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CS/CS/HB 599

2020 Legislature

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2 An act relating to consultant pharmacists; amending s.
3 465.003, F.S.; revising the definition of the term
4 "practice of the profession of pharmacy"; amending s.
5 465.0125, F.S.; requiring a pharmacist to complete
6 additional training to be licensed as a consultant
7 pharmacist; authorizing a consultant pharmacist to
8 perform specified services under certain conditions;
9 prohibiting a consultant pharmacist from modifying or
10 discontinuing medicinal drugs prescribed by a health
11 care practitioner under certain conditions; revising
12 the responsibilities of a consultant pharmacist;
13 requiring a consultant pharmacist and a collaborating
14 practitioner to maintain written collaborative
15 practice agreements; requiring written collaborative
16 practice agreements to be made available upon request
17 from or upon inspection by the Department of Health;
18 prohibiting a consultant pharmacist from diagnosing
19 any disease or condition; defining the term "health
20 care facility"; providing an effective date.

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22 Be It Enacted by the Legislature of the State of Florida:

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24 Section 1. Subsection (13) of section 465.003, Florida
25 Statutes, is amended to read:

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26 | 465.003 Definitions.—As used in this chapter, the term:
27 | (13) "Practice of the profession of pharmacy" includes
28 | compounding, dispensing, and consulting concerning contents,
29 | therapeutic values, and uses of any medicinal drug; consulting
30 | concerning therapeutic values and interactions of patent or
31 | proprietary preparations, whether pursuant to prescriptions or
32 | in the absence and entirely independent of such prescriptions or
33 | orders; and conducting other pharmaceutical services. For
34 | purposes of this subsection, the term "other pharmaceutical
35 | services" means ~~the monitoring of~~ the patient's drug therapy and
36 | assisting the patient in the management of his or her drug
37 | therapy, and includes reviewing, and making recommendations
38 | regarding, review of the patient's drug therapy and health care
39 | status in communication with the patient's prescribing health
40 | care provider as licensed under chapter 458, chapter 459,
41 | chapter 461, or chapter 466, or a similar statutory provision in
42 | another jurisdiction, or such provider's agent or such other
43 | persons as specifically authorized by the patient, ~~regarding the~~
44 | ~~drug therapy~~. However, ~~nothing in~~ this subsection may not be
45 | interpreted to permit an alteration of a prescriber's
46 | directions, the diagnosis or treatment of any disease, the
47 | initiation of any drug therapy, the practice of medicine, or the
48 | practice of osteopathic medicine, unless otherwise permitted by
49 | law. The term "practice of the profession of pharmacy" also
50 | includes any other act, service, operation, research, or

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51 transaction incidental to, or forming a part of, any of the
52 foregoing acts, requiring, involving, or employing the science
53 or art of any branch of the pharmaceutical profession, study, or
54 training, and shall expressly permit a pharmacist to transmit
55 information from persons authorized to prescribe medicinal drugs
56 to their patients. The practice of the profession of pharmacy
57 also includes the administration of vaccines to adults pursuant
58 to s. 465.189 and the preparation of prepackaged drug products
59 in facilities holding Class III institutional pharmacy permits.
60 The term also includes the ordering and evaluating of any
61 laboratory or clinical testing; conducting patient assessments;
62 and modifying, discontinuing, or administering medicinal drugs
63 pursuant to s. 465.0125 by a consultant pharmacist.

64 Section 2. Section 465.0125, Florida Statutes, is amended
65 to read:

66 465.0125 Consultant pharmacist license; application,
67 renewal, fees; responsibilities; rules.—

68 (1) The department shall issue or renew a consultant
69 pharmacist license upon receipt of an initial or renewal
70 application that ~~which~~ conforms to the requirements for
71 consultant pharmacist initial licensure or renewal as adopted
72 ~~promulgated~~ by the board by rule and a fee set by the board not
73 to exceed \$250. To be licensed as a consultant pharmacist, a
74 pharmacist must complete additional training as required by the
75 board.

