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Client Alert: The Florida Legislature has Approved Expanding the Scope of Practice of APRNs and Pharmacists

INDUSTRY SECTOR

Health Care

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On March 11, 2020, the Florida Legislature passed two bills that would expand the ability of advance practice registered nurses (“APRNs”) and pharmacists to diagnose and treat certain medical conditions. These bills, which were opposed by both the Florida Medical Association and the American Medical Association, passed as Floridians are dealing with the spread of COVID-19. The bills are being sent to Florida Governor Ron DeSantis for approval. If he signs them, they will become law.

[House Bill 607](#) allows APRNs to practice independently of physicians if they meet certain requirements. Currently APRNs enjoy a wide scope of practice, but they must practice under a protocol arrangement with a supervising physician. Under the bill, an APRN who has practiced five years under a supervising physician, has 2,000 clinical practice hours, has a clear license, and no disciplinary history, may apply to practice independent of physician supervision. The Board of Nursing may also establish additional requirements. Further, APRNs could be authorized to sign death certificates and could also be subject to the same adverse incident reporting requirements as physicians.

[House Bill 389](#) expands the ability of pharmacists to diagnose and treat patients under a protocol with a supervising physician. Specifically, pharmacists could perform, order, and evaluate clinical and laboratory tests. Also, they can initiate, modify, or discontinue drug therapy for a chronic condition under certain circumstances and test to screen minor non-chronic health conditions. In order to have this expanded practice, the pharmacist must be certified by the Board of Pharmacy, have earned a doctor of pharmacy degree or have been in practice for five years, have an active and unencumbered license, must have completed a 20-hour approved course, have a compliant record maintenance system, and must perform these services under a collaborative practice agreement with a physician that meets certain requirements. The pharmacists with this expanded practice must additionally maintain \$250,000 in professional liability coverage and submit a copy of their collaborative practice agreement to the Florida Board of Pharmacy.

Health care providers should monitor these bills. If they become law and health care providers plan to be involved in these newly authorized arrangements, the proper agreements need to be drafted and statutory and legal authorities must be met. As in any case with a first time expansion of scopes of practice, health care providers should proceed with caution and with risk management in mind.