

Bill No. CS/HB 913, 2nd Eng.

Amendment No. Barcode 332360

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Campbell moved the following **amendment to amendment** (913362):

Senate Amendment (with title amendment)

On page 79, between lines 14 and 15,

insert:

Section 27. (1) This section may be cited as the "Ernest Belles Act."

(2) As used in this section, the term "pharmaceutical adverse incident" means the dispensing of a different medication, a different dose, or the correct medication in a container with different instructions than those specified in the prescription, which dispensation results in actual harm to a patient, but does not include the dispensing of a generic equivalent medication with the patient's consent.

(3) A pharmacist licensed under chapter 465, Florida Statutes, or other health care practitioner as defined in section 456.001, Florida Statutes, who becomes aware of a patient's allegation that a pharmaceutical adverse incident has occurred which was caused by a health care practitioner,

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1 must report such allegation to the Department of Health on
2 forms provided by the department. This section does not apply
3 to:

4 (a) Pharmacists employed by pharmacies that
5 participate in the program provided by Rule 64B16-27.300,
6 Florida Administrative Code or health care practitioners
7 working in facilities that administer medications dispensed
8 from those pharmacies; or

9 (b) Pharmacists employed by pharmacies that have
10 notified the Board of Pharmacy that they will establish a
11 continuous quality-improvement program consistent with the
12 requirements of Rule 64B16-27.300, Florida Administrative
13 Code.

14 (4) The required notification to the department must
15 be submitted in writing by certified mail and postmarked
16 within 15 days after the pharmacist or health care
17 practitioner became aware of the patient's allegation that a
18 pharmaceutical adverse incident has occurred.

19 (5) Effective July 1, 2004, subject to subsequent act
20 of the Legislature and a specific appropriation sufficient to
21 cover the actual costs, the department shall review each
22 incident and determine whether it potentially involved conduct
23 by a pharmacist or health care practitioner who is subject to
24 disciplinary action, in which case section 465.073, Florida
25 Statutes, applies. Disciplinary action, if any, shall be
26 taken by the board under which the pharmacist or health care
27 practitioner is licensed.

28 (6) The Department of Health shall adopt forms and
29 rules for administering this section.

30 Section 28. Section 80 of this act shall take effect
31 only upon the effective date of legislation that makes any

