" means pain unrelated to
295 cancer which persists beyond the usual course of disease or the
296 injury that is the cause of the pain or more than 90 days after
297 surgery.

298 (f) "Mental health addiction facility" means a facility
299 licensed under chapter 394 or chapter 397.

300 (g) "Registrant" means a physician, a physician assistant,
301 or an advanced registered nurse practitioner who meets the
302 requirements of subsection (2).

303 (2) REGISTRATION. ~~Effective January 1, 2012,~~ A physician
304 licensed under chapter 458, chapter 459, chapter 461, or chapter
305 466, a physician assistant licensed under chapter 458 or chapter
306 459, or an advanced registered nurse practitioner certified
307 under part I of chapter 464 who prescribes any controlled
308 substance, listed in Schedule II, Schedule III, or Schedule IV
309 as defined in s. 893.03, for the treatment of chronic
310 nonmalignant pain, must:

311 (a) Designate himself or herself as a controlled substance
312 prescribing practitioner on his or her ~~the physician's~~
313 practitioner profile.

314 (b) Comply with the requirements of this section and
315 applicable board rules.

316 (3) STANDARDS OF PRACTICE.—The standards of practice in
317 this section do not supersede the level of care, skill, and
318 treatment recognized in general law related to health care
319 licensure.

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320 (a) A complete medical history and a physical examination
321 must be conducted before beginning any treatment and must be
322 documented in the medical record. The exact components of the
323 physical examination shall be left to the judgment of the
324 registrant ~~clinician~~ who is expected to perform a physical
325 examination proportionate to the diagnosis that justifies a
326 treatment. The medical record must, at a minimum, document the
327 nature and intensity of the pain, current and past treatments
328 for pain, underlying or coexisting diseases or conditions, the
329 effect of the pain on physical and psychological function, a
330 review of previous medical records, previous diagnostic studies,
331 and history of alcohol and substance abuse. The medical record
332 shall also document the presence of one or more recognized
333 medical indications for the use of a controlled substance. Each
334 registrant must develop a written plan for assessing each
335 patient's risk of aberrant drug-related behavior, which may
336 include patient drug testing. Registrants must assess each
337 patient's risk for aberrant drug-related behavior and monitor
338 that risk on an ongoing basis in accordance with the plan.

339 (b) Each registrant must develop a written individualized
340 treatment plan for each patient. The treatment plan shall state
341 objectives that will be used to determine treatment success,
342 such as pain relief and improved physical and psychosocial
343 function, and shall indicate if any further diagnostic
344 evaluations or other treatments are planned. After treatment
345 begins, the registrant ~~physician~~ shall adjust drug therapy to
346 the individual medical needs of each patient. Other treatment
347 modalities, including a rehabilitation program, shall be
348 considered depending on the etiology of the pain and the extent

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349 to which the pain is associated with physical and psychosocial
350 impairment. The interdisciplinary nature of the treatment plan
351 shall be documented.

352 (c) The registrant ~~physician~~ shall discuss the risks and
353 benefits of the use of controlled substances, including the
354 risks of abuse and addiction, as well as physical dependence and
355 its consequences, with the patient, persons designated by the
356 patient, or the patient's surrogate or guardian if the patient
357 is incompetent. The registrant ~~physician~~ shall use a written
358 controlled substance agreement between the registrant ~~physician~~
359 and the patient outlining the patient's responsibilities,
360 including, but not limited to:

361 1. Number and frequency of controlled substance
362 prescriptions and refills.

363 2. Patient compliance and reasons for which drug therapy
364 may be discontinued, such as a violation of the agreement.

365 3. An agreement that controlled substances for the
366 treatment of chronic nonmalignant pain shall be prescribed by a
367 single treating registrant ~~physician~~ unless otherwise authorized
368 by the treating registrant ~~physician~~ and documented in the
369 medical record.

370 (d) The patient shall be seen by the registrant ~~physician~~
371 at regular intervals, not to exceed 3 months, to assess the
372 efficacy of treatment, ensure that controlled substance therapy
373 remains indicated, evaluate the patient's progress toward
374 treatment objectives, consider adverse drug effects, and review
375 the etiology of the pain. Continuation or modification of
376 therapy shall depend on the registrant's ~~physician's~~ evaluation
377 of the patient's progress. If treatment goals are not being

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378 achieved, despite medication adjustments, the registrant
379 ~~physician~~ shall reevaluate the appropriateness of continued
380 treatment. The registrant ~~physician~~ shall monitor patient
381 compliance in medication usage, related treatment plans,
382 controlled substance agreements, and indications of substance
383 abuse or diversion at a minimum of 3-month intervals.

384 (e) The registrant ~~physician~~ shall refer the patient as
385 necessary for additional evaluation and treatment in order to
386 achieve treatment objectives. Special attention shall be given
387 to those patients who are at risk for misusing their medications
388 and those whose living arrangements pose a risk for medication
389 misuse or diversion. The management of pain in patients with a
390 history of substance abuse or with a comorbid psychiatric
391 disorder requires extra care, monitoring, and documentation and
392 requires consultation with or referral to an addiction medicine
393 specialist or a psychiatrist.

394 (f) A registrant ~~physician registered under this section~~
395 must maintain accurate, current, and complete records that are
396 accessible and readily available for review and comply with the
397 requirements of this section, the applicable practice act, and
398 applicable board rules. The medical records must include, but
399 are not limited to:

- 400 1. The complete medical history and a physical examination,
401 including history of drug abuse or dependence.
- 402 2. Diagnostic, therapeutic, and laboratory results.
- 403 3. Evaluations and consultations.
- 404 4. Treatment objectives.
- 405 5. Discussion of risks and benefits.
- 406 6. Treatments.

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407 7. Medications, including date, type, dosage, and quantity
408 prescribed.

409 8. Instructions and agreements.

410 9. Periodic reviews.

411 10. Results of any drug testing.

412 11. A photocopy of the patient's government-issued photo
413 identification.

414 12. If a written prescription for a controlled substance is
415 given to the patient, a duplicate of the prescription.

416 13. The registrant's ~~physician's~~ full name presented in a
417 legible manner.

418 (g) A registrant shall immediately refer patients with
419 signs or symptoms of substance abuse ~~shall be immediately~~
420 ~~referred~~ to a board-certified pain management physician, an
421 addiction medicine specialist, or a mental health addiction
422 facility as it pertains to drug abuse or addiction unless the
423 registrant is a physician who is board-certified or board-
424 eligible in pain management. Throughout the period of time
425 before receiving the consultant's report, a prescribing
426 registrant ~~physician~~ shall clearly and completely document
427 medical justification for continued treatment with controlled
428 substances and those steps taken to ensure medically appropriate
429 use of controlled substances by the patient. Upon receipt of the
430 consultant's written report, the prescribing registrant
431 ~~physician~~ shall incorporate the consultant's recommendations for
432 continuing, modifying, or discontinuing controlled substance
433 therapy. The resulting changes in treatment shall be
434 specifically documented in the patient's medical record.
435 Evidence or behavioral indications of diversion shall be

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436 followed by discontinuation of controlled substance therapy, and
437 the patient shall be discharged, and all results of testing and
438 actions taken by the registrant ~~physician~~ shall be documented in
439 the patient's medical record.

440

441 This subsection does not apply to a board-eligible or board-
442 certified anesthesiologist, physiatrist, rheumatologist, or
443 neurologist, or to a board-certified physician who has surgical
444 privileges at a hospital or ambulatory surgery center and
445 primarily provides surgical services. This subsection does not
446 apply to a board-eligible or board-certified medical specialist
447 who has also completed a fellowship in pain medicine approved by
448 the Accreditation Council for Graduate Medical Education or the
449 American Osteopathic Association, or who is board eligible or
450 board certified in pain medicine by the American Board of Pain
451 Medicine, the American Board of Interventional Pain Physicians,
452 the American Association of Physician Specialists, or a board
453 approved by the American Board of Medical Specialties or the
454 American Osteopathic Association and performs interventional
455 pain procedures of the type routinely billed using surgical
456 codes. This subsection does not apply to a registrant ~~physician~~
457 who prescribes medically necessary controlled substances for a
458 patient during an inpatient stay in a hospital licensed under
459 chapter 395.

460 Section 9. Paragraph (b) of subsection (2) of section
461 458.3265, Florida Statutes, is amended to read:

462 458.3265 Pain-management clinics.—

463 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
464 apply to any physician who provides professional services in a

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465 pain-management clinic that is required to be registered in
466 subsection (1).

467 (b) Only a person may not dispense any medication on the
468 premises of a registered pain-management clinic unless he or she
469 is a physician licensed under this chapter or chapter 459 may
470 dispense medication or prescribe a controlled substance
471 regulated under chapter 893 on the premises of a registered
472 pain-management clinic.

473 Section 10. Paragraph (b) of subsection (2) of section
474 459.0137, Florida Statutes, is amended to read:

475 459.0137 Pain-management clinics.—

476 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
477 apply to any osteopathic physician who provides professional
478 services in a pain-management clinic that is required to be
479 registered in subsection (1).

480 (b) Only a person may not dispense any medication on the
481 premises of a registered pain-management clinic unless he or she
482 is a physician licensed under this chapter or chapter 458 may
483 dispense medication or prescribe a controlled substance
484 regulated under chapter 893 on the premises of a registered
485 pain-management clinic.

