

Amendment No. 1

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WITHDRAWN (Y/N)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 bill: Health & Human Services
2 Committee

3 Representative Ponder offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 61-219 and insert:

7 every location where medicinal drugs are prepared by a
8 registered pharmacy technician who is electronically supervised
9 by an off-site pharmacist and dispensed pursuant to s.

10 465.014(1) to the patient after the pharmacist:

- 11 a. Verifies the dosage and directions;
12 b. Certifies the accuracy of the final preparation; and
13 c. Engages in patient counseling.

14 (b) The pharmacy department of any permittee shall be
15 considered closed whenever a Florida licensed pharmacist is not

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16 present and on duty. The term "not present and on duty" shall
17 not be construed to prevent:

18 1. A pharmacist from exiting the prescription department
19 for the purposes of consulting or responding to inquiries or
20 providing assistance to patients or customers;~~;~~

21 2. A pharmacist attending to personal hygiene needs;~~;~~~~or~~

22 3. A pharmacist performing any other function for which
23 the pharmacist is responsible, provided that such activities are
24 conducted in a manner consistent with the pharmacist's
25 responsibility to provide pharmacy services; or

26 4. An off-site pharmacist from remotely supervising a
27 registered pharmacy technician at a remote dispensing site
28 pharmacy.

29 Section 2. Subsection (1) of section 465.014, Florida
30 Statutes, is amended to read:

31 465.014 Pharmacy technician.—

32 (1) A person other than a licensed pharmacist or pharmacy
33 intern may not engage in the practice of the profession of
34 pharmacy, except that a licensed pharmacist may delegate to
35 pharmacy technicians who are registered pursuant to this section
36 those duties, tasks, and functions that do not fall within the
37 purview of s. 465.003(13). However, a registered pharmacy
38 technician may dispense medicinal drugs when operating under the
39 electronic supervision of an off-site Florida licensed
40 pharmacist pursuant to s. 465.0198. All such delegated acts must

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41 be performed under the direct supervision of a licensed
42 pharmacist who is responsible for all such acts performed by
43 persons under his or her supervision. A registered pharmacy
44 technician, under the supervision of a pharmacist, may initiate
45 or receive communications with a practitioner or his or her
46 agent, on behalf of a patient, regarding refill authorization
47 requests. A licensed pharmacist may not supervise more than one
48 registered pharmacy technician unless otherwise permitted by the
49 guidelines adopted by the board. The board shall establish
50 guidelines to be followed by licensees or permittees in
51 determining the circumstances under which a licensed pharmacist
52 may supervise more than one pharmacy technician.

53 Section 3. Subsections (1) and (2) of section 465.015,
54 Florida Statutes, are amended to read:

55 465.015 Violations and penalties.—

56 (1) It is unlawful for any person to own, operate,
57 maintain, open, establish, conduct, or have charge of, either
58 alone or with another person or persons, a pharmacy:

59 (a) Which is not registered under the provisions of this
60 chapter.

61 (b) In which a person not licensed as a pharmacist in this
62 state or not registered as an intern in this state or in which
63 an intern who is not acting under the direct and immediate
64 personal supervision of a licensed pharmacist fills, compounds,
65 or dispenses any prescription or dispenses medicinal drugs. This

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66 paragraph does not apply to any person who owns, operates,
67 maintains, opens, establishes, conducts, or has charge of a
68 remote dispensing site pharmacy pursuant to s. 465.0198.

69 (2) It is unlawful for any person:

70 (a) To make a false or fraudulent statement, either for
71 herself or himself or for another person, in any application,
72 affidavit, or statement presented to the board or in any
73 proceeding before the board.

74 (b) To fill, compound, or dispense prescriptions or to
75 dispense medicinal drugs if such person does not hold an active
76 license as a pharmacist in this state, is not registered as an
77 intern in this state, or is an intern not acting under the
78 direct and immediate personal supervision of a licensed
79 pharmacist. This paragraph does not apply to a registered
80 pharmacy technician dispensing medicinal drugs pursuant to s.
81 465.0198.

82 (c) To sell or dispense drugs as defined in s. 465.003(8)
83 without first being furnished with a prescription.

84 (d) To sell samples or complimentary packages of drug
85 products.

