

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1107

Pharmacy Technicians

**SPONSOR(S):** Machek

**TIED BILLS:**

**IDEN./SIM. BILLS:** SB 2452

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| REFERENCE                           | ACTION   | ANALYST | STAFF DIRECTOR |
|-------------------------------------|----------|---------|----------------|
| 1) Health Care Regulation Committee | 9 Y, 0 N | Bell    | Mitchell       |
| 2) Health & Families Council        |          |         |                |
| 3)                                  |          |         |                |
| 4)                                  |          |         |                |
| 5)                                  |          |         |                |

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### SUMMARY ANALYSIS

HB 1107 amends s. 465.014, F.S., to expand the scope of practice for pharmacy technicians who dispense prescription drugs for animals.

Currently, pharmacy technicians employed by online animal pharmacies pack animal prescription drugs into boxes for mailing, contact prescribing veterinarians to renew prescriptions, and contact animal owners to clarify personal information. Pharmacy technicians in the animal prescription drug dispensing business are supervised at a 1:1, 2:1, or 3:1 ratio by a pharmacist.

The bill allows pharmacy technicians, working under the supervision of a pharmacist, to initiate or receive requests for original prescriptions when dispensing prescriptions for animals. The bill also expands the number of pharmacy technicians a pharmacist can supervise when dispensing drugs for animals to a maximum of seven.

Currently online animal prescription drug companies receive orders for animal prescriptions via fax. A pharmacist must contact the prescribing veterinarian office to verify the prescription or possess the original copy of the prescription before dispensing. Online pharmacists have found receiving verification from the prescribing veterinarian office problematic. Essentially the online animal pharmacy must contact the competition before they can dispense an animal prescription drug. If the online animal pharmacies wait until the original prescription reaches them via postal mail, it puts a long delay on prescription dispensing, thus decreasing their competitive advantage.

HB 1107 amends s. 465.035, F.S., to allow pharmacies to dispense animal prescriptions based only on receipt of a facsimile (fax) of the original prescription.

HB 1107 will take effect upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government – The bill decreases the regulations for pharmacy technicians who dispense animal drugs and the requirements for animal prescription drug dispensing. This may increase competition between veterinarian office that dispense animal drugs and online animal pharmacies and decrease animal prescription drug costs for consumers.

#### B. EFFECT OF PROPOSED CHANGES:

HB 1107 amends s. 465.014, F.S., to expand the scope of practice for pharmacy technicians who dispense prescription drugs for animals.

The bill allows pharmacy technicians, working under the supervision of a pharmacist, to initiate or receive requests for original prescriptions when dispensing prescriptions for animals. The bill also expands the number of pharmacy technicians a pharmacist can supervise when dispensing drugs for animals to a maximum of seven.

HB 1107 amends s. 465.035, F.S., to allow pharmacies to dispense animal prescriptions based only on receipt of a facsimile (fax) of the original prescription.

The bill is effective upon becoming law.

#### CURRENT SITUATION

##### **Pharmacy Technicians**

Currently, pharmacy technicians may assist a Florida licensed pharmacist in performing professional services within a community pharmacy or institutional pharmacy environment provided that no licensed pharmacist shall supervise more than one pharmacy technician unless otherwise permitted by the Florida Board of Pharmacy.<sup>1</sup> The Board requires that a pharmacy technician be supervised by a pharmacist on a 1:1, 2:1, or 3:1 ratio. The prescription department manager or consultant pharmacist is required to submit a request and receive approval from the Board of Pharmacy prior to practicing with either a 2:1 or a 3:1 ratio.<sup>2</sup>

One of the functions pharmacy technicians perform under supervision is to “initiate communication to a prescribing practitioner or their medical staff (or agents) regarding patient prescription refill authorization requests.”<sup>3</sup> Pharmacy technicians are allowed to initiate calls to the practitioner or agent to:

- Communicate refill requests;
- Confirm patients’ name, medication, strength, quantity, directions, and date of last refill; and
- Obtain clarification on missing or illegible dates, prescriber name, brand/generic preference, quantity or DEA and/or license numbers.

##### **Prescription Requirements**

Under s. 465.035, F.S., prescriptions can be transmitted from a prescriber to a dispenser via facsimile<sup>4</sup> (fax). However, the patient must provide the pharmacy with the original copy of the prescription before the drug is dispensed, the pharmacy must have the original prescription in its possession at the time of

<sup>1</sup> Chapter 64B16-27.410, Florida Administrative Code.

<sup>2</sup> Chapter 62B16-27.420, Florida Administrative Code.

<sup>3</sup> Chapter 64B16-27.410, Florida Administrative Code.

<sup>4</sup> Chapter 64B16-28.130, Florida Administrative Code.

delivery, and must sign a log indicating the name and address of both the recipient and the patient for whom the medicinal drug was prescribed.

### **Access to Prescription Drugs for Animals**

Until recently most people could only purchase prescription drugs for animals from their veterinarian. With the growth of the internet, consumers may now purchase animal prescriptions through an online animal (nonhuman) pharmacy or from their local veterinarian office. The veterinarian office and the online dispenser of animal prescription drugs are in direct competition with each other.

### **Pharmacy Technician Duties for Animal Prescription Drug Dispensing**

Veterinarian offices usually do not employ pharmacy technicians to assist in the dispensing of animal prescription drugs. However, pharmacy technicians play an integral role in the online animal pharmacy. Currently, pharmacy technicians employed by online pharmacies pack animal prescription drugs into boxes for mailing, contact prescribing veterinarians to renew prescriptions, and contact animal owners to clarify personal information. Pharmacy technicians in the animal prescription drug dispensing business are supervised at a 1:1, 2:1, or 3:1 ratio by a pharmacist. The practice of prescription drug dispensing for animals does not include compounding or controlled substances.

### **Online Dispensing of Prescription Drugs for Animals**

Currently online animal prescription drug companies receive orders for animal prescriptions via fax. A pharmacist must contact the prescribing veterinarian office to verify the prescription or possess the original copy of the prescription before dispensing. Online pharmacists have found receiving verification from the prescribing veterinarian office problematic. Essentially the online animal pharmacy must contact the competition before they can dispense an animal prescription drug. If the online animal pharmacies wait until the original prescription reaches them via postal mail, it puts a long delay on prescription dispensing, thus decreasing their competitive advantage.

## **C. SECTION DIRECTORY:**

**Section 1.** Amends s. 465.014, F.S., to expand the scope of practice for pharmacy technicians dealing only with drug dispensing for animals.

**Section 2.** Amends s. 465.035, F.S., to allow pharmacies to dispense animal prescriptions based only on reception of a facsimile (fax) of the original prescription.

**Section 3.** Provides that the bill shall take effect upon becoming law.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### **1. Revenues:**

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The effects of the bill may increase competition between veterinarian offices that dispense prescription drugs for animals and online animal pharmacies and may bring down prices of animal prescription drugs for consumers.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The Board of Pharmacy has existing rulemaking authority to carry out the provisions in the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES