

Bill No. CS for SB 2100

Barcode 483374

CHAMBER ACTION

Senate

House

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The Committee on Health and Human Services Appropriations
(Peaden) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Effective January 1, 2009, section 465.014,
Florida Statutes, is amended to read:

465.014 Pharmacy technician.--

(1) A ~~No~~ person other than a licensed pharmacist or
pharmacy intern may not engage in the practice of the
profession of pharmacy, except that a licensed pharmacist may
delegate to ~~nonlicensed~~ pharmacy technicians registered
pursuant to this section those duties, tasks, and functions
which do not fall within the purview of s. 465.003(13). All
such delegated acts shall be performed under the direct
supervision of a licensed pharmacist who shall be responsible
for all such acts performed by persons under his or her
supervision. A registered pharmacy technician, under the
supervision of a pharmacist, may initiate or receive

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1 | communications with a practitioner or his or her agent, on
 2 | behalf of a patient, regarding refill authorization requests.
 3 | A ~~No~~ licensed pharmacist may not ~~shall~~ supervise more than one
 4 | registered pharmacy technician unless otherwise permitted by
 5 | the guidelines adopted by the board. The board shall establish
 6 | guidelines to be followed by licensees or permittees in
 7 | determining the circumstances under which a licensed
 8 | pharmacist may supervise up to four registered ~~more than one~~
 9 | ~~but not more than three~~ pharmacy technicians.

10 | (2) Any person who wishes to work as a pharmacy
 11 | technician in this state must register by filing an
 12 | application with the board on a form adopted by rule of the
 13 | board. The board shall register each applicant who has
 14 | remitted a registration fee set by the board, not to exceed
 15 | \$50 biennially; has completed the application form and
 16 | remitted a nonrefundable application fee set by the board, not
 17 | to exceed \$50; and is at least 16 years of age.

18 | (3) A person whose license to practice pharmacy has
 19 | been denied, suspended, or restricted for disciplinary
 20 | purposes is not eligible to be registered as a pharmacy
 21 | technician.

22 | (4) Notwithstanding the requirements of this section
 23 | or any other provision of law, a pharmacy technician student
 24 | may be placed in a pharmacy for the purpose of obtaining
 25 | practical training required by the body accrediting the
 26 | pharmacy technician training program. A pharmacy technician
 27 | student shall wear identification that indicates his or her
 28 | student status when performing the functions of a pharmacy
 29 | technician, and registration under this section is not
 30 | required.

31 | (5) Notwithstanding the requirements of this section

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1 or any other provision of law, a person licensed by the state
 2 as a pharmacy intern may be employed as a registered pharmacy
 3 technician without paying a registration fee or filing an
 4 application with the board to register as a pharmacy
 5 technician.

6 (6) As a condition of registration renewal, a pharmacy
 7 technician shall complete 20 hours biennially of continuing
 8 education courses approved by the board or the Accreditation
 9 Council for Pharmaceutical Education, of which 4 hours must be
 10 via live presentation and 2 hours must be related to the
 11 prevention of medication errors and pharmacy law.

12 (7) The board shall adopt rules that require each
 13 registration issued by the board under this section to be
 14 displayed in such a manner as to make it available to the
 15 public and to facilitate inspection by the department and such
 16 other rules as necessary to administer the provisions of this
 17 section.

18 (8) If the board finds that an applicant for
 19 registration as a pharmacy technician or that a registered
 20 pharmacy technician has committed an act that constitutes
 21 grounds for discipline as set forth in s. 456.072(1) or has
 22 committed an act that constitutes grounds for denial of a
 23 license or disciplinary action as set forth in this chapter,
 24 including an act that constitutes a substantial violation of
 25 s. 456.072(1) or a violation of this chapter which occurred
 26 before the applicant or registrant was registered as a
 27 pharmacy technician, the board may enter an order imposing any
 28 of the penalties specified in s. 456.072(2) against the
 29 applicant or registrant.

30 (9) The board shall adopt rules requiring and
 31 specifying the manner in which a pharmacy shall notify the

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1 board when a registered technician is employed or ceases
2 employment with the pharmacy.