86 Section 4. Section 465.0198, Florida Statutes, is created
87 to read:

88 465.0198 Remote dispensing site pharmacy permits.-

89 (1) Any person desiring a permit to operate a remote
90 dispensing site pharmacy shall apply to the department for a

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91 remote dispensing site pharmacy permit. If the board certifies
92 that the application complies with the laws and rules of the
93 board governing the practice of the profession of pharmacy, the
94 department shall issue the permit. A permit may not be issued
95 unless a licensed pharmacist or consultant pharmacist is
96 designated as the prescription department manager responsible
97 for the oversight of the remote dispensing site pharmacy. The
98 permittee must notify the department within 10 days after any
99 change of the prescription department manager.

100 (2) As a prerequisite to issuance of an initial permit or
101 a permit for a change of location, the remote site dispensing
102 pharmacy must pass an onsite inspection. The department must
103 make the inspection within 90 days before issuance of the
104 permit.

105 (3) The remote dispensing site pharmacy must:

106 (a) Be jointly owned by a supervising pharmacy or operated
107 under a contract with a supervising pharmacy. For purposes of
108 this subsection, "supervising pharmacy" means a licensed
109 pharmacy in this state that employs a Florida licensed
110 pharmacist who remotely supervises a registered pharmacy
111 technician at a remote dispensing site pharmacy.

112 (b) Display a sign visible to the public indicating that
113 the location is a remote dispensing site pharmacy and that the
114 facility is under 24-hour video surveillance. The remote

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115 dispensing site pharmacy must retain the video surveillance
116 recordings for at least 45 days.

117 (c) Be located in an area defined as rural pursuant to s.
118 381.0406.

119 (d) Be at least 10 miles from an existing community
120 pharmacy.

121 (4) A remote dispensing site pharmacy may not lose its
122 permit based on the subsequent opening of a community pharmacy
123 within 10 miles of the remote dispensing site pharmacy.

124 (5) A remote dispensing site pharmacy is not considered a
125 pharmacy location for purposes of network access in managed care
126 programs.

127 (6) A remote dispensing site pharmacy may store, hold, and
128 dispense all medicinal drugs including those listed in s.
129 893.03(3)-(5). A remote dispensing pharmacy may not store, hold,
130 or dispense controlled substances listed in s. 893.03(2).

131 (7) A remote dispensing site pharmacy may not perform
132 centralized prescription filling, as defined in s. 465.003(16).

133 (8) A remote dispensing site pharmacy must maintain a
134 policy and procedures manual, which shall be made available to
135 the board or its agent upon request. The policy and procedures
136 manual shall include:

137 (a) A description of how the pharmacy will comply with
138 federal and state laws, rules, and regulations.

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139 (b) The procedure for supervising the remote dispensing
140 site pharmacy and counseling its patients prior to the
141 dispensing of any medicinal drug pursuant to this section.

142 (c) The procedure for reviewing the prescription drug
143 inventory and drug records maintained by the remote dispensing
144 site pharmacy.

145 (d) The policy and procedure for providing appropriate
146 security to protect the confidentiality and integrity of patient
147 information.

148 (e) The written plan for recovery from an event that
149 interrupts or prevents the pharmacist from supervising the
150 remote dispensing site pharmacy's operation.

151 (f) The procedure by which a supervising pharmacist
152 consults the state prescription drug monitoring program before
153 authorizing any controlled substance for dispensing and submits
154 the dispensing of a controlled substance as required under s.
155 893.055.

156 (g) The specific duties, tasks, and functions that a
157 registered pharmacy technician is authorized to perform at the
158 remote dispensing site pharmacy.

159 (9) The prescription department manager or other Florida-
160 licensed pharmacist must visit the remote dispensing site
161 pharmacy, based on a schedule designated by the board, to
162 inspect the pharmacy, address personnel matters, and provide
163 clinical services for patients.

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164 (10) A registered pharmacy technician must have completed
165 at least 2,080 hours of experience at a pharmacy within the 2
166 years immediately preceding the date on which the registered
167 pharmacy technician begins employment at the remote dispensing
168 site pharmacy.

169 (11) A registered pharmacy technician working at a remote
170 dispensing site pharmacy may not perform sterile or nonsterile
171 compounding, except that a registered pharmacy technician may
172 reconstitute orally administered powder antibiotics.

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T I T L E A M E N D M E N T

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Remove lines 13-17 and insert:

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manager or other licensed pharmacist to visit the remote

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dispensing site pharmacy; providing an experience requirement

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for a registered pharmacy technician working at a remote site

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pharmacy; prohibiting a registered pharmacy technician from

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performing sterile or nonsterile compounding; providing an

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exception;

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