By the Committee on Health Care; and Senator Haridopolos

587-1908-06

1	A bill to be entitled
2	An act relating to pharmacy common databases;
3	amending s. 465.026, F.S.; deleting a provision
4	authorizing certain community pharmacies to
5	transfer prescriptions for Schedule II
6	medicinal drugs under certain conditions;
7	creating s. 465.0266, F.S.; authorizing the
8	dispensing or refilling of a prescription
9	without a transferred prescription under
10	specified conditions; providing an effective
11	date.
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13	Be It Enacted by the Legislature of the State of Florida:
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15	Section 1. Subsection (7) of section 465.026, Florida
16	Statutes, is amended to read:
17	465.026 Filling of certain prescriptionsNothing
18	contained in this chapter shall be construed to prohibit a
19	pharmacist licensed in this state from filling or refilling a
20	valid prescription which is on file in a pharmacy located in
21	this state or in another state and has been transferred from
22	one pharmacy to another by any means, including any electronic
23	means, under the following conditions:
24	(7) A community pharmacy licensed under this chapter
25	which only receives and transfers prescriptions for dispensing
26	by another pharmacy may transfer a prescription for a
27	medicinal drug listed in Schedule II under chapter 893. The
28	pharmacy receiving the prescription may ship, mail, or deliver
29	into this state, in any manner, the dispensed Schedule II
30	medicinal drug under the following conditions:
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1	(a) The pharmacy receiving and dispensing the
2	transferred prescription maintains at all times a valid,
3	unexpired license, permit, or registration to operate the
4	pharmacy in compliance with the laws of the state in which the
5	pharmacy is located and from which the medicinal drugs are
6	dispensed;
7	(b) The community pharmacy and the receiving pharmacy
8	are owned and operated by the same person and share a
9	centralized database; and
10	(c) The community pharmacy assures its compliance with
11	the federal laws and subsections (1) (5).
12	Section 2. Section 465.0266, Florida Statues, is
13	created to read:
14	465.0266 Common database The dispensing or refilling
15	of a prescription on file in a pharmacy located in this state
16	or in another state by a pharmacist licensed in this state or
17	in another state shall not require the transfer of the
18	prescription if all of the following conditions are present:
19	(1) The participating pharmacies have the same owner
20	and share a common database.
21	(2) The prescription information is maintained within
22	the common database.
23	(3) The common database maintains a record of all
24	persons involved, in any manner, in the dispensing or
25	refilling of the prescription.
26	(4) All participating pharmacies are properly licensed
27	by their state of residence.
28	(5) The owner of the common database maintains a
29	policy and procedures manual that governs the participating
30	pharmacies and pharmacists, which shall be made available to
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1	the board upon request. The manual shall include the following
2	information:
3	(a) A best-practices model detailing how each pharmacy
4	and pharmacist accessing the common database will comply with
5	applicable federal and state laws, rules, and regulations;
6	(b) The procedure for maintaining appropriate records
7	for regulatory oversight for tracking the prescription during
8	each stage of the filling and dispensing process, identifying
9	the pharmacists involved in filling and dispensing the
10	prescription and counseling the patient, and responding to
11	requests for information made by the board pursuant to s.
12	<u>465.0156;</u>
13	(c) The policy and procedures to provide adequate
14	security to protect the confidentiality and integrity of
15	patient information; and
16	(d) A quality assurance program designed to
17	objectively and systematically monitor, evaluate, and improve
18	the quality and appropriateness of patient care through the
19	use of the common database.
20	Section 3. This act shall take effect July 1, 2006.
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22	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
23	Senate Bill 1838
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25	The committee substitute revises conditions that must be met for a pharmacy to dispense or fill a prescription without
26	transferring the prescription. The committee substitute requires the owner of a common database to maintain a policy
27	and procedures manual with specified elements that governs
participating pharmacies and pharmacists.	participating pharmaties and pharmatists.
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