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CHAMBER ACTION

1 The Health Care Appropriations Committee recommends the
2 following:

3
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to pharmacy common databases; amending s.
8 465.026, F.S.; deleting a provision authorizing certain
9 community pharmacies to transfer prescriptions for
10 Schedule II medicinal drugs under certain conditions;
11 creating s. 465.0266, F.S.; authorizing the dispensing or
12 refilling of a prescription without a transferred
13 prescription under specified conditions; providing
14 requirements for a policy and procedures manual that
15 governs pharmacies and pharmacists participating in a
16 pharmacy common database; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
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

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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 one
 27 pharmacy to another by any means, including any electronic
 28 means, under the following conditions:

29 ~~(7) A community pharmacy licensed under this chapter which~~
 30 ~~only receives and transfers prescriptions for dispensing by~~
 31 ~~another pharmacy may transfer a prescription for a medicinal~~
 32 ~~drug listed in Schedule II under chapter 893. The pharmacy~~
 33 ~~receiving the prescription may ship, mail, or deliver into this~~
 34 ~~state, in any manner, the dispensed Schedule II medicinal drug~~
 35 ~~under the following conditions:~~

36 ~~(a) The pharmacy receiving and dispensing the transferred~~
 37 ~~prescription maintains at all times a valid, unexpired license,~~
 38 ~~permit, or registration to operate the pharmacy in compliance~~
 39 ~~with the laws of the state in which the pharmacy is located and~~
 40 ~~from which the medicinal drugs are dispensed;~~

41 ~~(b) The community pharmacy and the receiving pharmacy are~~
 42 ~~owned and operated by the same person and share a centralized~~
 43 ~~database; and~~

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

46 Section 2. Section 465.0266, Florida Statutes, is created
 47 to read:

48 465.0266 Common database.--The dispensing or refilling of
 49 a prescription on file in a pharmacy located in this state or in
 50 another state by a pharmacist licensed in this state or in

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51 another state shall not require the transfer of the prescription
52 if all of the following conditions are present:

53 (1) The participating pharmacies have the same owner and
54 share a common database.

55 (2) The prescription information is maintained within the
56 common database.

57 (3) The common database maintains a record of all persons
58 involved, in any manner, in the dispensing or refilling of the
59 prescription.

60 (4) All participating pharmacies are properly licensed by
61 their state of residence.

62 (5) The owner of the common database maintains a policy
63 and procedures manual that governs its participating pharmacies
64 and pharmacists and that is available to the board or its agent
65 upon request. The policy and procedures manual shall include the
66 following information:

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

70 (b) The procedure for maintaining appropriate records for
71 regulatory oversight for tracking a prescription during each
72 stage of the filling and dispensing process, identifying the
73 pharmacists involved in filling and dispensing the prescription
74 and counseling the patient, and responding to any requests for
75 information made by the board under s. 465.0156.

76 (c) The policy and procedure for providing adequate
77 security to protect the confidentiality and integrity of patient
78 information.

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79 | (d) A quality assurance program designed to objectively
80 | and systematically monitor, evaluate, and improve the quality
81 | and appropriateness of patient care through the use of the
82 | common database.

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