486 Section 11. Paragraph (e) of subsection (4) of section
487 458.347, Florida Statutes, is amended, and paragraph (c) of
488 subsection (9) of that section is republished, to read:

489 458.347 Physician assistants.—

490 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

491 (e) A supervisory physician may delegate to a fully
492 licensed physician assistant the authority to prescribe or
493 dispense any medication used in the supervisory physician's

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494 practice unless such medication is listed on the formulary
495 created pursuant to paragraph (f). A fully licensed physician
496 assistant may only prescribe or dispense such medication under
497 the following circumstances:

498 1. A physician assistant must clearly identify to the
499 patient that he or she is a physician assistant. Furthermore,
500 the physician assistant must inform the patient that the patient
501 has the right to see the physician prior to any prescription
502 being prescribed or dispensed by the physician assistant.

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

510 3. The physician assistant must file with the department a
511 signed affidavit that he or she has completed a minimum of 10
512 continuing medical education hours in the specialty practice in
513 which the physician assistant has prescriptive privileges with
514 each licensure renewal application. Three of the 10 hours must
515 consist of a continuing education course on the safe and
516 effective prescribing of controlled substance medications which
517 is offered by a statewide professional association of physicians
518 in this state accredited to provide educational activities
519 designated for the American Medical Association Physician's
520 Recognition Award Category 1 credit or designated by the
521 American Academy of Physician Assistants as a Category 1 credit.

522 4. The department may issue a prescriber number to the

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523 physician assistant granting authority for the prescribing of
524 medicinal drugs authorized within this paragraph upon completion
525 of the foregoing requirements. The physician assistant shall not
526 be required to independently register pursuant to s. 465.0276.

527 5. The prescription must be written in a form that complies
528 with chapter 499 and must contain, in addition to the
529 supervisory physician's name, address, and telephone number, the
530 physician assistant's prescriber number. Unless it is a drug or
531 drug sample dispensed by the physician assistant, the
532 prescription must be filled in a pharmacy permitted under
533 chapter 465 and must be dispensed in that pharmacy by a
534 pharmacist licensed under chapter 465. The appearance of the
535 prescriber number creates a presumption that the physician
536 assistant is authorized to prescribe the medicinal drug and the
537 prescription is valid.

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

540 (9) COUNCIL ON PHYSICIAN ASSISTANTS.—The Council on
541 Physician Assistants is created within the department.

542 (c) The council shall:

543 1. Recommend to the department the licensure of physician
544 assistants.

545 2. Develop all rules regulating the use of physician
546 assistants by physicians under this chapter and chapter 459,
547 except for rules relating to the formulary developed under
548 paragraph (4) (f). The council shall also develop rules to ensure
549 that the continuity of supervision is maintained in each
550 practice setting. The boards shall consider adopting a proposed
551 rule developed by the council at the regularly scheduled meeting

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552 immediately following the submission of the proposed rule by the
553 council. A proposed rule submitted by the council may not be
554 adopted by either board unless both boards have accepted and
555 approved the identical language contained in the proposed rule.
556 The language of all proposed rules submitted by the council must
557 be approved by both boards pursuant to each respective board's
558 guidelines and standards regarding the adoption of proposed
559 rules. If either board rejects the council's proposed rule, that
560 board must specify its objection to the council with
561 particularity and include any recommendations it may have for
562 the modification of the proposed rule.

563 3. Make recommendations to the boards regarding all matters
564 relating to physician assistants.

565 4. Address concerns and problems of practicing physician
566 assistants in order to improve safety in the clinical practices
567 of licensed physician assistants.

568 Section 12. Effective January 1, 2017, paragraph (f) of
569 subsection (4) of section 458.347, Florida Statutes, is amended
570 to read:

571 458.347 Physician assistants.—

572 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

573 (f)1. The council shall establish a formulary of medicinal
574 drugs that a fully licensed physician assistant having
575 prescribing authority under this section or s. 459.022 may not
576 prescribe. The formulary must include ~~controlled substances as~~
577 ~~defined in chapter 893,~~ general anesthetics, and radiographic
578 contrast materials, and must limit the prescription of Schedule
579 II controlled substances as listed in s. 893.03 to a 7-day
580 supply. The formulary must also restrict the prescribing of

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581 psychiatric mental health controlled substances for children
582 younger than 18 years of age.

583 2. In establishing the formulary, the council shall consult
584 with a pharmacist licensed under chapter 465, but not licensed
585 under this chapter or chapter 459, who shall be selected by the
586 State Surgeon General.

587 3. Only the council shall add to, delete from, or modify
588 the formulary. Any person who requests an addition, a deletion,
589 or a modification of a medicinal drug listed on such formulary
590 has the burden of proof to show cause why such addition,
591 deletion, or modification should be made.

592 4. The boards shall adopt the formulary required by this
593 paragraph, and each addition, deletion, or modification to the
594 formulary, by rule. Notwithstanding any provision of chapter 120
595 to the contrary, the formulary rule shall be effective 60 days
596 after the date it is filed with the Secretary of State. Upon
597 adoption of the formulary, the department shall mail a copy of
598 such formulary to each fully licensed physician assistant having
599 prescribing authority under this section or s. 459.022, and to
600 each pharmacy licensed by the state. The boards shall establish,
601 by rule, a fee not to exceed \$200 to fund the provisions of this
602 paragraph and paragraph (e).

603 Section 13. Subsection (2) of section 464.003, Florida
604 Statutes, is amended to read:

605 464.003 Definitions.—As used in this part, the term:

606 (2) "Advanced or specialized nursing practice" means, in
607 addition to the practice of professional nursing, the
608 performance of advanced-level nursing acts approved by the board
609 which, by virtue of postbasic specialized education, training,

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610 and experience, are appropriately performed by an advanced
611 registered nurse practitioner. Within the context of advanced or
612 specialized nursing practice, the advanced registered nurse
613 practitioner may perform acts of nursing diagnosis and nursing
614 treatment of alterations of the health status. The advanced
615 registered nurse practitioner may also perform acts of medical
616 diagnosis and treatment, prescription, and operation as
617 authorized within the framework of an established supervisory
618 protocol ~~which are identified and approved by a joint committee~~
619 ~~composed of three members appointed by the Board of Nursing, two~~
620 ~~of whom must be advanced registered nurse practitioners; three~~
621 ~~members appointed by the Board of Medicine, two of whom must~~
622 ~~have had work experience with advanced registered nurse~~
623 ~~practitioners; and the State Surgeon General or the State~~
624 ~~Surgeon General's designee. Each committee member appointed by a~~
625 ~~board shall be appointed to a term of 4 years unless a shorter~~
626 ~~term is required to establish or maintain staggered terms. The~~
627 ~~Board of Nursing shall adopt rules authorizing the performance~~
628 ~~of any such acts approved by the joint committee. Unless~~
629 ~~otherwise specified by the joint committee, such acts must be~~
630 ~~performed under the general supervision of a practitioner~~
631 ~~licensed under chapter 458, chapter 459, or chapter 466 within~~
632 ~~the framework of standing protocols which identify the medical~~
633 ~~acts to be performed and the conditions for their performance.~~
634 The department may, by rule, require that a copy of the protocol
635 be filed with the department along with the notice required by
636 s. 458.348.

637 Section 14. Section 464.012, Florida Statutes, is amended
638 to read:

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639 464.012 Certification of advanced registered nurse
640 practitioners; fees; controlled substance prescribing.—

641 (1) Any nurse desiring to be certified as an advanced
642 registered nurse practitioner shall apply to the department and
643 submit proof that he or she holds a current license to practice
644 professional nursing and that he or she meets one or more of the
645 following requirements as determined by the board:

646 (a) Satisfactory completion of a formal postbasic
647 educational program of at least one academic year, the primary
648 purpose of which is to prepare nurses for advanced or
649 specialized practice.

650 (b) Certification by an appropriate specialty board. Such
651 certification shall be required for initial state certification
652 and any recertification as a registered nurse anesthetist or
653 nurse midwife. The board may by rule provide for provisional
654 state certification of graduate nurse anesthetists and nurse
655 midwives for a period of time determined to be appropriate for
656 preparing for and passing the national certification
657 examination.

658 (c) Graduation from a program leading to a master's degree
659 in a nursing clinical specialty area with preparation in
660 specialized practitioner skills. For applicants graduating on or
661 after October 1, 1998, graduation from a master's degree program
662 shall be required for initial certification as a nurse
663 practitioner under paragraph (4) (c). For applicants graduating
664 on or after October 1, 2001, graduation from a master's degree
665 program shall be required for initial certification as a
666 registered nurse anesthetist under paragraph (4) (a).

667 (2) The board shall provide by rule the appropriate

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668 requirements for advanced registered nurse practitioners in the
669 categories of certified registered nurse anesthetist, certified
670 nurse midwife, and nurse practitioner.

671 (3) An advanced registered nurse practitioner shall perform
672 those functions authorized in this section within the framework
673 of an established protocol that is filed with the board upon
674 biennial license renewal and within 30 days after entering into
675 a supervisory relationship with a physician or changes to the
676 protocol. The board shall review the protocol to ensure
677 compliance with applicable regulatory standards for protocols.
678 The board shall refer to the department licensees submitting
679 protocols that are not compliant with the regulatory standards
680 for protocols. A practitioner currently licensed under chapter
681 458, chapter 459, or chapter 466 shall maintain supervision for
682 directing the specific course of medical treatment. Within the
683 established framework, an advanced registered nurse practitioner
684 may:

- 685 (a) Monitor and alter drug therapies.
686 (b) Initiate appropriate therapies for certain conditions.
687 (c) Perform additional functions as may be determined by
688 rule in accordance with s. 464.003(2).
689 (d) Order diagnostic tests and physical and occupational
690 therapy.

