

1 (4) Any health care practitioner's employer who is a
2 records owner and any records custodian shall maintain records
3 or documents as provided under the confidentiality and
4 disclosure requirements of this section.

5 Section 2. Section 456.42, Florida Statutes, is
6 amended to read:

7 456.42 Written prescriptions for medicinal drugs.--A
8 written prescription for a medicinal drug issued by a health
9 care practitioner licensed by law to prescribe such drug must
10 be legibly printed or typed so as to be capable of being
11 understood by the pharmacist filling the prescription; must
12 contain the name of the prescribing practitioner, the name and
13 strength of the drug prescribed, the quantity of the drug
14 prescribed in both textual and numerical formats, and the
15 directions for use of the drug; must be dated with the month
16 written out in textual letters; and must be signed by the
17 prescribing practitioner on the day when issued. However, a
18 prescription that is electronically generated and transmitted
19 must contain the name of the prescribing practitioner, the
20 name and strength of the drug prescribed, the quantity of the
21 drug prescribed in numerical format, and the direction for use
22 of the drug and must be dated and signed by the prescribing
23 practitioner only on the day issued, which signature may be in
24 an electronic format as defined in s. 668.003(4).

25 Section 3. Subsection (2) of section 465.025, Florida
26 Statutes, is amended to read:

27 465.025 Substitution of drugs.--

28 (2) A pharmacist who receives a prescription for a
29 brand name drug shall, unless requested otherwise by the
30 purchaser, substitute a less expensive, generically equivalent
31 drug product that is:

1 (a) Distributed by a business entity doing business,
2 and subject to suit and service of legal process, in the
3 United States; and

4 (b) Listed in the formulary of generic and brand name
5 drug products as provided in subsection (5) for the brand name
6 drug prescribed,

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8 unless the prescriber writes the words "MEDICALLY NECESSARY,"
9 in her or his own handwriting, on the face of a written
10 prescription; ~~or~~ unless, in the case of an oral prescription,
11 the prescriber expressly indicates to the pharmacist that the
12 brand name drug prescribed is medically necessary; or unless,
13 in the case of a prescription that is electronically generated
14 and transmitted, the prescriber makes an overt act when
15 transmitting the prescription to indicate that the brand name
16 drug prescribed is medically necessary. When done in
17 conjunction with the electronic transmission of the
18 prescription, the prescriber's overt act indicates to the
19 pharmacist that the brand name drug prescribed is medically
20 necessary.

21 Section 4. This act shall take effect July 1, 2006.

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24 SENATE SUMMARY

25 Requires a health care practitioner's employer who is a
26 records owner and a records custodian to comply with
27 specified requirements for confidentiality and
28 disclosure. Provides requirements on electronically
29 generated or transmitted prescriptions of medicinal drugs
30 by health care practitioners. Specifies requirements for
31 a prescriber to prevent generic substitution of brand
name drugs when a prescription is electronically
transmitted or generated.