

Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN (Y/N)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

1 Committee/Subcommittee hearing PCB: Health & Human Services
2 Committee

3 Representative Renuart offered the following:
4

5 **Amendment (with title amendment)**

6 Remove lines 388-1044 and insert:

7 Section 10. Paragraph (a) of subsection (2) of section
8 394.463, Florida Statutes, is amended to read:

9 394.463 Involuntary examination.—

10 (2) INVOLUNTARY EXAMINATION.—

11 (a) An involuntary examination may be initiated by any one
12 of the following means:

13 1. A court may enter an ex parte order stating that a
14 person appears to meet the criteria for involuntary examination,
15 giving the findings on which that conclusion is based. The ex
16 parte order for involuntary examination must be based on sworn
17 testimony, written or oral. If other less restrictive means are

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18 not available, such as voluntary appearance for outpatient
19 evaluation, a law enforcement officer, or other designated agent
20 of the court, shall take the person into custody and deliver him
21 or her to the nearest receiving facility for involuntary
22 examination. The order of the court shall be made a part of the
23 patient's clinical record. No fee shall be charged for the
24 filing of an order under this subsection. Any receiving facility
25 accepting the patient based on this order must send a copy of
26 the order to the Agency for Health Care Administration on the
27 next working day. The order shall be valid only until executed
28 or, if not executed, for the period specified in the order
29 itself. If no time limit is specified in the order, the order
30 shall be valid for 7 days after the date that the order was
31 signed.

32 2. A law enforcement officer shall take a person who
33 appears to meet the criteria for involuntary examination into
34 custody and deliver the person or have him or her delivered to
35 the nearest receiving facility for examination. The officer
36 shall execute a written report detailing the circumstances under
37 which the person was taken into custody, and the report shall be
38 made a part of the patient's clinical record. Any receiving
39 facility accepting the patient based on this report must send a
40 copy of the report to the Agency for Health Care Administration
41 on the next working day.

42 3. A physician, clinical psychologist, psychiatric nurse,
43 nurse practitioner, physician assistant, mental health

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44 counselor, marriage and family therapist, or clinical social
45 worker may execute a certificate stating that he or she has
46 examined a person within the preceding 48 hours and finds that
47 the person appears to meet the criteria for involuntary
48 examination and stating the observations upon which that
49 conclusion is based. If other less restrictive means are not
50 available, such as voluntary appearance for outpatient
51 evaluation, a law enforcement officer shall take the person
52 named in the certificate into custody and deliver him or her to
53 the nearest receiving facility for involuntary examination. The
54 law enforcement officer shall execute a written report detailing
55 the circumstances under which the person was taken into custody.
56 The report and certificate shall be made a part of the patient's
57 clinical record. Any receiving facility accepting the patient
58 based on this certificate must send a copy of the certificate to
59 the Agency for Health Care Administration on the next working
60 day.

61 Section 11. Subsection (7) of section 456.072, Florida
62 Statutes, is amended to read:

63 456.072 Grounds for discipline; penalties; enforcement.—

64 (7) Notwithstanding subsection (2), upon a finding that a
65 physician, nurse practitioner, or physician assistant has
66 prescribed or dispensed a controlled substance, or caused a
67 controlled substance to be prescribed or dispensed, in a manner
68 that violates the standard of practice set forth in s.

69 458.331(1)(q) or (t), s. 459.015(1)(t) or (x), s. 461.013(1)(o)

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70 or (s), or s. 466.028(1)(p) or (x), ~~the physician~~ such
71 practitioner shall be suspended for a period of not less than 6
72 months and pay a fine of not less than \$10,000 per count.
73 Repeated violations shall result in increased penalties.

74 Section 12. Subsection (2) of section 464.003, Florida
75 Statutes, is amended to read:

76 464.003 Definitions.—As used in this part, the term:

77 (2) "Advanced or specialized nursing practice" or means,
78 in addition to the practice of professional nursing, the
79 performance of advanced-level nursing acts approved by the board
80 which, by virtue of postbasic specialized education, training,
81 and experience, are appropriately performed by an advanced
82 registered nurse practitioner. Within the context of advanced or
83 specialized nursing practice, the advanced registered nurse
84 practitioner may perform acts of nursing diagnosis and nursing
85 treatment of alterations of the health status. The advanced
86 registered nurse practitioner may also perform acts of medical
87 diagnosis and treatment, prescription, and operation which are
88 identified and approved by a joint committee composed of three
89 members appointed by the Board of Nursing, two of whom must be
90 advanced registered nurse practitioners; three members appointed
91 by the Board of Medicine, two of whom must have had work
92 experience with advanced registered nurse practitioners; and the
93 State Surgeon General or the State Surgeon General's designee.
94 Each committee member appointed by a board shall be appointed to
95 a term of 4 years unless a shorter term is required to establish