691 (4) In addition to the general functions specified in
692 subsection (3), an advanced registered nurse practitioner may
693 perform the following acts within his or her specialty:

- 694 (a) The certified registered nurse anesthetist may, to the
695 extent authorized by established protocol approved by the
696 medical staff of the facility in which the anesthetic service is

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697 performed, perform any or all of the following:

698 1. Determine the health status of the patient as it relates
699 to the risk factors and to the anesthetic management of the
700 patient through the performance of the general functions.

701 2. Based on history, physical assessment, and supplemental
702 laboratory results, determine, with the consent of the
703 responsible physician, the appropriate type of anesthesia within
704 the framework of the protocol.

705 3. Order under the protocol preanesthetic medication.

706 4. Perform under the protocol procedures commonly used to
707 render the patient insensible to pain during the performance of
708 surgical, obstetrical, therapeutic, or diagnostic clinical
709 procedures. These procedures include ordering and administering
710 regional, spinal, and general anesthesia; inhalation agents and
711 techniques; intravenous agents and techniques; and techniques of
712 hypnosis.

713 5. Order or perform monitoring procedures indicated as
714 pertinent to the anesthetic health care management of the
715 patient.

716 6. Support life functions during anesthesia health care,
717 including induction and intubation procedures, the use of
718 appropriate mechanical supportive devices, and the management of
719 fluid, electrolyte, and blood component balances.

720 7. Recognize and take appropriate corrective action for
721 abnormal patient responses to anesthesia, adjunctive medication,
722 or other forms of therapy.

723 8. Recognize and treat a cardiac arrhythmia while the
724 patient is under anesthetic care.

725 9. Participate in management of the patient while in the

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726 postanesthesia recovery area, including ordering the
727 administration of fluids and drugs.

728 10. Place special peripheral and central venous and
729 arterial lines for blood sampling and monitoring as appropriate.

730 (b) The certified nurse midwife may, to the extent
731 authorized by an established protocol which has been approved by
732 the medical staff of the health care facility in which the
733 midwifery services are performed, or approved by the nurse
734 midwife's physician backup when the delivery is performed in a
735 patient's home, perform any or all of the following:

736 1. Perform superficial minor surgical procedures.

737 2. Manage the patient during labor and delivery to include
738 amniotomy, episiotomy, and repair.

739 3. Order, initiate, and perform appropriate anesthetic
740 procedures.

741 4. Perform postpartum examination.

742 5. Order appropriate medications.

743 6. Provide family-planning services and well-woman care.

744 7. Manage the medical care of the normal obstetrical
745 patient and the initial care of a newborn patient.

746 (c) The nurse practitioner may perform any or all of the
747 following acts within the framework of established protocol:

748 1. Manage selected medical problems.

749 2. Order physical and occupational therapy.

750 3. Initiate, monitor, or alter therapies for certain
751 uncomplicated acute illnesses.

752 4. Monitor and manage patients with stable chronic
753 diseases.

754 5. Establish behavioral problems and diagnosis and make

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755 treatment recommendations.

756 (5) The board shall certify, and the department shall issue
757 a certificate to, any nurse meeting the qualifications in this
758 section. The board shall establish an application fee not to
759 exceed \$100 and a biennial renewal fee not to exceed \$50. The
760 board is authorized to adopt such other rules as are necessary
761 to implement the provisions of this section.

762 (6) (a) The board shall establish a committee to recommend a
763 formulary of controlled substances that an advanced registered
764 nurse practitioner may not prescribe or may prescribe only for
765 specific uses or in limited quantities. The committee must
766 consist of three advanced registered nurse practitioners
767 licensed under this section, recommended by the board; three
768 physicians licensed under chapter 458 or chapter 459 who have
769 work experience with advanced registered nurse practitioners,
770 recommended by the Board of Medicine; and a pharmacist licensed
771 under chapter 465 who is a doctor of pharmacy, recommended by
772 the Board of Pharmacy. The committee may recommend an evidence-
773 based formulary applicable to all advanced registered nurse
774 practitioners which is limited by specialty certification, is
775 limited to approved uses of controlled substances, or is subject
776 to other similar restrictions the committee finds are necessary
777 to protect the health, safety, and welfare of the public. The
778 formulary must restrict the prescribing of psychiatric mental
779 health controlled substances for children younger 18 years of
780 age to advanced registered nurse practitioners who also are
781 psychiatric nurses as defined in s. 394.455. The formulary must
782 also limit the prescribing of Schedule II controlled substances
783 as listed in s. 893.03 to a 7-day supply, except that such

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784 restriction does not apply to controlled substances that are
785 psychiatric medications prescribed by psychiatric nurses as
786 defined in s. 394.455.

787 (b) The board shall adopt by rule the recommended formulary
788 and any revision to the formulary which it finds is supported by
789 evidence-based clinical findings presented by the Board of
790 Medicine, the Board of Osteopathic Medicine, or the Board of
791 Dentistry.

792 (c) The formulary required under this subsection does not
793 apply to a controlled substance that is dispensed for
794 administration pursuant to an order, including an order for
795 medication authorized by subparagraph (4) (a)3., subparagraph
796 (4) (a)4., or subparagraph (4) (a)9.

797 (d) The board shall adopt the committee's initial
798 recommendation no later than October 31, 2016.

799 Section 15. Effective January 1, 2017, subsection (3) of
800 section 464.012, Florida Statutes, as amended by this act, is
801 amended to read:

802 464.012 Certification of advanced registered nurse
803 practitioners; fees; controlled substance prescribing.—

804 (3) An advanced registered nurse practitioner shall perform
805 those functions authorized in this section within the framework
806 of an established protocol that is filed with the board upon
807 biennial license renewal and within 30 days after entering into
808 a supervisory relationship with a physician or changes to the
809 protocol. The board shall review the protocol to ensure
810 compliance with applicable regulatory standards for protocols.
811 The board shall refer to the department licensees submitting
812 protocols that are not compliant with the regulatory standards

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813 for protocols. A practitioner currently licensed under chapter
814 458, chapter 459, or chapter 466 shall maintain supervision for
815 directing the specific course of medical treatment. Within the
816 established framework, an advanced registered nurse practitioner
817 may:

818 (a) Prescribe, dispense, administer, or order any drug;
819 however, an advanced registered nurse practitioner may prescribe
820 or dispense a controlled substance as defined in s. 893.03 only
821 if the advanced registered nurse practitioner has graduated from
822 a program leading to a master's or doctoral degree in a clinical
823 nursing specialty area with training in specialized practitioner
824 skills ~~Monitor and alter drug therapies.~~

825 (b) Initiate appropriate therapies for certain conditions.

826 (c) Perform additional functions as may be determined by
827 rule in accordance with s. 464.003(2).

828 (d) Order diagnostic tests and physical and occupational
829 therapy.

830 Section 16. Subsection (3) of section 464.013, Florida
831 Statutes, is amended to read:

832 464.013 Renewal of license or certificate.—

833 (3) The board shall by rule prescribe up to 30 hours of
834 continuing education biennially as a condition for renewal of a
835 license or certificate.

836 (a) A nurse who is certified by a health care specialty
837 program accredited by the National Commission for Certifying
838 Agencies or the Accreditation Board for Specialty Nursing
839 Certification is exempt from continuing education requirements.
840 The criteria for programs must ~~shall~~ be approved by the board.

841 (b) Notwithstanding the exemption in paragraph (a), as part

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842 of the maximum 30 hours of continuing education hours required
843 under this subsection, advanced registered nurse practitioners
844 certified under s. 464.012 must complete at least 3 hours of
845 continuing education on the safe and effective prescription of
846 controlled substances. Such continuing education courses must be
847 offered by a statewide professional association of physicians in
848 this state accredited to provide educational activities
849 designated for the American Medical Association Physician's
850 Recognition Award Category 1 credit, the American Nurses
851 Credentialing Center, or the American Association of Nurse
852 Practitioners and may be offered in a distance learning format.

853 Section 17. Paragraph (p) is added to subsection (1) of
854 section 464.018, Florida Statutes, and subsection (2) of that
855 section is republished, to read:

856 464.018 Disciplinary actions.—

857 (1) The following acts constitute grounds for denial of a
858 license or disciplinary action, as specified in s. 456.072(2):

859 (p) For an advanced registered nurse practitioner:

860 1. Presigning blank prescription forms.

861 2. Prescribing for office use any medicinal drug appearing
862 on Schedule II in chapter 893.

863 3. Prescribing, ordering, dispensing, administering,
864 supplying, selling, or giving a drug that is an amphetamine, a
865 sympathomimetic amine drug, or a compound designated in s.
866 893.03(2) as a Schedule II controlled substance, to or for any
867 person except for:

868 a. The treatment of narcolepsy; hyperkinesis; behavioral
869 syndrome in children characterized by the developmentally
870 inappropriate symptoms of moderate to severe distractibility,

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871 short attention span, hyperactivity, emotional lability, and
872 impulsivity; or drug-induced brain dysfunction.

873 b. The differential diagnostic psychiatric evaluation of
874 depression or the treatment of depression shown to be refractory
875 to other therapeutic modalities.

876 c. The clinical investigation of the effects of such drugs
877 or compounds when an investigative protocol is submitted to,
878 reviewed by, and approved by the department before such
879 investigation is begun.

880 4. Prescribing, ordering, dispensing, administering,
881 supplying, selling, or giving growth hormones, testosterone or
882 its analogs, human chorionic gonadotropin (HCG), or other
883 hormones for the purpose of muscle building or to enhance
884 athletic performance. As used in this subparagraph, the term
885 "muscle building" does not include the treatment of injured
886 muscle. A prescription written for the drug products identified
887 in this subparagraph may be dispensed by a pharmacist with the
888 presumption that the prescription is for legitimate medical use.

