

HB 1697

2004

A bill to be entitled

An act relating to pharmacy practice; amending s. 465.003, F.S.; revising the definition of the term "practice of the profession of pharmacy" to include the administering of immunizations by a pharmacist within the framework of an established protocol under a supervisory practitioner who is a licensed physician or by written agreement with a county health department; requiring professional liability insurance, training in immunization, and employer approval prior to entering into a protocol; reenacting s. 465.014, F.S., relating to pharmacy technicians, to incorporate the amendment to s. 465.003, F.S., in a reference thereto; providing an effective date.

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

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

465.003 Definitions.--As used in this chapter, the term:
 (13) "Practice of the profession of pharmacy" includes compounding, dispensing, and consulting concerning contents, therapeutic values, and uses of any medicinal drug; consulting concerning therapeutic values and interactions of patent or proprietary preparations, whether pursuant to prescriptions or in the absence and entirely independent of such prescriptions or orders; and other pharmaceutical services. For purposes of this subsection, "other pharmaceutical services" means the monitoring of the patient's drug therapy and assisting the patient in the management of his or her drug therapy, and includes review of

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30 the patient's drug therapy and communication with the patient's
 31 prescribing health care provider as licensed under chapter 458,
 32 chapter 459, chapter 461, or chapter 466, or similar statutory
 33 provision in another jurisdiction, or such provider's agent or
 34 such other persons as specifically authorized by the patient,
 35 regarding the drug therapy. However, nothing in this subsection
 36 may be interpreted to permit an alteration of a prescriber's
 37 directions, the diagnosis or treatment of any disease, the
 38 initiation of any drug therapy, the practice of medicine, or the
 39 practice of osteopathic medicine, unless otherwise permitted by
 40 law. "Practice of the profession of pharmacy" also includes any
 41 other act, service, operation, research, or transaction
 42 incidental to, or forming a part of, any of the foregoing acts,
 43 requiring, involving, or employing the science or art of any
 44 branch of the pharmaceutical profession, study, or training, and
 45 shall expressly permit a pharmacist to transmit information from
 46 persons authorized to prescribe medicinal drugs to their
 47 patients. "Practice of the profession of pharmacy" also includes
 48 the administering of immunizations by a pharmacist within the
 49 framework of an established protocol under a supervisory
 50 practitioner who is a physician licensed under chapter 458 or
 51 chapter 459 or by written agreement with a county health
 52 department. Each protocol must contain specific procedures to
 53 address any unforeseen allergic reaction to an immunization. A
 54 pharmacist may not enter into a protocol unless he or she
 55 maintains at least \$200,000 in professional liability insurance
 56 and has completed training in immunization as may be required by
 57 the board. The decision by a supervisory practitioner to enter
 58 into such a protocol is a professional decision of the

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59 practitioner, and no person may interfere with a supervisory
 60 practitioner's decision as to whether to enter into such a
 61 protocol. A pharmacist may not enter into a protocol that is to
 62 be performed while acting as an employee without the written
 63 approval of the owner of the pharmacy.

64 Section 2. For the purpose of incorporating the amendment
 65 to section 465.003, Florida Statutes, in a reference thereto,
 66 section 465.014, Florida Statutes, is reenacted to read:

67 465.014 Pharmacy technician.--No person other than a
 68 licensed pharmacist or pharmacy intern may engage in the
 69 practice of the profession of pharmacy, except that a licensed
 70 pharmacist may delegate to nonlicensed pharmacy technicians
 71 those duties, tasks, and functions which do not fall within the
 72 purview of s. 465.003(13). All such delegated acts shall be
 73 performed under the direct supervision of a licensed pharmacist
 74 who shall be responsible for all such acts performed by persons
 75 under his or her supervision. A pharmacy technician, under the
 76 supervision of a pharmacist, may initiate or receive
 77 communications with a practitioner or his or her agent, on
 78 behalf of a patient, regarding refill authorization requests. No
 79 licensed pharmacist shall supervise more than one pharmacy
 80 technician unless otherwise permitted by the guidelines adopted
 81 by the board. The board shall establish guidelines to be
 82 followed by licensees or permittees in determining the
 83 circumstances under which a licensed pharmacist may supervise
 84 more than one but not more than three pharmacy technicians.

85 Section 3. This act shall take effect July 1, 2004.