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76 (a) A consultant pharmacist may provide medication
77 management services in a health care facility within the
78 framework of a written collaborative practice agreement between
79 the pharmacist and a health care facility medical director or a
80 physician licensed under chapter 458 or chapter 459, a podiatric
81 physician licensed under chapter 461, or a dentist licensed
82 under chapter 466 who is authorized to prescribe medicinal
83 drugs. A consultant pharmacist may only provide medication
84 management services, conduct patient assessments, and order and
85 evaluate laboratory or clinical testing for patients of the
86 health care practitioner with whom the consultant pharmacist has
87 a written collaborative practice agreement.

88 (b) A written collaborative practice agreement must
89 outline the circumstances under which the consultant pharmacist
90 may:

91 1. Order and evaluate any laboratory or clinical tests to
92 promote and evaluate patient health and wellness, and monitor
93 drug therapy and treatment outcomes.

94 2. Conduct patient assessments as appropriate to evaluate
95 and monitor drug therapy.

96 3. Modify or discontinue medicinal drugs as outlined in
97 the agreed upon patient-specific order or preapproved treatment
98 protocol under the direction of a physician. However, a
99 consultant pharmacist may not modify or discontinue medicinal
100 drugs prescribed by a health care practitioner who does not have

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101 a written collaborative practice agreement with the consultant
 102 pharmacist.

103 4. Administer medicinal drugs.

104 (c) A ~~The~~ consultant pharmacist shall maintain ~~be~~
 105 ~~responsible for maintaining~~ all drug, patient care, and quality
 106 assurance records as required by law and, with the collaborating
 107 practitioner, shall maintain written collaborative practice
 108 agreements that must be available upon request from or upon
 109 inspection by the department.

110 (d) This subsection does not authorize a consultant
 111 pharmacist to diagnose any disease or condition.

112 (e) For purposes of this subsection, the term "health care
 113 facility" means an ambulatory surgical center or hospital
 114 licensed under chapter 395, an alcohol or chemical dependency
 115 treatment center licensed under chapter 397, an inpatient
 116 hospice licensed under part IV of chapter 400, a nursing home
 117 licensed under part II of chapter 400, an ambulatory care center
 118 as defined in s. 408.07, or a nursing home component under
 119 chapter 400 within a continuing care facility licensed under
 120 chapter 651 ~~for establishing drug handling procedures for the~~
 121 ~~safe handling and storage of drugs. The consultant pharmacist~~
 122 ~~may also be responsible for ordering and evaluating any~~
 123 ~~laboratory or clinical testing when, in the judgment of the~~
 124 ~~consultant pharmacist, such activity is necessary for the proper~~
 125 ~~performance of the consultant pharmacist's responsibilities.~~

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126 ~~Such laboratory or clinical testing may be ordered only with~~
127 ~~regard to patients residing in a nursing home facility, and then~~
128 ~~only when authorized by the medical director of the nursing home~~
129 ~~facility. The consultant pharmacist must have completed such~~
130 ~~additional training and demonstrate such additional~~
131 ~~qualifications in the practice of institutional pharmacy as~~
132 ~~shall be required by the board in addition to licensure as a~~
133 ~~registered pharmacist.~~

134 (2) Notwithstanding ~~the provisions of~~ subsection (1), a
135 consultant pharmacist or a doctor of pharmacy licensed in this
136 state may also be responsible for ordering and evaluating any
137 laboratory or clinical testing for persons under the care of a
138 licensed home health agency when, in the judgment of the
139 consultant pharmacist or doctor of pharmacy, such activity is
140 necessary for the proper performance of his or her
141 responsibilities and only when authorized by a practitioner
142 licensed under chapter 458, chapter 459, chapter 461, or chapter
143 466. In order for the consultant pharmacist or doctor of
144 pharmacy to qualify and accept this authority, he or she must
145 receive 3 hours of continuing education relating to laboratory
146 and clinical testing as established by the board.

147 (3) The board shall adopt ~~promulgate~~ rules necessary to
148 implement and administer this section.

149 Section 3. This act shall take effect July 1, 2020.