889 5. Promoting or advertising on any prescription form a
890 community pharmacy unless the form also states: "This
891 prescription may be filled at any pharmacy of your choice."

892 6. Prescribing, dispensing, administering, mixing, or
893 otherwise preparing a legend drug, including a controlled
894 substance, other than in the course of his or her professional
895 practice. For the purposes of this subparagraph, it is legally
896 presumed that prescribing, dispensing, administering, mixing, or
897 otherwise preparing legend drugs, including all controlled
898 substances, inappropriately or in excessive or inappropriate
899 quantities is not in the best interest of the patient and is not

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900 in the course of the advanced registered nurse practitioner's
901 professional practice, without regard to his or her intent.

902 7. Prescribing, dispensing, or administering a medicinal
903 drug appearing on any schedule set forth in chapter 893 to
904 himself or herself, except a drug prescribed, dispensed, or
905 administered to the advanced registered nurse practitioner by
906 another practitioner authorized to prescribe, dispense, or
907 administer medicinal drugs.

908 8. Prescribing, ordering, dispensing, administering,
909 supplying, selling, or giving amygdalin (laetrile) to any
910 person.

911 9. Dispensing a substance designated in s. 893.03(2) or (3)
912 as a substance controlled in Schedule II or Schedule III,
913 respectively, in violation of s. 465.0276.

914 10. Promoting or advertising through any communication
915 medium the use, sale, or dispensing of a substance designated in
916 s. 893.03 as a controlled substance.

917 (2) The board may enter an order denying licensure or
918 imposing any of the penalties in s. 456.072(2) against any
919 applicant for licensure or licensee who is found guilty of
920 violating any provision of subsection (1) of this section or who
921 is found guilty of violating any provision of s. 456.072(1).

922 Section 18. Section 627.42392, Florida Statutes, is created
923 to read:

924 627.42392 Prior authorization.—

925 (1) As used in this section, the term "health insurer"
926 means an authorized insurer offering health insurance as defined
927 in s. 624.603, a managed care plan as defined in s. 409.901(13),
928 or a health maintenance organization as defined in s.

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929 641.19(12).

930 (2) Notwithstanding any other provision of law, in order to
931 establish uniformity in the submission of prior authorization
932 forms on or after January 1, 2017, a health insurer, or a
933 pharmacy benefits manager on behalf of the health insurer, which
934 does not use an electronic prior authorization form for its
935 contracted providers shall use only the prior authorization form
936 that has been approved by the Financial Services Commission to
937 obtain a prior authorization for a medical procedure, course of
938 treatment, or prescription drug benefit. Such form may not
939 exceed two pages in length, excluding any instructions or
940 guiding documentation.

941 (3) The Financial Services Commission shall adopt by rule
942 guidelines for all prior authorization forms which ensure the
943 general uniformity of such forms.

944 Section 19. Subsection (11) of section 627.6131, Florida
945 Statutes, is amended to read:

946 627.6131 Payment of claims.—

947 (11) A health insurer may not retroactively deny a claim
948 because of insured ineligibility:

949 (a) At any time, if the health insurer verified the
950 eligibility of an insured at the time of treatment and provided
951 an authorization number.

952 (b) More than 1 year after the date of payment of the
953 claim.

954 Section 20. Subsection (10) of section 641.3155, Florida
955 Statutes, is amended to read:

956 641.3155 Prompt payment of claims.—

957 (10) A health maintenance organization may not

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958 retroactively deny a claim because of subscriber ineligibility:

959 (a) At any time, if the health maintenance organization
960 verified the eligibility of an insured at the time of treatment
961 and provided an authorization number.

962 (b) More than 1 year after the date of payment of the
963 claim.

964 Section 21. Subsection (21) of section 893.02, Florida
965 Statutes, is amended to read:

966 893.02 Definitions.—The following words and phrases as used
967 in this chapter shall have the following meanings, unless the
968 context otherwise requires:

969 (21) "Practitioner" means a physician licensed under
970 ~~pursuant to~~ chapter 458, a dentist licensed under ~~pursuant to~~
971 chapter 466, a veterinarian licensed under ~~pursuant to~~ chapter
972 474, an osteopathic physician licensed under ~~pursuant to~~ chapter
973 459, an advanced registered nurse practitioner certified under
974 chapter 464, a naturopath licensed under ~~pursuant to~~ chapter
975 462, a certified optometrist licensed under ~~pursuant to~~ chapter
976 463, ~~or~~ a podiatric physician licensed under ~~pursuant to~~ chapter
977 461, or a physician assistant licensed under chapter 458 or
978 chapter 459, provided such practitioner holds a valid federal
979 controlled substance registry number.

980 Section 22. Paragraph (n) of subsection (1) of section
981 948.03, Florida Statutes, is amended to read:

982 948.03 Terms and conditions of probation.—

983 (1) The court shall determine the terms and conditions of
984 probation. Conditions specified in this section do not require
985 oral pronouncement at the time of sentencing and may be
986 considered standard conditions of probation. These conditions

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987 may include among them the following, that the probationer or
988 offender in community control shall:

989 (n) Be prohibited from using intoxicants to excess or
990 possessing any drugs or narcotics unless prescribed by a
991 physician, an advanced registered nurse practitioner, or a
992 physician assistant. The probationer or community controllee may
993 ~~shall~~ not knowingly visit places where intoxicants, drugs, or
994 other dangerous substances are unlawfully sold, dispensed, or
995 used.

996 Section 23. Paragraph (a) of subsection (1) and subsection
997 (2) of section 458.348, Florida Statutes, are amended to read:

998 458.348 Formal supervisory relationships, standing orders,
999 and established protocols; notice; standards.—

1000 (1) NOTICE.—

1001 (a) When a physician enters into a formal supervisory
1002 relationship or standing orders with an emergency medical
1003 technician or paramedic licensed pursuant to s. 401.27, which
1004 relationship or orders contemplate the performance of medical
1005 acts, or when a physician enters into an established protocol
1006 with an advanced registered nurse practitioner, which protocol
1007 contemplates the performance of medical ~~acts identified and~~
1008 ~~approved by the joint committee pursuant to s. 464.003(2) or~~
1009 acts set forth in s. 464.012(3) and (4), the physician shall
1010 submit notice to the board. The notice shall contain a statement
1011 in substantially the following form:

1012
1013 I, ...(name and professional license number of
1014 physician)..., of ...(address of physician)... have hereby
1015 entered into a formal supervisory relationship, standing orders,

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1016 or an established protocol with ...(number of persons)...
1017 emergency medical technician(s), ...(number of persons)...
1018 paramedic(s), or ...(number of persons)... advanced registered
1019 nurse practitioner(s).

1021 (2) ESTABLISHMENT OF STANDARDS BY JOINT COMMITTEE.—The
1022 joint committee ~~created under s. 464.003(2)~~ shall determine
1023 minimum standards for the content of established protocols
1024 pursuant to which an advanced registered nurse practitioner may
1025 perform medical acts ~~identified and approved by the joint~~
1026 ~~committee pursuant to s. 464.003(2)~~ or acts set forth in s.
1027 464.012(3) and (4) and shall determine minimum standards for
1028 supervision of such acts by the physician, unless the joint
1029 committee determines that any act set forth in s. 464.012(3) or
1030 (4) is not a medical act. Such standards shall be based on risk
1031 to the patient and acceptable standards of medical care and
1032 shall take into account the special problems of medically
1033 underserved areas. The standards developed by the joint
1034 committee shall be adopted as rules by the Board of Nursing and
1035 the Board of Medicine for purposes of carrying out their
1036 responsibilities pursuant to part I of chapter 464 and this
1037 chapter, respectively, but neither board shall have disciplinary
1038 powers over the licensees of the other board.

1039 Section 24. Paragraph (a) of subsection (1) of section
1040 459.025, Florida Statutes, is amended to read:

1041 459.025 Formal supervisory relationships, standing orders,
1042 and established protocols; notice; standards.—

1043 (1) NOTICE.—

1044 (a) When an osteopathic physician enters into a formal

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1045 supervisory relationship or standing orders with an emergency
1046 medical technician or paramedic licensed pursuant to s. 401.27,
1047 which relationship or orders contemplate the performance of
1048 medical acts, or when an osteopathic physician enters into an
1049 established protocol with an advanced registered nurse
1050 practitioner, which protocol contemplates the performance of
1051 medical acts ~~identified and approved by the joint committee~~
1052 ~~pursuant to s. 464.003(2)~~ or acts set forth in s. 464.012(3) and
1053 (4), the osteopathic physician shall submit notice to the board.
1054 The notice must contain a statement in substantially the
1055 following form:

1056
1057 I, ...(name and professional license number of osteopathic
1058 physician)..., of ...(address of osteopathic physician)... have
1059 hereby entered into a formal supervisory relationship, standing
1060 orders, or an established protocol with ...(number of
1061 persons)... emergency medical technician(s), ...(number of
1062 persons)... paramedic(s), or ...(number of persons)... advanced
1063 registered nurse practitioner(s).

1064 Section 25. Subsection (10) of s. 458.331, paragraph (g) of
1065 subsection (7) of s. 458.347, subsection (10) of s. 459.015,
1066 paragraph (f) of subsection (7) of s. 459.022, and paragraph (b)
1067 of subsection (5) of s. 465.0158, Florida Statutes, are
1068 reenacted for the purpose of incorporating the amendment made by
1069 this act to s. 456.072, Florida Statutes, in references thereto.

1070 Section 26. Paragraph (mm) of subsection (1) of s. 456.072
1071 and s. 466.02751, Florida Statutes, are reenacted for the
1072 purpose of incorporating the amendment made by this act to s.
1073 456.44, Florida Statutes, in references thereto.

