

By Senator Jones

13-590-06

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

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

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23 Section 1. Section 465.014, Florida Statutes, is
24 amended to read:

25 465.014 Pharmacy technician.--

26 (1) ~~A No~~ person other than a licensed pharmacist or
27 pharmacy intern may not engage in the practice of the
28 profession of pharmacy, except that a licensed pharmacist may
29 delegate to nonlicensed pharmacy technicians registered
30 pursuant to this section those duties, tasks, and functions
31 which do not fall within the purview of s. 465.003(13). All

1 such delegated acts shall be performed under the direct
2 supervision of a licensed pharmacist who shall be responsible
3 for all such acts performed by persons under his or her
4 supervision. A registered pharmacy technician, under the
5 supervision of a pharmacist, may initiate or receive
6 communications with a practitioner or his or her agent, on
7 behalf of a patient, regarding refill authorization requests.
8 ~~A No~~ licensed pharmacist ~~may not shall~~ supervise more than one
9 registered pharmacy technician unless otherwise permitted by
10 the guidelines adopted by the board. The board shall establish
11 guidelines to be followed by licensees or permittees in
12 determining the circumstances under which a licensed
13 pharmacist may supervise more than one but not more than three
14 registered pharmacy technicians.

15 (2) Any person who wishes to work as a pharmacy
16 technician in this state shall register by filing an
17 application with the board on a form furnished by the board.
18 The board shall register each applicant who has remitted a
19 registration fee set by the board, not to exceed \$50
20 biennially, has completed the application form and remitted a
21 nonrefundable application fee set by the board, not to exceed
22 \$25, and meets the following requirements:

- 23 (a) Is at least 18 years of age.
24 (b) Is a high school graduate or equivalent.
25 (c) Within the 5 years preceding application, has had
26 no conviction or pleading of guilt, and has never entered a
27 plea of nolo contendere, regardless of adjudication, for a
28 crime that relates to drug trafficking or otherwise directly
29 relates to the functions and duties of a pharmacy technician.

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1 (3) A pharmacist whose license has been denied,
2 suspended, or restricted for disciplinary purposes is not
3 eligible to be registered as a pharmacy technician.

4 (4) Notwithstanding the requirements of this section
5 or any other provision of law, a pharmacy technician student
6 may be placed in a pharmacy for the purpose of obtaining
7 practical training required by the body accrediting the
8 pharmacy technician training program. A pharmacy technician
9 student shall wear identification that indicates his or her
10 student status, and registration under this section is not
11 required.

12 (5) Notwithstanding the requirements of this section
13 or any other provision of law, a person who works as an unpaid
14 volunteer under the supervision of a licensed pharmacist may
15 perform the functions of a pharmacy technician without paying
16 a registration fee or filing an application with the board to
17 register as a pharmacy technician, provided that the board
18 maintains a register that lists the name of each volunteer and
19 documents each volunteer's period of service.

20 (6) Notwithstanding the requirements of this section
21 or any other provision of law, a person licensed by the state
22 as a pharmacy intern may be employed as a registered pharmacy
23 technician without paying a registration fee or filing an
24 application with the board to register as a pharmacy
25 technician.

26 (7) As a condition of registration renewal, a pharmacy
27 technician shall complete 20 hours biennially of continuing
28 education courses approved by the board or the American
29 Council on Pharmaceutical Education, of which 4 hours must be
30 via live presentation and 2 hours must be related to the
31 prevention of medication errors and pharmacy law.

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

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

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

9 1. Habitual intoxication.

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

12 3. Any abnormal physical or mental condition that
13 threatens the safety of persons to whom he or she might sell
14 or assist a pharmacist in dispensing prescriptions, drugs, or
15 medical supplies or for whom he or she might assist a
16 pharmacist in preparing or packaging prescriptions, drugs, or
17 medical supplies.

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

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

24 465.019 Institutional pharmacies; permits.--

25 (5) All institutional pharmacies shall be under the
26 professional supervision of a consultant pharmacist, and the
27 compounding and dispensing of medicinal drugs shall be done
28 only by a licensed pharmacist. Every institutional pharmacy
29 that employs or otherwise utilizes registered pharmacy
30 technicians shall have a written policy and procedures manual
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1 specifying those duties, tasks, and functions which a pharmacy
2 technician is allowed to perform.

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

5 465.0196 Special pharmacy permits.--Any person
6 desiring a permit to operate a special pharmacy shall apply to
7 the department for a special pharmacy permit. If the board
8 certifies that the application complies with the applicable
9 laws and rules of the board governing the practice of the
10 profession of pharmacy, the department shall issue the permit.
11 No permit shall be issued unless a licensed pharmacist is
12 designated to undertake the professional supervision of the
13 compounding and dispensing of all drugs dispensed by the
14 pharmacy. The licensed pharmacist shall be responsible for
15 maintaining all drug records and for providing for the
16 security of the area in the facility in which the compounding,
17 storing, and dispensing of medicinal drugs occurs. The
18 permittee shall notify the department within 10 days of any
19 change of the licensed pharmacist responsible for such duties.
20 Every permittee that employs or otherwise utilizes pharmacy
21 technicians shall have a written policy and procedures manual
22 specifying those duties, tasks, and functions which a
23 registered pharmacy technician is allowed to perform.

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

26 465.0197 Internet pharmacy permits.--

27 (1) Any person desiring a permit to operate an
28 Internet pharmacy shall apply to the department for an
29 Internet pharmacy permit. If the board certifies that the
30 application complies with the applicable laws and rules of the
31 board governing the practice of the profession of pharmacy,

1 | the department shall issue the permit. No permit shall be
2 | issued unless a licensed pharmacist is designated as the
3 | prescription department manager for dispensing medicinal drugs
4 | to persons in this state. The licensed pharmacist shall be
5 | responsible for maintaining all drug records and for providing
6 | for the security of the area in the facility in which the
7 | compounding, storing, and dispensing of medicinal drugs to
8 | persons in this state occurs. The permittee shall notify the
9 | department within 30 days of any change of the licensed
10 | pharmacist responsible for such duties. Every permittee that
11 | employs or otherwise utilizes registered pharmacy technicians
12 | shall have a written policy and procedures manual specifying
13 | those duties, tasks, and functions which a registered pharmacy
14 | technician is allowed to perform.

15 | Section 5. This act shall take effect July 1, 2006.

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18 | SENATE SUMMARY

19 | Requires a pharmacy technician to be registered with the
20 | Board of Pharmacy. Providing requirements for
21 | registration. Prohibits a pharmacist whose license has
22 | been suspended, denied, or restricted for disciplinary
23 | purposes from registering as a pharmacy technician.
24 | Authorizes a pharmacy technician student to be trained in
25 | a pharmacy under certain conditions. Authorizes a
26 | volunteer to perform functions as a pharmacy technician
27 | under certain conditions. Provides that a pharmacy intern
28 | may be employed as a pharmacy technician without being
29 | registered as a pharmacy technician under certain
30 | conditions. Provides grounds for denial of registration
31 | as a pharmacy technician.