

By the Committee on Health, Aging and Long-Term Care; and
 Senator Campbell

317-1654-01

1 A bill to be entitled
 2 An act relating to pharmacy; providing a short
 3 title; defining the term "pharmaceutical
 4 adverse incident" and requiring that such
 5 incidents be reported to the Department of
 6 Health; requiring the department to review
 7 reported incidents to determine if the
 8 incidents potentially involve conduct by a
 9 health care practitioner that is subject to
 10 disciplinary action; specifying that any
 11 disciplinary action shall be taken by the
 12 appropriate board; providing for the adoption
 13 of rules and forms; providing an effective
 14 date.

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

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 18 Section 1. This act may be cited as the "Ernest Belles
 19 Act."

20 Section 2. (1) As used in this section, the term
 21 "pharmaceutical adverse incident" means the dispensing of a
 22 different medication, a different dose, or the correct
 23 medication in a container with different instructions than
 24 that specified in the prescription, but does not include the
 25 dispensing of a generic equivalent medication with the
 26 patient's consent.

27 (2) A pharmacist licensed under chapter 465, Florida
 28 Statutes, or other health care practitioner, as defined in
 29 section 456.001, Florida Statutes, who becomes aware of a
 30 pharmaceutical adverse incident must report such incident to
 31 the Department of Health on forms provided by the department.

1 (3) The required notification to the department must
2 be submitted in writing by certified mail and postmarked
3 within 15 days after the occurrence of the adverse incident.

4 (4) The department shall review each incident and
5 determine whether it potentially involved conduct by a
6 pharmacist or health care practitioner who is subject to
7 disciplinary action, in which case section 465.073, Florida
8 Statutes applies. Disciplinary action, if any, shall be taken
9 by the board under which the pharmacist or health care
10 practitioner is licensed.

11 (5) The Department of Health shall adopt forms and
12 rules for administering this section.

13 Section 3. This act shall take effect July 1, 2001.

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15 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
16 COMMITTEE SUBSTITUTE FOR
17 Senate Bill 1096

18 The Committee Substitute names the bill the "Ernest Belles
19 Act", and requires the Department of Health to review reported
20 "pharmaceutical adverse incidents" to determine if the
21 incidents potentially involve conduct by a health care
22 practitioner who is subject to disciplinary action and
23 specifies that disciplinary action may be taken by the
24 appropriate regulatory board under which the health care
25 practitioner is licensed.