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1074 Section 27. Section 458.303, paragraph (b) of subsection
1075 (7) of s. 458.3475, paragraph (e) of subsection (4) and
1076 paragraph (c) of subsection (9) of s. 459.022, and paragraph (b)
1077 of subsection (7) of s. 459.023, Florida Statutes, are reenacted
1078 for the purpose of incorporating the amendment made by this act
1079 to s. 458.347, Florida Statutes, in references thereto.

1080 Section 28. Paragraph (c) of subsection (3) of s. 464.012,
1081 Florida Statutes, is reenacted for the purpose of incorporating
1082 the amendment made by this act to s. 464.003, Florida Statutes,
1083 in a reference thereto.

1084 Section 29. Paragraph (a) of subsection (1) of s. 456.041,
1085 subsections (1) and (2) of s. 458.348, and subsection (1) of s.
1086 459.025, Florida Statutes, are reenacted for the purpose of
1087 incorporating the amendment made by this act to s. 464.012,
1088 Florida Statutes, in references thereto.

1089 Section 30. Subsection (7) of s. 464.0205, Florida
1090 Statutes, is reenacted for the purpose of incorporating the
1091 amendment made by this act to s. 464.013, Florida Statutes, in a
1092 reference thereto.

1093 Section 31. Subsection (11) of s. 320.0848, subsection (2)
1094 of s. 464.008, subsection (5) of s. 464.009, and paragraph (b)
1095 of subsection (1), subsection (3), and paragraph (b) of
1096 subsection (4) of s. 464.0205, Florida Statutes, are reenacted
1097 for the purpose of incorporating the amendment made by this act
1098 to s. 464.018, Florida Statutes, in references thereto.

1099 Section 32. Section 775.051, Florida Statutes, is reenacted
1100 for the purpose of incorporating the amendment made by this act
1101 to s. 893.02, Florida Statutes, in a reference thereto.

1102 Section 33. Paragraph (a) of subsection (3) of s. 944.17,

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1103 subsection (8) of s. 948.001, and paragraph (e) of subsection
1104 (1) of s. 948.101, Florida Statutes, are reenacted for the
1105 purpose of incorporating the amendment made by this act to s.
1106 948.03, Florida Statutes, in references thereto.

1107 Section 34. Except as otherwise expressly provided in this
1108 act, this act shall take effect upon becoming a law.

1 A bill to be entitled
2 An act relating to drug prescription by advanced
3 registered nurse practitioners and physician
4 assistants; amending s. 110.12315, F.S.; expanding the
5 categories of persons who may prescribe brand drugs
6 under the prescription drug program when medically
7 necessary; amending ss. 310.071, 310.073, and 310.081,
8 F.S.; exempting controlled substances prescribed by an
9 advanced registered nurse practitioner or a physician
10 assistant from the disqualifications for certification
11 or licensure, and for continued certification or
12 licensure, as a deputy or state pilot; amending s.
13 456.072, F.S.; applying existing penalties for
14 violations relating to the prescribing or dispensing
15 of controlled substances to an advanced registered
16 nurse practitioner; amending s. 456.44, F.S.; deleting
17 an obsolete date; requiring advanced registered nurse
18 practitioners and physician assistants who prescribe
19 controlled substances for certain pain to make a
20 certain designation, comply with registration
21 requirements, and follow specified standards of
22 practice; providing applicability; amending ss.
23 458.3265 and 459.0137, F.S.; limiting the authority to
24 prescribe a controlled substance in a pain-management
25 clinic to a physician licensed under chapter 458 or
26 chapter 459, F.S.; amending s. 458.347, F.S.;

27 | expanding the prescribing authority of a licensed
28 | physician assistant; amending s. 464.012, F.S.;
29 | authorizing an advanced registered nurse practitioner
30 | to prescribe, dispense, administer, or order drugs,
31 | rather than to monitor and alter drug therapies;
32 | amending s. 464.018, F.S.; specifying acts that
33 | constitute grounds for denial of a license for or
34 | disciplinary action against an advanced registered
35 | nurse practitioner; amending s. 893.02, F.S.;
36 | redefining the term "practitioner" to include advanced
37 | registered nurse practitioners and physician
38 | assistants under the Florida Comprehensive Drug Abuse
39 | Prevention and Control Act; amending s. 948.03, F.S.;
40 | providing that possession of drugs or narcotics
41 | prescribed by an advanced registered nurse
42 | practitioner or physician assistant is an exception
43 | from a prohibition relating to the possession of drugs
44 | or narcotics during probation; reenacting s.
45 | 310.071(3), F.S., relating to deputy pilot
46 | certification, to incorporate the amendment made by
47 | the act to s. 310.071, F.S., in a reference thereto;
48 | reenacting ss. 458.331(10), 458.347(7)(g),
49 | 459.015(10), 459.022(7)(f), and 465.0158(5)(b), F.S.,
50 | relating to grounds for disciplinary action against
51 | certain licensed health care practitioners or
52 | applicants, physician assistant licensure, the

53 imposition of penalties upon physician assistants by
54 the Board of Osteopathic Medicine, and nonresident
55 sterile compounding permits, respectively, to
56 incorporate the amendment made by the act to s.
57 456.072, F.S., in references thereto; reenacting ss.
58 456.072(1)(mm) and 466.02751, F.S., relating to
59 grounds for discipline of certain licensed health care
60 practitioners or applicants and dentist practitioner
61 profiles, respectively, to incorporate the amendment
62 made by the act to s. 456.44, F.S., in references
63 thereto; reenacting ss. 458.303, 458.347(4)(e) and
64 (9)(c), 458.3475(7)(b), 459.022(4)(e) and (9)(c), and
65 459.023(7)(b), F.S., relating to the nonapplicability
66 of certain provisions to specified health care
67 practitioners, the prescribing or dispensing of
68 medications by physician assistants, the duties of the
69 Council on Physician Assistants, and the duties of the
70 Board of Medicine and the Board of Osteopathic
71 Medicine with respect to anesthesiologist assistants,
72 respectively, to incorporate the amendment made by the
73 act to s. 458.347, F.S., in references thereto;
74 reenacting ss. 456.041(1)(a), 458.348(1) and (2), and
75 459.025(1), F.S., relating to practitioner profiles
76 and notice and standards for formal supervisory
77 relationships, standing orders, and established
78 protocols, respectively, to incorporate the amendment

79 | made by the act to s. 464.012, F.S., in references
80 | thereto; reenacting ss. 464.008(2), 464.009(5),
81 | 464.018(2), and 464.0205(1)(b), (3), and (4)(b), F.S.,
82 | relating to licensure by examination of registered
83 | nurses and licensed practical nurses, licensure by
84 | endorsement to practice professional or practical
85 | nursing, disciplinary actions against nursing
86 | applicants or licensees, and retired volunteer nurse
87 | certifications, respectively, to incorporate the
88 | amendment made by the act to s. 464.018, F.S., in
89 | references thereto; reenacting s. 775.051, F.S.,
90 | relating to the exclusion as a defense and
91 | nonadmissibility as evidence of voluntary
92 | intoxication, to incorporate the amendment made by the
93 | act to s. 893.02, F.S., in a reference thereto;
94 | reenacting ss. 944.17(3)(a), 948.001(8), and
95 | 948.101(1)(e), F.S., relating to the receipt by the
96 | state correctional system of certain persons sentenced
97 | to incarceration, the definition of the term
98 | "probation," and the terms and conditions of community
99 | control, respectively, to incorporate the amendment
100 | made by the act to s. 948.03, F.S., in references
101 | thereto; providing an effective date.

102 |
103 | Be It Enacted by the Legislature of the State of Florida:
104 |

105 Section 1. Subsection (7) of section 110.12315, Florida
 106 Statutes, is amended to read:

107 110.12315 Prescription drug program.—The state employees'
 108 prescription drug program is established. This program shall be
 109 administered by the Department of Management Services, according
 110 to the terms and conditions of the plan as established by the
 111 relevant provisions of the annual General Appropriations Act and
 112 implementing legislation, subject to the following conditions:

113 (7) The department shall establish the reimbursement
 114 schedule for prescription pharmaceuticals dispensed under the
 115 program. Reimbursement rates for a prescription pharmaceutical
 116 must be based on the cost of the generic equivalent drug if a
 117 generic equivalent exists, unless the physician, advanced
 118 registered nurse practitioner, or physician assistant
 119 prescribing the pharmaceutical clearly states on the
 120 prescription that the brand name drug is medically necessary or
 121 that the drug product is included on the formulary of drug
 122 products that may not be interchanged as provided in chapter
 123 465, in which case reimbursement must be based on the cost of
 124 the brand name drug as specified in the reimbursement schedule
 125 adopted by the department.

126 Section 2. Paragraph (c) of subsection (1) of section
 127 310.071, Florida Statutes, is amended to read:

128 310.071 Deputy pilot certification.—

129 (1) In addition to meeting other requirements specified in
 130 this chapter, each applicant for certification as a deputy pilot

131 must:

132 (c) Be in good physical and mental health, as evidenced by
133 documentary proof of having satisfactorily passed a complete
134 physical examination administered by a licensed physician within
135 the preceding 6 months. The board shall adopt rules to establish
136 requirements for passing the physical examination, which rules
137 shall establish minimum standards for the physical or mental
138 capabilities necessary to carry out the professional duties of a
139 certificated deputy pilot. Such standards shall include zero
140 tolerance for any controlled substance regulated under chapter
141 893 unless that individual is under the care of a physician,
142 advanced registered nurse practitioner, or physician assistant
143 and that controlled substance was prescribed by that physician,
144 advanced registered nurse practitioner, or physician assistant.

145 To maintain eligibility as a certificated deputy pilot, each
146 certificated deputy pilot must annually provide documentary
147 proof of having satisfactorily passed a complete physical
148 examination administered by a licensed physician. The physician
149 must know the minimum standards and certify that the
150 certificateholder satisfactorily meets the standards. The
151 standards for certificateholders shall include a drug test.

152 Section 3. Subsection (3) of section 310.073, Florida
153 Statutes, is amended to read:

154 310.073 State pilot licensing.—In addition to meeting
155 other requirements specified in this chapter, each applicant for
156 license as a state pilot must:

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157 (3) Be in good physical and mental health, as evidenced by
158 documentary proof of having satisfactorily passed a complete
159 physical examination administered by a licensed physician within
160 the preceding 6 months. The board shall adopt rules to establish
161 requirements for passing the physical examination, which rules
162 shall establish minimum standards for the physical or mental
163 capabilities necessary to carry out the professional duties of a
164 licensed state pilot. Such standards shall include zero
165 tolerance for any controlled substance regulated under chapter
166 893 unless that individual is under the care of a physician,
167 advanced registered nurse practitioner, or physician assistant
168 and that controlled substance was prescribed by that physician,
169 advanced registered nurse practitioner, or physician assistant.
170 To maintain eligibility as a licensed state pilot, each licensed
171 state pilot must annually provide documentary proof of having
172 satisfactorily passed a complete physical examination
173 administered by a licensed physician. The physician must know
174 the minimum standards and certify that the licensee
175 satisfactorily meets the standards. The standards for licensees
176 shall include a drug test.

177 Section 4. Paragraph (b) of subsection (3) of section
178 310.081, Florida Statutes, is amended to read:

179 310.081 Department to examine and license state pilots and
180 certificate deputy pilots; vacancies.—

181 (3) Pilots shall hold their licenses or certificates
182 pursuant to the requirements of this chapter so long as they:

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183 (b) Are in good physical and mental health as evidenced by
184 documentary proof of having satisfactorily passed a physical
185 examination administered by a licensed physician or physician
186 assistant within each calendar year. The board shall adopt rules
187 to establish requirements for passing the physical examination,
188 which rules shall establish minimum standards for the physical
189 or mental capabilities necessary to carry out the professional
190 duties of a licensed state pilot or a certificated deputy pilot.
191 Such standards shall include zero tolerance for any controlled
192 substance regulated under chapter 893 unless that individual is
193 under the care of a physician, advanced registered nurse
194 practitioner, or physician assistant and that controlled
195 substance was prescribed by that physician, advanced registered
196 nurse practitioner, or physician assistant. To maintain
197 eligibility as a certificated deputy pilot or licensed state
198 pilot, each certificated deputy pilot or licensed state pilot
199 must annually provide documentary proof of having satisfactorily
200 passed a complete physical examination administered by a
201 licensed physician. The physician must know the minimum
202 standards and certify that the certificateholder or licensee
203 satisfactorily meets the standards. The standards for
204 certificateholders and for licensees shall include a drug test.
205
206 Upon resignation or in the case of disability permanently
207 affecting a pilot's ability to serve, the state license or
208 certificate issued under this chapter shall be revoked by the

209 department.

210 Section 5. Subsection (7) of section 456.072, Florida
 211 Statutes, is amended to read:

212 456.072 Grounds for discipline; penalties; enforcement.—

213 (7) Notwithstanding subsection (2), upon a finding that a
 214 physician has prescribed or dispensed a controlled substance, or
 215 caused a controlled substance to be prescribed or dispensed, in
 216 a manner that violates the standard of practice set forth in s.
 217 458.331(1)(q) or (t), s. 459.015(1)(t) or (x), s. 461.013(1)(o)
 218 or (s), or s. 466.028(1)(p) or (x), or that an advanced
 219 registered nurse practitioner has prescribed or dispensed a
 220 controlled substance, or caused a controlled substance to be
 221 prescribed or dispensed, in a manner that violates the standard
 222 of practice set forth in s. 464.018(1)(n) or (p)6., the
 223 physician or advanced registered nurse practitioner shall be
 224 suspended for a period of not less than 6 months and pay a fine
 225 of not less than \$10,000 per count. Repeated violations shall
 226 result in increased penalties.

227 Section 6. Subsections (2) and (3) of section 456.44,
 228 Florida Statutes, are amended to read:

229 456.44 Controlled substance prescribing.—

230 (2) REGISTRATION.—~~Effective January 1, 2012,~~ A physician
 231 licensed under chapter 458, chapter 459, chapter 461, or chapter
 232 466, a physician assistant licensed under chapter 458 or chapter
 233 459, or an advanced registered nurse practitioner certified
 234 under part I of chapter 464 who prescribes any controlled

235 substance, listed in Schedule II, Schedule III, or Schedule IV
236 as defined in s. 893.03, for the treatment of chronic
237 nonmalignant pain, must:

238 (a) Designate himself or herself as a controlled substance
239 prescribing practitioner on his or her ~~the physician's~~
240 practitioner profile.

241 (b) Comply with the requirements of this section and
242 applicable board rules.

243 (3) STANDARDS OF PRACTICE.—The standards of practice in
244 this section do not supersede the level of care, skill, and
245 treatment recognized in general law related to health care
246 licensure.

247 (a) A complete medical history and a physical examination
248 must be conducted before beginning any treatment and must be
249 documented in the medical record. The exact components of the
250 physical examination shall be left to the judgment of the
251 registrant ~~clinician~~ who is expected to perform a physical
252 examination proportionate to the diagnosis that justifies a
253 treatment. The medical record must, at a minimum, document the
254 nature and intensity of the pain, current and past treatments
255 for pain, underlying or coexisting diseases or conditions, the
256 effect of the pain on physical and psychological function, a
257 review of previous medical records, previous diagnostic studies,
258 and history of alcohol and substance abuse. The medical record
259 shall also document the presence of one or more recognized
260 medical indications for the use of a controlled substance. Each

261 registrant must develop a written plan for assessing each
262 patient's risk of aberrant drug-related behavior, which may
263 include patient drug testing. Registrants must assess each
264 patient's risk for aberrant drug-related behavior and monitor
265 that risk on an ongoing basis in accordance with the plan.

266 (b) Each registrant must develop a written individualized
267 treatment plan for each patient. The treatment plan shall state
268 objectives that will be used to determine treatment success,
269 such as pain relief and improved physical and psychosocial
270 function, and shall indicate if any further diagnostic
271 evaluations or other treatments are planned. After treatment
272 begins, the registrant ~~physician~~ shall adjust drug therapy to
273 the individual medical needs of each patient. Other treatment
274 modalities, including a rehabilitation program, shall be
275 considered depending on the etiology of the pain and the extent
276 to which the pain is associated with physical and psychosocial
277 impairment. The interdisciplinary nature of the treatment plan
278 shall be documented.

279 (c) The registrant ~~physician~~ shall discuss the risks and
280 benefits of the use of controlled substances, including the
281 risks of abuse and addiction, as well as physical dependence and
282 its consequences, with the patient, persons designated by the
283 patient, or the patient's surrogate or guardian if the patient
284 is incompetent. The registrant ~~physician~~ shall use a written
285 controlled substance agreement between the registrant ~~physician~~
286 and the patient outlining the patient's responsibilities,

287 including, but not limited to:

288 1. Number and frequency of controlled substance
289 prescriptions and refills.

290 2. Patient compliance and reasons for which drug therapy
291 may be discontinued, such as a violation of the agreement.

292 3. An agreement that controlled substances for the
293 treatment of chronic nonmalignant pain shall be prescribed by a
294 single treating registrant ~~physician~~ unless otherwise authorized
295 by the treating registrant ~~physician~~ and documented in the
296 medical record.

297 (d) The patient shall be seen by the registrant ~~physician~~
298 at regular intervals, not to exceed 3 months, to assess the
299 efficacy of treatment, ensure that controlled substance therapy
300 remains indicated, evaluate the patient's progress toward
301 treatment objectives, consider adverse drug effects, and review
302 the etiology of the pain. Continuation or modification of
303 therapy shall depend on the registrant's ~~physician's~~ evaluation
304 of the patient's progress. If treatment goals are not being
305 achieved, despite medication adjustments, the registrant
306 ~~physician~~ shall reevaluate the appropriateness of continued
307 treatment. The registrant ~~physician~~ shall monitor patient
308 compliance in medication usage, related treatment plans,
309 controlled substance agreements, and indications of substance
310 abuse or diversion at a minimum of 3-month intervals.

311 (e) The registrant ~~physician~~ shall refer the patient as
312 necessary for additional evaluation and treatment in order to

313 achieve treatment objectives. Special attention shall be given
314 to those patients who are at risk for misusing their medications
315 and those whose living arrangements pose a risk for medication
316 misuse or diversion. The management of pain in patients with a
317 history of substance abuse or with a comorbid psychiatric
318 disorder requires extra care, monitoring, and documentation and
319 requires consultation with or referral to an addiction medicine
320 specialist or psychiatrist.

321 (f) A registrant ~~physician~~ registered under this section
322 must maintain accurate, current, and complete records that are
323 accessible and readily available for review and comply with the
324 requirements of this section, the applicable practice act, and
325 applicable board rules. The medical records must include, but
326 are not limited to:

- 327 1. The complete medical history and a physical
328 examination, including history of drug abuse or dependence.
- 329 2. Diagnostic, therapeutic, and laboratory results.
- 330 3. Evaluations and consultations.
- 331 4. Treatment objectives.
- 332 5. Discussion of risks and benefits.
- 333 6. Treatments.
- 334 7. Medications, including date, type, dosage, and quantity
335 prescribed.
- 336 8. Instructions and agreements.
- 337 9. Periodic reviews.
- 338 10. Results of any drug testing.

