

1 A bill to be entitled

2 An act relating to podiatric medicine; amending s.
3 458.347, F.S.; providing and revising definitions;
4 revising the membership and duties of the Council on
5 Physician Assistants; amending s. 458.3485, F.S.;
6 authorizing a medical assistant to perform specified
7 duties under the direct supervision and responsibility
8 of a podiatric physician; amending s. 459.022, F.S.;
9 providing and revising definitions; revising the
10 membership and duties of the Council on Physician
11 Assistants; amending s. 461.007, F.S.; authorizing the
12 Board of Podiatric Medicine to require a specified
13 number of continuing education hours related to the
14 safe and effective prescribing of controlled
15 substances; creating s. 461.0145, F.S.; authorizing a
16 podiatric physician to supervise a specified number of
17 physician assistants; providing requirements for
18 physician assistants, podiatric physicians, and groups
19 of podiatric physicians; creating s. 461.0155, F.S.;
20 providing for governance of podiatric physicians who
21 are supervising medical assistants; amending s.
22 624.27, F.S.; revising the definition of the term
23 "health care provider" to include podiatric
24 physicians; providing an effective date.
25

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

27

28 Section 1. Paragraphs (b) and (h) of subsection (2) of
 29 section 458.347, Florida Statutes, are amended, paragraph (i) is
 30 added to that subsection, and paragraphs (a) and (c) of
 31 subsection (9) of that section are amended, to read:

32 458.347 Physician assistants.—

33 (2) DEFINITIONS.—As used in this section:

34 (b) "Boards" means the Board of Medicine, ~~and~~ and the Board of
 35 Osteopathic Medicine, and the Board of Podiatric Medicine.

36 (h) "Continuing medical education" means courses
 37 recognized and approved by the boards, the American Academy of
 38 Physician Assistants, the American Medical Association, the
 39 American Osteopathic Association, the American Podiatric Medical
 40 Association, or the Accreditation Council on Continuing Medical
 41 Education.

42 (i) "Physician" means a person who holds an active,
 43 unrestricted license as a physician under this chapter, an
 44 osteopathic physician under chapter 459, or a podiatric
 45 physician under chapter 461.

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

48 (a) The council shall consist of seven ~~five~~ members
 49 appointed as follows:

50 1. The chairperson of the Board of Medicine shall appoint

51 three members who are physicians and members of the Board of
 52 Medicine. One of the physicians must supervise a physician
 53 assistant in the physician's practice.

54 2. The chairperson of the Board of Osteopathic Medicine
 55 shall appoint two members ~~one member~~ who are physicians ~~is a~~
 56 ~~physician~~ and members ~~a member~~ of the Board of Osteopathic
 57 Medicine.

58 3. The chairperson of the Board of Podiatric Medicine
 59 shall appoint one member who is a podiatric physician and a
 60 member of the Board of Podiatric Medicine.

61 ~~4.3.~~ The State Surgeon General or his or her designee
 62 shall appoint one member who is a ~~fully licensed~~ physician
 63 assistant licensed under this chapter, ~~or~~ chapter 459, or
 64 chapter 461.

65 (c) The council shall:

66 1. Recommend to the department the licensure of physician
 67 assistants.

68 2. Develop all rules regulating the use of physician
 69 assistants by physicians under this chapter, ~~and~~ chapter 459, or
 70 chapter 461, except for rules relating to the formulary
 71 developed under paragraph (4) (f). The council shall also develop
 72 rules to ensure that the continuity of supervision is maintained
 73 in each practice setting. The boards shall consider adopting a
 74 proposed rule developed by the council at the regularly
 75 scheduled meeting immediately following the submission of the

76 | proposed rule by the council. A proposed rule submitted by the
 77 | council may not be adopted by a ~~either~~ board unless all ~~both~~
 78 | boards have accepted and approved the identical language
 79 | contained in the proposed rule. The language of all proposed
 80 | rules submitted by the council must be approved by all ~~both~~
 81 | boards pursuant to each respective board's guidelines and
 82 | standards regarding the adoption of proposed rules. If a ~~either~~
 83 | board rejects the council's proposed rule, that board must
 84 | specify its objection to the council with particularity and
 85 | include any recommendations it may have for the modification of
 86 | the proposed rule.

87 | 3. Make recommendations to the boards regarding all
 88 | matters relating to physician assistants.

89 | 4. Address concerns and problems of practicing physician
 90 | assistants in order to improve safety in the clinical practices
 91 | of licensed physician assistants.

92 | Section 2. Subsection (1) of section 458.3485, Florida
 93 | Statutes, is amended to read:

94 | 458.3485 Medical assistant.—

95 | (1) DEFINITIONS ~~DEFINITION~~.—As used in this section:7

96 | (a) "Medical assistant" means a professional multiskilled
 97 | person dedicated to assisting in all aspects of medical practice
 98 | under the direct supervision and responsibility of a physician.
 99 | This practitioner assists with patient care management, executes
 100 | administrative and clinical procedures, and often performs

101 managerial and supervisory functions. Competence in the field
 102 also requires that a medical assistant adhere to ethical and
 103 legal standards of professional practice, recognize and respond
 104 to emergencies, and demonstrate professional characteristics.

