

1                                   A bill to be entitled  
 2       An act relating to pharmacy technicians; amending s.  
 3       465.014, F.S.; providing for the registration of pharmacy  
 4       technicians; requiring the Board of Pharmacy to set fees  
 5       and rules to register pharmacy technicians; providing  
 6       qualification requirements; providing a limitation;  
 7       exempting pharmacy technician students, unpaid volunteers,  
 8       and licensed pharmacy interns from certain registration  
 9       requirements; requiring the board to maintain a register  
 10      of certain unpaid volunteers; providing continuing  
 11      education requirements for registration renewal; requiring  
 12      the board to adopt rules relating to display of  
 13      registration; providing grounds for denial of  
 14      registration; amending ss. 465.019, 465.0196, and  
 15      465.0197, F.S.; conforming references; providing an  
 16      effective date.

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

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 20           Section 1.   Section 465.014, Florida Statutes, is amended  
 21   to read:

22           465.014   Pharmacy technician.--

23           (1)   No person other than a licensed pharmacist or pharmacy  
 24   intern may engage in the practice of the profession of pharmacy,  
 25   except that a licensed pharmacist may delegate to nonlicensed  
 26   pharmacy technicians registered pursuant to this section those  
 27   duties, tasks, and functions which do not fall within the  
 28   purview of s. 465.003(13). All such delegated acts shall be

29 performed under the direct supervision of a licensed pharmacist  
30 who shall be responsible for all such acts performed by persons  
31 under his or her supervision. A registered pharmacy technician,  
32 under the supervision of a pharmacist, may initiate or receive  
33 communications with a practitioner or his or her agent, on  
34 behalf of a patient, regarding refill authorization requests. No  
35 licensed pharmacist shall supervise more than one registered  
36 pharmacy technician unless otherwise permitted by the guidelines  
37 adopted by the board. The board shall establish guidelines to be  
38 followed by licensees or permittees in determining the  
39 circumstances under which a licensed pharmacist may supervise  
40 more than one but not more than three registered pharmacy  
41 technicians.

42 (2) Any person who wishes to work as a pharmacy technician  
43 in this state shall register by filing an application with the  
44 board on a form furnished by the board. The board shall register  
45 each applicant who has remitted a registration fee set by the  
46 board, not to exceed \$50 biennially, has completed the  
47 application form and remitted a nonrefundable application fee  
48 set by the board, not to exceed \$25, and meets the following  
49 requirements:

50 (a) Is at least 18 years of age.

51 (b) Is a high school graduate or equivalent.

52 (c) Within the 5 years preceding application, has had no  
53 conviction or pleading of guilt, and has never entered a plea of  
54 nolo contendere, regardless of adjudication, for a crime that  
55 relates to drug trafficking or otherwise directly relates to the  
56 functions and duties of a pharmacy technician.

57       (3) No pharmacist whose license has been denied,  
 58 suspended, or restricted for disciplinary purposes shall be  
 59 eligible to be registered as a pharmacy technician.

60       (4) Notwithstanding the requirements of this section or  
 61 any other provision of law, a pharmacy technician student may be  
 62 placed in a pharmacy for the purpose of obtaining practical  
 63 training required by the body accrediting the pharmacy  
 64 technician training program. A pharmacy technician student shall  
 65 wear identification that indicates his or her student status,  
 66 and registration under this section is not required.

67       (5) Notwithstanding the requirements of this section or  
 68 any other provision of law, a person who works as an unpaid  
 69 volunteer under the supervision of a licensed pharmacist may  
 70 perform the functions of a pharmacy technician without paying a  
 71 registration fee or filing an application with the board to  
 72 register as a pharmacy technician, provided that the board  
 73 maintains a register that lists the name of each volunteer and  
 74 documents each volunteer's period of service.

75       (6) Notwithstanding the requirements of this section or  
 76 any other provision of law, a person licensed by the state as a  
 77 pharmacy intern may be employed as a registered pharmacy  
 78 technician without paying a registration fee or filing an  
 79 application with the board to register as a pharmacy technician.