339 11. A photocopy of the patient's government-issued photo
 340 identification.

341 12. If a written prescription for a controlled substance
 342 is given to the patient, a duplicate of the prescription.

343 13. The registrant's ~~physician's~~ full name presented in a
 344 legible manner.

345 (g) Patients with signs or symptoms of substance abuse
 346 shall be immediately referred to a board-certified pain
 347 management physician, an addiction medicine specialist, or a
 348 mental health addiction facility as it pertains to drug abuse or
 349 addiction unless the registrant is a physician who is board
 350 certified ~~board-certified~~ or board eligible ~~board-eligible~~ in
 351 pain management. Throughout the period of time before receiving
 352 the consultant's report, a prescribing registrant ~~physician~~
 353 shall clearly and completely document medical justification for
 354 continued treatment with controlled substances and those steps
 355 taken to ensure medically appropriate use of controlled
 356 substances by the patient. Upon receipt of the consultant's
 357 written report, the prescribing registrant ~~physician~~ shall
 358 incorporate the consultant's recommendations for continuing,
 359 modifying, or discontinuing controlled substance therapy. The
 360 resulting changes in treatment shall be specifically documented
 361 in the patient's medical record. Evidence or behavioral
 362 indications of diversion shall be followed by discontinuation of
 363 controlled substance therapy, and the patient shall be
 364 discharged, and all results of testing and actions taken by the

365 registrant ~~physician~~ shall be documented in the patient's
366 medical record.

367
368 This subsection does not apply to a board-eligible or board-
369 certified anesthesiologist, physiatrist, rheumatologist, or
370 neurologist, or to a board-certified physician who has surgical
371 privileges at a hospital or ambulatory surgery center and
372 primarily provides surgical services. This subsection does not
373 apply to a board-eligible or board-certified medical specialist
374 who has also completed a fellowship in pain medicine approved by
375 the Accreditation Council for Graduate Medical Education or the
376 American Osteopathic Association, or who is board eligible or
377 board certified in pain medicine by the American Board of Pain
378 Medicine or a board approved by the American Board of Medical
379 Specialties or the American Osteopathic Association and performs
380 interventional pain procedures of the type routinely billed
381 using surgical codes. This subsection does not apply to a
382 registrant, physician, advanced registered nurse practitioner,
383 or physician assistant who prescribes medically necessary
384 controlled substances for a patient during an inpatient stay in
385 a hospital licensed under chapter 395.

386 Section 7. Paragraph (b) of subsection (2) of section
387 458.3265, Florida Statutes, is amended to read:

388 458.3265 Pain-management clinics.—

389 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
390 apply to any physician who provides professional services in a

391 pain-management clinic that is required to be registered in
 392 subsection (1).

393 (b) A person may not dispense any medication on the
 394 premises of a registered pain-management clinic unless he or she
 395 is a physician licensed under this chapter or chapter 459. A
 396 person may not prescribe any controlled substance regulated
 397 under chapter 893 on the premises of a registered pain-
 398 management clinic unless he or she is a physician licensed under
 399 this chapter or chapter 459.

400 Section 8. Paragraph (f) of subsection (4) of section
 401 458.347, Florida Statutes, is amended to read:

402 458.347 Physician assistants.—

403 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

404 (f)1. The council shall establish a formulary of medicinal
 405 drugs that a fully licensed physician assistant having
 406 prescribing authority under this section or s. 459.022 may not
 407 prescribe. The formulary must include ~~controlled substances as~~
 408 ~~defined in chapter 893,~~ general anesthetics, and radiographic
 409 contrast materials.

410 2. In establishing the formulary, the council shall
 411 consult with a pharmacist licensed under chapter 465, but not
 412 licensed under this chapter or chapter 459, who shall be
 413 selected by the State Surgeon General.

414 3. Only the council shall add to, delete from, or modify
 415 the formulary. Any person who requests an addition, deletion, or
 416 modification of a medicinal drug listed on such formulary has

417 the burden of proof to show cause why such addition, deletion,
 418 or modification should be made.

419 4. The boards shall adopt the formulary required by this
 420 paragraph, and each addition, deletion, or modification to the
 421 formulary, by rule. Notwithstanding any provision of chapter 120
 422 to the contrary, the formulary rule shall be effective 60 days
 423 after the date it is filed with the Secretary of State. Upon
 424 adoption of the formulary, the department shall mail a copy of
 425 such formulary to each fully licensed physician assistant having
 426 prescribing authority under this section or s. 459.022, and to
 427 each pharmacy licensed by the state. The boards shall establish,
 428 by rule, a fee not to exceed \$200 to fund the provisions of this
 429 paragraph and paragraph (e).

430 Section 9. Paragraph (b) of subsection (2) of section
 431 459.0137, Florida Statutes, is amended to read:

432 459.0137 Pain-management clinics.—

433 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
 434 apply to any osteopathic physician who provides professional
 435 services in a pain-management clinic that is required to be
 436 registered in subsection (1).

437 (b) A person may not dispense any medication on the
 438 premises of a registered pain-management clinic unless he or she
 439 is a physician licensed under this chapter or chapter 458. A
 440 person may not prescribe any controlled substance regulated
 441 under chapter 893 on the premises of a registered pain-
 442 management clinic unless he or she is a physician licensed under

443 this chapter or chapter 458.

444 Section 10. Section 464.012, Florida Statutes, is amended
 445 to read:

446 464.012 Certification of advanced registered nurse
 447 practitioners; fees; controlled substance prescribing.—

448 (1) Any nurse desiring to be certified as an advanced
 449 registered nurse practitioner shall apply to the department and
 450 submit proof that he or she holds a current license to practice
 451 professional nursing and that he or she meets one or more of the
 452 following requirements as determined by the board:

453 (a) Satisfactory completion of a formal postbasic
 454 educational program of at least one academic year, the primary
 455 purpose of which is to prepare nurses for advanced or
 456 specialized practice.

457 (b) Certification by an appropriate specialty board. Such
 458 certification shall be required for initial state certification
 459 and any recertification as a registered nurse anesthetist or
 460 nurse midwife. The board may by rule provide for provisional
 461 state certification of graduate nurse anesthetists and nurse
 462 midwives for a period of time determined to be appropriate for
 463 preparing for and passing the national certification
 464 examination.

465 (c) Graduation from a program leading to a master's degree
 466 in a nursing clinical specialty area with preparation in
 467 specialized practitioner skills. For applicants graduating on or
 468 after October 1, 1998, graduation from a master's degree program

469 shall be required for initial certification as a nurse
470 practitioner under paragraph (4) (c). For applicants graduating
471 on or after October 1, 2001, graduation from a master's degree
472 program shall be required for initial certification as a
473 registered nurse anesthetist under paragraph (4) (a).

474 (2) The board shall provide by rule the appropriate
475 requirements for advanced registered nurse practitioners in the
476 categories of certified registered nurse anesthetist, certified
477 nurse midwife, and nurse practitioner.

478 (3) An advanced registered nurse practitioner shall
479 perform those functions authorized in this section within the
480 framework of an established protocol that is filed with the
481 board upon biennial license renewal and within 30 days after
482 entering into a supervisory relationship with a physician or
483 changes to the protocol. The board shall review the protocol to
484 ensure compliance with applicable regulatory standards for
485 protocols. The board shall refer to the department licensees
486 submitting protocols that are not compliant with the regulatory
487 standards for protocols. A practitioner currently licensed under
488 chapter 458, chapter 459, or chapter 466 shall maintain
489 supervision for directing the specific course of medical
490 treatment. Within the established framework, an advanced
491 registered nurse practitioner may:

492 (a) Prescribe, dispense, administer, or order any ~~Monitor~~
493 ~~and alter drug therapies.~~

494 (b) Initiate appropriate therapies for certain conditions.

495 (c) Perform additional functions as may be determined by
496 rule in accordance with s. 464.003(2).

497 (d) Order diagnostic tests and physical and occupational
498 therapy.

499 (4) In addition to the general functions specified in
500 subsection (3), an advanced registered nurse practitioner may
501 perform the following acts within his or her specialty:

502 (a) The certified registered nurse anesthetist may, to the
503 extent authorized by established protocol approved by the
504 medical staff of the facility in which the anesthetic service is
505 performed, perform any or all of the following:

506 1. Determine the health status of the patient as it
507 relates to the risk factors and to the anesthetic management of
508 the patient through the performance of the general functions.

509 2. Based on history, physical assessment, and supplemental
510 laboratory results, determine, with the consent of the
511 responsible physician, the appropriate type of anesthesia within
512 the framework of the protocol.

513 3. Order under the protocol preanesthetic medication.

514 4. Perform under the protocol procedures commonly used to
515 render the patient insensible to pain during the performance of
516 surgical, obstetrical, therapeutic, or diagnostic clinical
517 procedures. These procedures include ordering and administering
518 regional, spinal, and general anesthesia; inhalation agents and
519 techniques; intravenous agents and techniques; and techniques of
520 hypnosis.

521 5. Order or perform monitoring procedures indicated as
522 pertinent to the anesthetic health care management of the
523 patient.

524 6. Support life functions during anesthesia health care,
525 including induction and intubation procedures, the use of
526 appropriate mechanical supportive devices, and the management of
527 fluid, electrolyte, and blood component balances.

