



Mission to Care. Vision to Lead.

ADVANCED PRACTICE PROFESSIONAL (APP)– SCOPE OF PRACTICE

ARNP and PA Controlled Substance Prescribing – Implementation of HB 423 and HB 977

November 2016

Significant legislation passed during Florida’s 2016 Legislative Session that expanded the scope of practice for Advanced Practice Professionals, including ARNPs and PAs. The following information summarizes the specifics regarding prescribing authority for APPSs as well as related restrictions, limitations and new licensure renewal requirements.

This document is provided for informational purposes and is not considered legal advice.

HB 423 and HB 977 (Passed in 2016 Legislative Session)	Advanced Registered Nurse Practitioners (ARNP) [Nurse Practitioners, Certified Registered Nurse Anesthetists and Certified Nurse Midwives]	Physician Assistants (PA)
Definition of practitioners authorized to prescribe controlled substances:	<ul style="list-style-type: none"> Licensed ARNPs who have graduated from a masters or doctoral degree in a clinical nursing specialty with training in specialized practitioner skills may prescribe controlled substances. May prescribe controlled substances as stipulated in statute and within the framework of an established supervisory protocol with a physician or dentist. 	<ul style="list-style-type: none"> Licensed PAs May prescribe controlled substances as stipulated in statute and within the framework of an established supervisory protocol with a physician.
Continuing Education Requirement for License Renewal <u>Note: CE completion is NOT required for DEA application</u>	<ul style="list-style-type: none"> 3 of the currently required hours of CE must consist of a continuing education course on the safe and effective prescribing of controlled substance. Course provider approval as stipulated (*1 below) This CE requirement pertains to all ARNPs, regardless of their intent to apply for a DEA number or their CE exemption eligibility. 	<ul style="list-style-type: none"> 3 of the currently required hours of CE must consist of a continuing education course on the safe and effective prescribing of controlled substance. Course provider approval as stipulated (*2 below) This CE requirement pertains to all PAs, regardless of their intent to apply for a DEA number.
Prescribing restrictions stipulated in statute: ALL ARNPs	<ul style="list-style-type: none"> Limits Schedule II controlled substances as listed in s.893.03 to a 7-day supply. ARNPs who are not “psychiatric nurses” may prescribe a 7-day supply of psychiatric mental health controlled substances for persons’ age 18 years and older. May not prescribe on the premises of a registered pain- management clinic. 	<ul style="list-style-type: none"> Limits Schedule II controlled substances as listed in s.893.03 to a 7-day supply. May NOT prescribe psychiatric mental health controlled substances for children younger than 18 years of age. May not prescribe on the premises of a registered pain- management clinic.

HB 423 and HB 977 (Passed in 2016 Legislative Session)	Advanced Registered Nurse Practitioners (ARNP) [Nurse Practitioners, Certified Registered Nurse Anesthetists and Certified Nurse Midwives]	Physician Assistants (PA)
Psychiatric Nurses	<ul style="list-style-type: none"> • See special “psychiatric nurse” prescribing provisions. • A psychiatric nurse, as defined in s. 394.455, and who work within the framework of an established protocol with a psychiatrist, may prescribe psychotropic controlled substances for the treatment of mental disorders to both adults and children. (HB977, 2016) • ARNPs that meet the definition of psychiatric nurse in 394.455 but who are not in protocol with a psychiatrist are not authorized to prescribe psychotropic controlled substances for children under the age of 18 years. • A psychiatric nurse, as defined in s. 394.455, <u>within the framework of an established protocol with a psychiatrist</u>, may prescribe psychotropic controlled substances for the treatment of mental disorders. • Psychiatric Nurses, as defined in FS394.455 are exempt from the controlled substance 7-day supply limitation for psychiatric medication prescriptions. 	
“Order versus Prescribe”	<p>This section differentiates that an “order” for medication on patients who are in a healthcare facility is not the same as writing a “prescription” for a medication that will be self-administered by the patient when they are receiving care in a healthcare facility.</p> <p>HB 1241 (<i>passed in 2016</i>) clarified Florida statute about this distinction and authorizes ARNPs and PAs, working within the framework of a physician protocol, to order controlled substance medications for administration to patients who are in a hospital, ambulatory surgical center or nursing home. Such authority does not include the prescribing restrictions and limitations that are outlined above, however, practitioners must comply with their facility policy and/or bylaws as they pertain to such practice.</p> <p>Refer to FS 458.347, 464.012 and 465.003. The effective date for this legislation was 7/1/16</p>	
Discipline:	Disciplinary action that guides controlled substance prescribing by ARNPs and PAs are the same as those stipulated for physician practice.	

HB 423 and HB 977 (Passed in 2016 Legislative Session)	Advanced Registered Nurse Practitioners (ARNP) [Nurse Practitioners, Certified Registered Nurse Anesthetists and Certified Nurse Midwives]	Physician Assistants (PA)
Effective date:	January 1, 2017 (See DEA application process – DEA # required to prescribe.) <i>Note: In HB 977, ARNPs also qualified as “Psychiatric Nurses” were authorized to prescribe psychiatric mental health controlled substances effective 7/1/16 – however, the DEA will not accept applications for the required DEA number until 1/1/17, the effective date of HB 423 that passed after HB 977 during the 2016 Legislative Session.</i>	January 1, 2017 (See DEA application process – DEA # required to prescribe.)
DEA # application process:	<ul style="list-style-type: none"> The DEA will begin accepting and processing registration applications for Florida ARNPs and PAs as of 1/1/17. To apply for a registration number, visit the DEA Office of Diversion Control website at http://www.deadiversion.usdoj.gov/index.html 	

*1 – Must be offered by a statewide professional association of physicians in Florida accredited to provide educational activities designated for the American Medical Association Physician’s Recognition Award Category 1 credit, the American Nurses Credentialing Center, the American Association of Nurse Anesthetists, or the American Association of Nurse practitioners and may be offered in a distance learning format.

*2 – Must be offered by a statewide professional association of physicians in Florida accredited to provide educational activities designated for the American Medical Association Physician’s Recognition Award Category 1 credit or designated by the American Academy of physician Assistants as a Category 1 credit.

NOTE: NEGATIVE FORMULARY PROVISIONS - HB 423 required the Board of Nursing to establish a Committee to recommend a formulary of controlled substances that an ARNP may not prescribe or may prescribe only for specific uses or in limited quantities. This Committee has concluded that no additional restrictions or limitations should be imposed. Similarly, the bill required the Board of Medicine PA Council formulary committee to make the same recommendations and they also concluded that additional restrictions or limitations were not indicated.

For additional information:

Martha DeCastro, FHA Vice President for Nursing and Clinical Care Policy, at martha@fha.org, or 850.222.9800
Board of Nursing, 850-245-4125
Board of Medicine, 850-245-4131