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96 or maintain staggered terms. The Board of Nursing shall adopt
97 rules authorizing the performance of any such acts approved by
98 the joint committee. Unless otherwise specified by the joint
99 committee, such medical acts must be performed under the general
100 supervision of a practitioner licensed under chapter 458,
101 chapter 459, or chapter 466 within the framework of standing
102 protocols which identify the medical acts to be performed and
103 the conditions for their performance. The department may, by
104 rule, require that a copy of the protocol be filed with the
105 department along with the notice required by s. 458.348 or s.
106 459.025. The joint committee must also establish a formulary of
107 controlled substances that nurse practitioners certified under
108 s. 464.012, are prohibited from prescribing, administering, or
109 dispensing. All Schedule II controlled substances listed in s.
110 893.03 shall be included in the formulary. All Schedule III
111 controlled substances, except those approved by the FDA for the
112 treatment of acute pain, shall be included in the formulary.
113 Any Schedule III controlled substance added to the formulary by
114 the joint committee must be ratified by the Legislature. The
115 board must adopt the exclusionary formulary developed by the
116 joint committee in rule.

117 Section 13. Paragraph (c) of subsection (4) of section
118 464.012, Florida Statutes, is amended to read:

119 464.012 Certification of advanced registered nurse
120 practitioners; fees.-

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

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

126 1. Manage selected medical problems.

127 2. Order physical and occupational therapy.

128 3. Initiate, monitor, or alter therapies for certain
129 uncomplicated acute illnesses.

130 4. Monitor and manage patients with stable chronic
131 diseases.

132 5. Establish behavioral problems and diagnosis and make
133 treatment recommendations.

134 6. Prescribe, dispense, order, or administer controlled
135 substances to the extent authorized in the protocol and only to
136 the extent the supervising physician is authorized to prescribe,
137 dispense, order, or administer controlled substances. However,
138 the nurse practitioner may not prescribe, dispense, order, or
139 administer any controlled substance listed in the formulary
140 adopted in rule pursuant to s. 464.003(2).

141 Section 14. Paragraph (f) of subsection (4) of section
142 458.347, Florida Statutes, is amended to read:

143 458.347 Physician assistants.—

144 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

145 (f)1. The council shall establish a formulary of medicinal
146 drugs that a fully licensed physician assistant having

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147 prescribing authority under this section or s. 459.022 may not
148 prescribe. The formulary must include Schedule II and III
149 controlled substances as defined in chapter 893, general
150 anesthetics, and radiographic contrast materials.

151 Notwithstanding the council's authority to include Schedule IV
152 and V controlled substances in the formulary, nothing in this
153 section shall be construed to allow a physician assistant to
154 prescribe any controlled substance for the treatment of chronic
155 nonmalignant pain as defined in s. 456.44(1)(e).

156 2. In establishing the formulary, the council shall
157 consult with a pharmacist licensed under chapter 465, but not
158 licensed under this chapter or chapter 459, who shall be
159 selected by the State Surgeon General.

160 3. Only the council shall add to, delete from, or modify
161 the formulary. Any person who requests an addition, deletion, or
162 modification of a medicinal drug listed on such formulary has
163 the burden of proof to show cause why such addition, deletion,
164 or modification should be made.

165 4. The boards shall adopt the formulary required by this
166 paragraph, and each addition, deletion, or modification to the
167 formulary, by rule. Notwithstanding any provision of chapter 120
168 to the contrary, the formulary rule shall be effective 60 days
169 after the date it is filed with the Secretary of State. Upon
170 adoption of the formulary, the department shall mail a copy of
171 such formulary to each fully licensed physician assistant having
172 prescribing authority under this section or s. 459.022, and to

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173 each pharmacy licensed by the state. The boards shall establish,
174 by rule, a fee not to exceed \$200 to fund the provisions of this
175 paragraph and paragraph (e).

176 Section 15. Except as otherwise provided herein, this act
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182 **T I T L E A M E N D M E N T**

183 Remove lines 49-109 and insert:

184 treat the human eye and its appendages; amending s. 394.463,
185 F.S.; authorizing a nurse practitioner and physician assistant
186 to execute a certificate to require, under the Baker Act, an
187 involuntary examination of a person; amending s. 456.072, F.S.;
188 requiring the suspension and fining of a nurse practitioner or
189 physician assistant for prescribing or dispensing a controlled
190 substances in a certain manner; amending s. 464.003, F.S.;
191 revising the definition of "advanced or specialized nursing
192 practice" to require a joint committee to establish an
193 exclusionary formulary of certain schedules of controlled
194 substances; requiring the formulary to be adopted in rule by the
195 Board of Nursing; amending s. 464.012, F.S.; authorizing nurse
196 practitioners to prescribe, dispense, order or administer
197 controlled substances to the extent authorized by protocol and
198 by law; amending s. 458.347, F.S.; requiring a formulary to

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCS for CS/HB 7113 (2014)

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199 include certain controlled substances that physician assistants
200 are prohibited from prescribing; prohibiting the section of law
201 from being construed to allow physician assistants to prescribe
202 controlled substances to treat chronic nonmalignant pain;
203 providing an
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