3 (10) The board shall maintain a current directory of
4 registered pharmacy technicians indicating their place of
5 employment and which must be published on the Internet.

6 Section 2. Effective January 1, 2009, paragraph (d) is
7 added to subsection (3) of section 465.015, Florida Statutes,
8 to read:

9 465.015 Violations and penalties.--

10 (3)

11 (d) It is unlawful for a person who is not registered
12 as a pharmacy technician under this chapter, or who is not
13 otherwise exempt from the requirement to register as a
14 pharmacy technician, to perform the functions of a registered
15 pharmacy technician or hold himself or herself out to others
16 as a person who is registered to perform the functions of a
17 registered pharmacy technician in this state.

18 Section 3. Effective January 1, 2009, subsection (5)
19 of section 465.019, Florida Statutes, is amended to read:

20 465.019 Institutional pharmacies; permits.--

21 (5) All institutional pharmacies shall be under the
22 professional supervision of a consultant pharmacist, and the
23 compounding and dispensing of medicinal drugs shall be done
24 only by a licensed pharmacist. Every institutional pharmacy
25 that employs or otherwise utilizes registered pharmacy
26 technicians shall have a written policy and procedures manual
27 specifying those duties, tasks, and functions which a pharmacy
28 technician is allowed to perform.

29 Section 4. Effective January 1, 2009, section
30 465.0196, Florida Statutes, is amended to read:

31 465.0196 Special pharmacy permits.--Any person

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1 | desiring a permit to operate a special pharmacy shall apply to
2 | the department for a special pharmacy permit. If the board
3 | certifies that the application complies with the applicable
4 | laws and rules of the board governing the practice of the
5 | profession of pharmacy, the department shall issue the permit.
6 | No permit shall be issued unless a licensed pharmacist is
7 | designated to undertake the professional supervision of the
8 | compounding and dispensing of all drugs dispensed by the
9 | pharmacy. The licensed pharmacist shall be responsible for
10 | maintaining all drug records and for providing for the
11 | security of the area in the facility in which the compounding,
12 | storing, and dispensing of medicinal drugs occurs. The
13 | permittee shall notify the department within 10 days of any
14 | change of the licensed pharmacist responsible for such duties.
15 | Every permittee that employs or otherwise utilizes pharmacy
16 | technicians shall have a written policy and procedures manual
17 | specifying those duties, tasks, and functions which a
18 | registered pharmacy technician is allowed to perform.

19 | Section 5. Effective January 1, 2009, subsection (1)
20 | of section 465.0197, Florida Statutes, is amended to read:

21 | 465.0197 Internet pharmacy permits.--

22 | (1) Any person desiring a permit to operate an
23 | Internet pharmacy shall apply to the department for an
24 | Internet pharmacy permit. If the board certifies that the
25 | application complies with the applicable laws and rules of the
26 | board governing the practice of the profession of pharmacy,
27 | the department shall issue the permit. No permit shall be
28 | issued unless a licensed pharmacist is designated as the
29 | prescription department manager for dispensing medicinal drugs
30 | to persons in this state. The licensed pharmacist shall be
31 | responsible for maintaining all drug records and for providing

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1 for the security of the area in the facility in which the
 2 compounding, storing, and dispensing of medicinal drugs to
 3 persons in this state occurs. The permittee shall notify the
 4 department within 30 days of any change of the licensed
 5 pharmacist responsible for such duties. Every permittee that
 6 employs or otherwise utilizes registered pharmacy technicians
 7 shall have a written policy and procedures manual specifying
 8 those duties, tasks, and functions which a registered pharmacy
 9 technician is allowed to perform.

10 Section 6. Section 465.0235, Florida Statutes, is
 11 amended to read:

12 465.0235 Automated pharmacy systems used by long-term
 13 care facilities, hospices, ~~or~~ state correctional institutions,
 14 or pharmacies.--

15 (1) A pharmacy may provide pharmacy services through
 16 the use of an automated pharmacy system located on its
 17 premises and may provide pharmacy services to a long-term care
 18 facility or hospice licensed under chapter 400 or chapter 429
 19 or a state correctional institution operated under chapter 944
 20 through the use of an automated pharmacy system that need not
 21 be located at the same location as the pharmacy.