528 7. Recognize and take appropriate corrective action for
529 abnormal patient responses to anesthesia, adjunctive medication,
530 or other forms of therapy.

531 8. Recognize and treat a cardiac arrhythmia while the
532 patient is under anesthetic care.

533 9. Participate in management of the patient while in the
534 postanesthesia recovery area, including ordering the
535 administration of fluids and drugs.

536 10. Place special peripheral and central venous and
537 arterial lines for blood sampling and monitoring as appropriate.

538 (b) The certified nurse midwife may, to the extent
539 authorized by an established protocol which has been approved by
540 the medical staff of the health care facility in which the
541 midwifery services are performed, or approved by the nurse
542 midwife's physician backup when the delivery is performed in a
543 patient's home, perform any or all of the following:

544 1. Perform superficial minor surgical procedures.

545 2. Manage the patient during labor and delivery to include
546 amniotomy, episiotomy, and repair.

547 3. Order, initiate, and perform appropriate anesthetic
548 procedures.

549 4. Perform postpartum examination.

550 5. Order appropriate medications.

551 6. Provide family-planning services and well-woman care.

552 7. Manage the medical care of the normal obstetrical
553 patient and the initial care of a newborn patient.

554 (c) The nurse practitioner may perform any or all of the
555 following acts within the framework of established protocol:

556 1. Manage selected medical problems.

557 2. Order physical and occupational therapy.

558 3. Initiate, monitor, or alter therapies for certain
559 uncomplicated acute illnesses.

560 4. Monitor and manage patients with stable chronic
561 diseases.

562 5. Establish behavioral problems and diagnosis and make
563 treatment recommendations.

564 (5) The board shall certify, and the department shall
565 issue a certificate to, any nurse meeting the qualifications in
566 this section. The board shall establish an application fee not
567 to exceed \$100 and a biennial renewal fee not to exceed \$50. The
568 board is authorized to adopt such other rules as are necessary
569 to implement the provisions of this section.

570 Section 11. Paragraph (p) is added to subsection (1) of
571 section 464.018, Florida Statutes, to read:

572 464.018 Disciplinary actions.—

573 (1) The following acts constitute grounds for denial of a
574 license or disciplinary action, as specified in s. 456.072(2):

575 (p) For an advanced registered nurse practitioner:

576 1. Presigning blank prescription forms.

577 2. Prescribing for office use any medicinal drug appearing
578 on Schedule II in chapter 893.

579 3. Prescribing, ordering, dispensing, administering,
580 supplying, selling, or giving a drug that is an amphetamine or a
581 sympathomimetic amine drug, or a compound designated pursuant to
582 chapter 893 as a Schedule II controlled substance, to or for any
583 person except for:

584 a. The treatment of narcolepsy; hyperkinesis; behavioral
585 syndrome in children characterized by the developmentally
586 inappropriate symptoms of moderate to severe distractibility,
587 short attention span, hyperactivity, emotional lability, and
588 impulsivity; or drug-induced brain dysfunction.

589 b. The differential diagnostic psychiatric evaluation of
590 depression or the treatment of depression shown to be refractory
591 to other therapeutic modalities.

592 c. The clinical investigation of the effects of such drugs
593 or compounds when an investigative protocol is submitted to,
594 reviewed by, and approved by the department before such
595 investigation is begun.

596 4. Prescribing, ordering, dispensing, administering,
597 supplying, selling, or giving growth hormones, testosterone or
598 its analogs, human chorionic gonadotropin (HCG), or other

599 hormones for the purpose of muscle building or to enhance
600 athletic performance. As used in this subparagraph, the term
601 "muscle building" does not include the treatment of injured
602 muscle. A prescription written for the drug products listed in
603 this paragraph may be dispensed by a pharmacist with the
604 presumption that the prescription is for legitimate medical use.

605 5. Promoting or advertising on any prescription form a
606 community pharmacy unless the form also states: "This
607 prescription may be filled at any pharmacy of your choice."

608 6. Prescribing, dispensing, administering, mixing, or
609 otherwise preparing a legend drug, including a controlled
610 substance, other than in the course of his or her professional
611 practice. For the purposes of this subparagraph, it is legally
612 presumed that prescribing, dispensing, administering, mixing, or
613 otherwise preparing legend drugs, including all controlled
614 substances, inappropriately or in excessive or inappropriate
615 quantities is not in the best interest of the patient and is not
616 in the course of the advanced registered nurse practitioner's
617 professional practice, without regard to his or her intent.

618 7. Prescribing, dispensing, or administering a medicinal
619 drug appearing on any schedule set forth in chapter 893 to
620 himself or herself, except a drug prescribed, dispensed, or
621 administered to the advanced registered nurse practitioner by
622 another practitioner authorized to prescribe, dispense, or
623 administer medicinal drugs.

624 8. Prescribing, ordering, dispensing, administering,

625 supplying, selling, or giving amygdalin (laetrile) to any
 626 person.

627 9. Dispensing a controlled substance listed on Schedule II
 628 or Schedule III in chapter 893 in violation of s. 465.0276.

629 10. Promoting or advertising through any communication
 630 medium the use, sale, or dispensing of a controlled substance
 631 appearing on any schedule in chapter 893.

632 Section 12. Subsection (21) of section 893.02, Florida
 633 Statutes, is amended to read:

634 893.02 Definitions.—The following words and phrases as
 635 used in this chapter shall have the following meanings, unless
 636 the context otherwise requires:

637 (21) "Practitioner" means a physician licensed under
 638 ~~pursuant to~~ chapter 458, a dentist licensed under ~~pursuant to~~
 639 chapter 466, a veterinarian licensed under ~~pursuant to~~ chapter
 640 474, an osteopathic physician licensed under ~~pursuant to~~ chapter
 641 459, an advanced registered nurse practitioner certified under
 642 chapter 464, a naturopath licensed under ~~pursuant to~~ chapter
 643 462, a certified optometrist licensed under ~~pursuant to~~ chapter
 644 463, ~~or~~ a podiatric physician licensed under ~~pursuant to~~ chapter
 645 461, or a physician assistant licensed under chapter 458 or
 646 chapter 459, provided such practitioner holds a valid federal
 647 controlled substance registry number.

648 Section 13. Paragraph (n) of subsection (1) of section
 649 948.03, Florida Statutes, is amended to read:

650 948.03 Terms and conditions of probation.—

651 (1) The court shall determine the terms and conditions of
652 probation. Conditions specified in this section do not require
653 oral pronouncement at the time of sentencing and may be
654 considered standard conditions of probation. These conditions
655 may include among them the following, that the probationer or
656 offender in community control shall:

657 (n) Be prohibited from using intoxicants to excess or
658 possessing any drugs or narcotics unless prescribed by a
659 physician, advanced registered nurse practitioner, or physician
660 assistant. The probationer or community controllee may ~~shall~~ not
661 knowingly visit places where intoxicants, drugs, or other
662 dangerous substances are unlawfully sold, dispensed, or used.

663 Section 14. Subsection (3) of s. 310.071, Florida
664 Statutes, is reenacted for the purpose of incorporating the
665 amendment made by this act to s. 310.071, Florida Statutes, in a
666 reference thereto.

667 Section 15. Subsection (10) of s. 458.331, paragraph (g)
668 of subsection (7) of s. 458.347, subsection (10) of s. 459.015,
669 paragraph (f) of subsection (7) of s. 459.022, and paragraph (b)
670 of subsection (5) of s. 465.0158, Florida Statutes, are
671 reenacted for the purpose of incorporating the amendment made by
672 this act to s. 456.072, Florida Statutes, in references thereto.

673 Section 16. Paragraph (mm) of subsection (1) of s. 456.072
674 and s. 466.02751, Florida Statutes, are reenacted for the
675 purpose of incorporating the amendment made by this act to s.
676 456.44, Florida Statutes, in references thereto.

677 Section 17. Section 458.303, paragraph (e) of subsection
678 (4) and paragraph (c) of subsection (9) of s. 458.347, paragraph
679 (b) of subsection (7) of s. 458.3475, paragraph (e) of
680 subsection (4) and paragraph (c) of subsection (9) of s.
681 459.022, and paragraph (b) of subsection (7) of s. 459.023,
682 Florida Statutes, are reenacted for the purpose of incorporating
683 the amendment made by this act to s. 458.347, Florida Statutes,
684 in references thereto.

685 Section 18. Paragraph (a) of subsection (1) of s. 456.041,
686 subsections (1) and (2) of s. 458.348, and subsection (1) of s.
687 459.025, Florida Statutes, are reenacted for the purpose of
688 incorporating the amendment made by this act to s. 464.012,
689 Florida Statutes, in references thereto.

690 Section 19. Subsection (2) of s. 464.008, subsection (5)
691 of s. 464.009, subsection (2) of s. 464.018, and paragraph (b)
692 of subsection (1), subsection (3), and paragraph (b) of
693 subsection (4) of s. 464.0205, Florida Statutes, are reenacted
694 for the purpose of incorporating the amendment made by this act
695 to s. 464.018, Florida Statutes, in references thereto.

696 Section 20. Section 775.051, Florida Statutes, is
697 reenacted for the purpose of incorporating the amendment made by
698 this act to s. 893.02, Florida Statutes, in a reference thereto.

699 Section 21. Paragraph (a) of subsection (3) of s. 944.17,
700 subsection (8) of s. 948.001, and paragraph (e) of subsection
701 (1) of s. 948.101, Florida Statutes, are reenacted for the
702 purpose of incorporating the amendment made by this act to s.

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703 | 948.03, Florida Statutes, in references thereto.

704 | Section 22. This act shall take effect July 1, 2016.