105 (b) "Physician" means a person who holds an active,
 106 unrestricted license as a physician under this chapter or a
 107 podiatric physician under chapter 461.

108 Section 3. Paragraphs (b) and (h) of subsection (2) of
 109 section 459.022, Florida Statutes, are amended, paragraph (i) is
 110 added to that subsection, and paragraphs (a) and (c) of
 111 subsection (9) of that section are amended, to read:

112 459.022 Physician assistants.—

113 (2) DEFINITIONS.—As used in this section:

114 (b) "Boards" means the Board of Medicine, ~~and~~ the Board of
 115 Osteopathic Medicine, and the Board of Podiatric Medicine.

116 (h) "Continuing medical education" means courses
 117 recognized and approved by the boards, the American Academy of
 118 Physician Assistants, the American Medical Association, the
 119 American Osteopathic Association, the American Podiatric Medical
 120 Association, or the Accreditation Council on Continuing Medical
 121 Education.

122 (i) "Physician" means a person who holds an active,
 123 unrestricted license as a physician under chapter 458, an
 124 osteopathic physician under this chapter, or a podiatric
 125 physician under chapter 461.

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

128 (a) The council shall consist of seven ~~five~~ members
 129 appointed as follows:

130 1. The chairperson of the Board of Medicine shall appoint
 131 three members who are physicians and members of the Board of
 132 Medicine. One of the physicians must supervise a physician
 133 assistant in the physician's practice.

134 2. The chairperson of the Board of Osteopathic Medicine
 135 shall appoint two members ~~one member~~ who are physicians ~~is a~~
 136 ~~physician~~ and members ~~a member~~ of the Board of Osteopathic
 137 Medicine.

138 3. The chairperson of the Board of Podiatric Medicine
 139 shall appoint one member who is a podiatric physician and a
 140 member of the Board of Podiatric Medicine.

141 ~~4.3.~~ The State Surgeon General or her or his designee
 142 shall appoint one member who is a fully licensed physician
 143 assistant licensed under chapter 458, ~~or~~ this chapter, or
 144 chapter 461.

145 (c) The council shall:

146 1. Recommend to the department the licensure of physician
 147 assistants.

148 2. Develop all rules regulating the use of physician
 149 assistants by physicians under chapter 458, ~~and~~ this chapter,
 150 and chapter 461, except for rules relating to the formulary

151 developed under s. 458.347. The council shall also develop rules
152 to ensure that the continuity of supervision is maintained in
153 each practice setting. The boards shall consider adopting a
154 proposed rule developed by the council at the regularly
155 scheduled meeting immediately following the submission of the
156 proposed rule by the council. A proposed rule submitted by the
157 council may not be adopted by a ~~either~~ board unless all ~~both~~
158 boards have accepted and approved the identical language
159 contained in the proposed rule. The language of all proposed
160 rules submitted by the council must be approved by all ~~both~~
161 boards pursuant to each respective board's guidelines and
162 standards regarding the adoption of proposed rules. If a ~~either~~
163 board rejects the council's proposed rule, that board must
164 specify its objection to the council with particularity and
165 include any recommendations it may have for the modification of
166 the proposed rule.

167 3. Make recommendations to the boards regarding all
168 matters relating to physician assistants.

169 4. Address concerns and problems of practicing physician
170 assistants in order to improve safety in the clinical practices
171 of licensed physician assistants.

172 Section 4. Subsection (3) of section 461.007, Florida
173 Statutes, is amended to read:

174 461.007 Renewal of license.—

175 (3) The board may by rule prescribe continuing education,

176 not to exceed 40 hours biennially, as a condition for renewal of
177 a license, with a minimum of 2 hours of continuing education
178 related to the safe and effective prescribing of controlled
179 substances. The criteria for such programs or courses shall be
180 approved by the board.

181 Section 5. Section 461.0145, Florida Statutes, is created
182 to read:

183 461.0145 Physician assistants.—

184 (1) A podiatric physician or group of podiatric physicians
185 may supervise up to four physician assistants licensed under s.
186 458.347 or s. 459.022. A physician assistant must be qualified
187 in the medical areas in which the physician assistant is to
188 perform.

189 (2) A physician assistant practicing under this chapter
190 shall be governed by s. 458.347 or s. 459.022.

191 (3) A podiatric physician or group of podiatric physicians
192 supervising a physician assistant shall be individually or
193 collectively responsible and liable for the performance and the
194 acts and omissions of the physician assistant.

195 Section 6. Section 461.0155, Florida Statutes, is created
196 to read:

197 461.0155 Medical assistants.—A podiatric physician who is
198 supervising a medical assistant shall be governed by s.
199 458.3485.

200 Section 7. Paragraph (b) of subsection (1) of section

HB 351

2020

201 624.27, Florida Statutes, is amended to read:

202 624.27 Direct health care agreements; exemption from
203 code.—

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

205 (b) "Health care provider" means a health care provider
206 licensed under chapter 458, chapter 459, chapter 460, chapter
207 461, chapter 464, or chapter 466, or a health care group
208 practice, who provides health care services to patients.

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