22 (2) Medicinal drugs stored in bulk or unit of use in
 23 an automated pharmacy system servicing a long-term care
 24 facility, hospice, ~~or~~ correctional institution, or pharmacy
 25 are part of the inventory of the pharmacy providing pharmacy
 26 services to that facility, hospice, ~~or~~ institution, or
 27 pharmacy and drugs delivered by the automated pharmacy system
 28 are considered to have been dispensed by that pharmacy and
 29 certified by a pharmacist. Automated pharmacy systems shall
 30 not dispense substances controlled in Schedule I of s. 893.03.

31 (3) The operation of an automated pharmacy system must

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1 | be under the supervision of a Florida-licensed pharmacist. To
 2 | qualify as a supervisor for an automated pharmacy system, the
 3 | pharmacist need not be physically present at the site of the
 4 | automated pharmacy system and may supervise the system
 5 | electronically. The Florida-licensed pharmacist shall be
 6 | required to develop and implement policies and procedures
 7 | designed to verify that the medicinal drugs delivered by the
 8 | automated dispensing system are accurate and valid and that
 9 | the machine is properly restocked.

10 | (4) The Legislature does not intend this section to
 11 | limit the current practice of pharmacy in this state. This
 12 | section is intended to allow automated pharmacy systems to
 13 | enhance the ability of a pharmacist to provide pharmacy
 14 | services in locations that may ~~do~~ not employ a full-time
 15 | pharmacist. This section does not limit or replace the use of
 16 | a consultant pharmacist.

17 | (5) The board shall adopt rules governing the use of
 18 | an automated pharmacy system by January 1, 2008 ~~2005~~, which
 19 | must specify:

20 | (a) Recordkeeping requirements;

21 | (b) Security requirements, including a photographic
 22 | record of the recipient if the drug is dispensed directly to
 23 | the recipient in a public location; and

24 | (c) Labeling requirements that permit the use of
 25 | unit-dose medications if the facility, hospice, ~~or~~
 26 | institution, or pharmacy maintains medication-administration
 27 | records that include directions for use of the medication and
 28 | the automated pharmacy system identifies:

- 29 | 1. The dispensing pharmacy;
 30 | 2. The prescription number;
 31 | 3. The name of the patient; and

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1 4. The name of the prescribing practitioner.

2 Section 7. Except as otherwise expressly provided in
3 this act, this act shall take effect upon becoming a law.

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6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 Delete everything before the enacting clause

9

10 and insert:

11 A bill to be entitled

12 An act relating to pharmacy technicians;
13 amending s. 465.014, F.S.; providing for the
14 registration of pharmacy technicians; requiring
15 the Board of Pharmacy to set fees and rules to
16 register pharmacy technicians; providing
17 qualification requirements; providing a
18 limitation; exempting pharmacy technician
19 students and licensed pharmacy interns from
20 certain registration requirements; providing
21 continuing education requirements for
22 registration renewal; requiring the board to
23 adopt rules; providing grounds for denial,
24 suspension, or revocation of registration or
25 other disciplinary action; authorizing the
26 board to impose certain penalties; requiring
27 the board to adopt rules requiring a pharmacy
28 to notify the board when employing technicians;
29 requiring the board to maintain a directory of
30 technicians and publish the directory on the
31 Internet; amending s. 465.015, F.S.;

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1 prohibiting a person who is not registered as a
2 pharmacy technician from performing certain
3 functions or holding himself or herself out to
4 others as a pharmacy technician; amending ss.
5 465.019, 465.0196, and 465.0197, F.S.;
6 conforming references; amending s. 465.0235,
7 F.S.; authorizing pharmacies to use an
8 automated pharmacy system located on its
9 premises; prohibiting automated pharmacy
10 systems from dispensing substances controlled
11 in Schedule I of ch. 893, F.S.; requiring the
12 Board of Pharmacy to adopt rules for the
13 security of an automated pharmacy system which
14 require a photographic record of the recipient
15 if the drug is dispensed directly to the
16 recipient in a public location; providing
17 effective dates.

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