80       (7) As a condition of registration renewal, a pharmacy  
 81 technician shall complete 20 hours biennially of continuing  
 82 education courses approved by the board or the American Council  
 83 on Pharmaceutical Education of which 4 hours shall be via live

84 presentation and 2 hours shall be related to the prevention of  
 85 medication errors and pharmacy law.

86 (8) The board shall adopt rules that require each  
 87 registration issued by the board under this section to be  
 88 displayed in such a manner as to make it available to the public  
 89 and to facilitate inspection by the board.

90 (9) The following acts constitute grounds for denial of  
 91 registration of a pharmacy technician:

92 (a) Being unfit or incompetent to work as a pharmacy  
 93 technician by reason of:

94 1. Habitual intoxication.

95 2. The misuse or abuse of any medicinal drug appearing in  
 96 any schedule set forth in chapter 893.

97 3. Any abnormal physical or mental condition that  
 98 threatens the safety of persons to whom he or she might sell or  
 99 assist a pharmacist in dispensing prescriptions, drugs, or  
 100 medical supplies or for whom he or she might assist a pharmacist  
 101 in preparing or packaging prescriptions, drugs, or medical  
 102 supplies.

103 (b) Violating chapter 499; 21 U.S.C. ss. 301-392, known as  
 104 the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et  
 105 seq., known as the Comprehensive Drug Abuse Prevention and  
 106 Control Act; or chapter 893.

107 Section 2. Subsection (5) of section 465.019, Florida  
 108 Statutes, is amended to read:

109 465.019 Institutional pharmacies; permits.--

110 (5) All institutional pharmacies shall be under the  
 111 professional supervision of a consultant pharmacist, and the

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112 compounding and dispensing of medicinal drugs shall be done only  
113 by a licensed pharmacist. Every institutional pharmacy that  
114 employs or otherwise utilizes registered pharmacy technicians  
115 shall have a written policy and procedures manual specifying  
116 those duties, tasks, and functions which a pharmacy technician  
117 is allowed to perform.

118 Section 3. Section 465.0196, Florida Statutes, is amended  
119 to read:

120 465.0196 Special pharmacy permits.--Any person desiring a  
121 permit to operate a special pharmacy shall apply to the  
122 department for a special pharmacy permit. If the board certifies  
123 that the application complies with the applicable laws and rules  
124 of the board governing the practice of the profession of  
125 pharmacy, the department shall issue the permit. No permit shall  
126 be issued unless a licensed pharmacist is designated to  
127 undertake the professional supervision of the compounding and  
128 dispensing of all drugs dispensed by the pharmacy. The licensed  
129 pharmacist shall be responsible for maintaining all drug records  
130 and for providing for the security of the area in the facility  
131 in which the compounding, storing, and dispensing of medicinal  
132 drugs occurs. The permittee shall notify the department within  
133 10 days of any change of the licensed pharmacist responsible for  
134 such duties. Every permittee that employs or otherwise utilizes  
135 pharmacy technicians shall have a written policy and procedures  
136 manual specifying those duties, tasks, and functions which a  
137 registered pharmacy technician is allowed to perform.

138 Section 4. Subsection (1) of section 465.0197, Florida  
139 Statutes, is amended to read:

140 465.0197 Internet pharmacy permits.--

141 (1) Any person desiring a permit to operate an Internet  
142 pharmacy shall apply to the department for an Internet pharmacy  
143 permit. If the board certifies that the application complies  
144 with the applicable laws and rules of the board governing the  
145 practice of the profession of pharmacy, the department shall  
146 issue the permit. No permit shall be issued unless a licensed  
147 pharmacist is designated as the prescription department manager  
148 for dispensing medicinal drugs to persons in this state. The  
149 licensed pharmacist shall be responsible for maintaining all  
150 drug records and for providing for the security of the area in  
151 the facility in which the compounding, storing, and dispensing  
152 of medicinal drugs to persons in this state occurs. The  
153 permittee shall notify the department within 30 days of any  
154 change of the licensed pharmacist responsible for such duties.  
155 Every permittee that employs or otherwise utilizes registered  
156 pharmacy technicians shall have a written policy and procedures  
157 manual specifying those duties, tasks, and functions which a  
158 registered pharmacy technician is allowed to perform.

159 Section 5. This act shall take effect July 1, 2005.