

STORAGE NAME: h0331s1.hcc.doc

DATE: April 2, 2001

**HOUSE OF REPRESENTATIVES
COUNCIL FOR HEALTHY COMMUNITIES
ANALYSIS**

BILL #: CS/HB 331

RELATING TO: Physician Assistants

SPONSOR(S): Committee on Health Regulation and Representative Baxley

TIED BILL(S): None.

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) HEALTH REGULATION YEAS 11 NAYS 0
- (2) FISCAL POLICY & RESOURCES YEAS 12 NAYS 0
- (3) COUNCIL FOR HEALTHY COMMUNITIES YEAS 12 NAYS 0
- (4)
- (5)

I. SUMMARY:

This bill modifies the formulary of medicinal drugs that physician assistants may prescribe. The bill requires the Council on Physician Assistants, in consultation with a licensed pharmacist, to establish a "negative" drug formulary which lists the medicinal drugs that a licensed physician assistant may not prescribe, rather than the current "positive" formulary which lists the medicinal drugs that a licensed physician assistant may prescribe. It also permits a licensed physician assistant to dispense drug samples to patients. Furthermore, it repeals the five-member physician assistant formulary committee.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Physician assistants are regulated in Florida by Chapters 458 and 459, Florida Statutes. Licensed physician assistants are authorized to prescribe any of the drugs listed on the Physician Assistant Formulary. The current formulary is known as a "positive formulary" meaning that all of the drugs physician assistants may prescribe are specifically approved and listed on the formulary. A physician assistant may not prescribe new drugs until they are approved and placed on the list.

Sections 458.347 and 459.022, F.S., provide for a five-person formulary committee to meet and decide which drugs should be placed on the drug formulary. The committee makes recommendations to the Board of Medicine and the Board of Osteopathic Medicine, which in turn, vote to approve or reject the recommendations. Once approved, the boards adopt the formulary in a rule that is included in the Florida Administrative Code. Physician assistants may then prescribe any of the drugs listed on the formulary.

C. EFFECT OF PROPOSED CHANGES:

This bill modifies the formulary of medicinal drugs that physician assistants may prescribe. The bill requires the Council on Physician Assistants, in consultation with a licensed pharmacist, to establish a "negative" drug formulary which lists the medicinal drugs that a licensed physician assistant may not prescribe, rather than the current "positive" formulary which lists the medicinal drugs that a licensed physician assistant may prescribe. It also permits a licensed physician assistant to dispense drug samples to patients. Furthermore, it repeals the five-member physician assistant formulary committee and vests the power to make recommendations for change with the Council on Physician Assistants.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 458.347, F.S., to allow licensed physician assistants to dispense drug samples; abolishes the five-member physician assistant formulary committee; and requires the Council on Physician Assistants, in consultation with a licensed pharmacist, to establish a negative formulary of drugs that a physician assistant may not prescribe.

Section 2. Amends s. 459.022, F.S., to allow licensed physician assistants to dispense drug samples; abolishes the five-member physician assistant formulary committee; and repeals duplicative language found in both Chapters 458 and 459, Florida Statutes, relating to the physician assistant drug formulary.

Section 3. Provides an effective date of October 1, 2001.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The state will save the expenses associated with the meetings and travel required of the five-member formulary committee.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require a city or county to expend funds or to take any action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

Rules are currently adopted by the Board of Medicine and Board of Osteopathic Medicine based upon the formulary recommendations of the five-member formulary committee. This bill transfers the recommendation authority of the committee to the Council on Physician Assistants but retains the rulemaking authority in the boards. The bill will require the boards to modify their existing rules.

C. OTHER COMMENTS:

The bill specifically requires controlled substances, as defined in Chapter 893, Florida Statutes, to be included in the negative formulary of drugs that physician assistants are prohibited from prescribing.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 15, 2001, the Committee on Health Regulation adopted two amendments to the original bill. The first amendment reinserted the word "antipsychotics" into s. 458.347(4)(f)1., F.S., in order to require antipsychotics to be included in the negative drug formulary which physician assistants may not prescribe. The second amendment changed the effective date from July 1, 2001 to October 1, 2001. The committee adopted the two amendments without objection and then passed the bill favorably as a committee substitute.

On March 29, 2001 the Council for Healthy Communities considered CS/HB 331. The bill passed the Council favorably as presented.

VII. SIGNATURES:

COMMITTEE ON HEALTH REGULATION:

Prepared by:

Wendy Smith Hansen, Senior Attorney

Staff Director:

Lucretia Shaw Collins

AS REVISED BY THE COMMITTEE ON FISCAL POLICY & RESOURCES:

Prepared by:

Douglas Pile

Staff Director:

Greg Turbeville

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AS FURTHER REVISED BY THE COUNCIL FOR HEALTHY COMMUNITIES:

Prepared by:

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Wendy Smith Hansen, Senior Attorney

Mary Pat Moore, Council Director