

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 of a prescription contained in a
9 common database under specified conditions;
10 providing requirements for a policy and
11 procedures manual that governs pharmacies,
12 pharmacists, and pharmacy employees
13 participating in a pharmacy common database;
14 providing for the rights and obligations of
15 pharmacists dispensing prescriptions; providing
16 an 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. Subsection (7) of section 465.026, Florida
21 Statutes, is amended to read:

22 465.026 Filling of certain prescriptions.--Nothing
23 contained in this chapter shall be construed to prohibit a
24 pharmacist licensed in this state from filling or refilling a
25 valid prescription which is on file in a pharmacy located in
26 this state or in another state and has been transferred from
27 one pharmacy to another by any means, including any electronic
28 means, under the following conditions:

29 ~~(7) A community pharmacy licensed under this chapter~~
30 ~~which only receives and transfers prescriptions for dispensing~~
31 ~~by another pharmacy may transfer a prescription for a~~

1 ~~medicinal drug listed in Schedule II under chapter 893. The~~
 2 ~~pharmacy receiving the prescription may ship, mail, or deliver~~
 3 ~~into this state, in any manner, the dispensed Schedule II~~
 4 ~~medicinal drug under the following conditions:~~

5 ~~(a) The pharmacy receiving and dispensing the~~
 6 ~~transferred prescription maintains at all times a valid,~~
 7 ~~unexpired license, permit, or registration to operate the~~
 8 ~~pharmacy in compliance with the laws of the state in which the~~
 9 ~~pharmacy is located and from which the medicinal drugs are~~
 10 ~~dispensed;~~

11 ~~(b) The community pharmacy and the receiving pharmacy~~
 12 ~~are owned and operated by the same person and share a~~
 13 ~~centralized database; and~~

14 ~~(c) The community pharmacy assures its compliance with~~
 15 ~~the federal laws and subsections (1) (5).~~

16 Section 2. Section 465.0266, Florida Statutes, is
 17 created to read:

18 465.0266 Common database.--Nothing contained in this
 19 chapter shall be construed to prohibit the dispensing by a
 20 pharmacist licensed in this state or another state of a
 21 prescription contained in a common database, and such
 22 dispensing shall not constitute a transfer as defined in s.
 23 465.026(1)-(6), provided that the following conditions are
 24 met:

25 (1) All pharmacies involved in the transactions
 26 pursuant to which the prescription is dispensed are under
 27 common ownership and utilize a common database.

28 (2) All pharmacies involved in the transactions
 29 pursuant to which the prescription is dispensed and all
 30 pharmacists engaging in dispensing functions are properly
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1 licensed, permitted, or registered in this state or another
2 state.

3 (3) The common database maintains a record of all
4 pharmacists involved in the process of dispensing a
5 prescription.

6 (4) The owner of the common database maintains a
7 policy and procedures manual that governs its participating
8 pharmacies, pharmacists, and pharmacy employees and that is
9 available to the board or its agent upon request. The policy
10 and procedures manual shall include the following information:

11 (a) A best practices model detailing how each pharmacy
12 and each pharmacist accessing the common database will comply
13 with applicable federal and state laws, rules, and
14 regulations.

15 (b) The procedure for maintaining appropriate records
16 for regulatory oversight for tracking a prescription during
17 each stage of the filling and dispensing process, identifying
18 the pharmacists involved in filling and dispensing the
19 prescription and counseling the patient, and responding to any
20 requests for information made by the board under s. 465.0156.

21 (c) The policy and procedure for providing adequate
22 security to protect the confidentiality and integrity of
23 patient information.

24 (d) A quality assurance program designed to
25 objectively and systematically monitor, evaluate, and improve
26 the quality and appropriateness of patient care through the
27 use of the common database.

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29 Any pharmacist dispensing a prescription has at all times the
30 right and obligation to exercise his or her independent
31 professional judgment. Notwithstanding other provisions in

1 this section, no pharmacist licensed in this state
2 participating in the dispensing of a prescription pursuant to
3 this section shall be responsible for the acts and omissions
4 of another person participating in the dispensing process
5 provided such person is not under the direct supervision and
6 control of the pharmacist licensed in this state.

7 Section 3. This act shall take effect July 1, 2006.
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