

CHAMBER ACTION

1 The Health & Families Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to pharmacy common databases; amending s.
7 465.026, F.S.; deleting a provision authorizing certain
8 community pharmacies to transfer prescriptions for
9 Schedule II medicinal drugs under certain conditions;
10 creating s. 465.0266, F.S.; authorizing the dispensing of
11 a prescription contained in a common database under
12 specified conditions; providing requirements for a policy
13 and procedures manual that governs pharmacies,
14 pharmacists, and pharmacy employees participating in a
15 pharmacy common database; providing for the rights and
16 obligations of pharmacists dispensing prescriptions;
17 providing an effective date.

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

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21 Section 1. Subsection (7) of section 465.026, Florida
22 Statutes, is amended to read:

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

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

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

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

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

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

49 465.0266 Common database.--Nothing contained in this
50 chapter shall be construed to prohibit the dispensing by a

51 pharmacist licensed in this state or another state of a
52 prescription contained in a common database, and such dispensing
53 shall not constitute a transfer as defined in s. 465.026(1)-(6),
54 provided that the following conditions are met:

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

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

62 (3) The common database maintains a record of all
63 pharmacists involved in the process of dispensing a
64 prescription.

65 (4) The owner of the common database maintains a policy
66 and procedures manual that governs its participating pharmacies,
67 pharmacists, and pharmacy employees and that is available to the
68 board or its agent upon request. The policy and procedures
69 manual shall include the following information:

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

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

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79 | (c) The policy and procedure for providing adequate
80 | security to protect the confidentiality and integrity of patient
81 | information.

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

86 |
87 | Any pharmacist dispensing a prescription has at all times the
88 | right and obligation to exercise his or her independent
89 | professional judgment. Notwithstanding other provisions in this
90 | section, no pharmacist licensed in this state participating in
91 | the dispensing of a prescription pursuant to this section shall
92 | be responsible for the acts and omissions of another person
93 | participating in the dispensing process provided such person is
94 | not under the direct supervision and control of the pharmacist
95 | licensed in this state.

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