

By Senator Peadar

2-1460-07

1                                   A bill to be entitled  
2           An act relating to pharmacy technicians;  
3           amending s. 465.014, F.S.; providing for the  
4           registration of pharmacy technicians; requiring  
5           the Board of Pharmacy to set fees and rules to  
6           register pharmacy technicians; requiring an  
7           applicant for registration as a pharmacy  
8           technician to submit fingerprints; requiring  
9           that a criminal background check be conducted  
10          for each applicant; providing qualification  
11          requirements; providing a limitation; exempting  
12          pharmacy technician students and licensed  
13          pharmacy interns from certain registration  
14          requirements; providing continuing education  
15          requirements for registration renewal;  
16          requiring the board to adopt rules; providing  
17          grounds for denial, suspension, or revocation  
18          of registration or other disciplinary action;  
19          authorizing the board to impose certain  
20          penalties; amending s. 465.015, F.S.;  
21          prohibiting a person who is not registered as a  
22          pharmacy technician from performing certain  
23          functions or holding himself or herself out to  
24          others as a pharmacy technician; amending ss.  
25          465.019, 465.0196, and 465.0197, F.S.;  
26          conforming references; providing an effective  
27          date.

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29 Be It Enacted by the Legislature of the State of Florida:  
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1           Section 1. Section 465.014, Florida Statutes, is  
2 amended to read:

3           465.014 Pharmacy technician.--

4           (1) ~~A No~~ person other than a licensed pharmacist or  
5 pharmacy intern may not engage in the practice of the  
6 profession of pharmacy, except that a licensed pharmacist may  
7 delegate to ~~nonlicensed~~ pharmacy technicians registered  
8 pursuant to this section those duties, tasks, and functions  
9 which do not fall within the purview of s. 465.003(13). All  
10 such delegated acts shall be performed under the direct  
11 supervision of a licensed pharmacist who shall be responsible  
12 for all such acts performed by persons under his or her  
13 supervision. A registered pharmacy technician, under the  
14 supervision of a pharmacist, may initiate or receive  
15 communications with a practitioner or his or her agent, on  
16 behalf of a patient, regarding refill authorization requests.  
17 ~~A No~~ licensed pharmacist may not shall supervise more than one  
18 registered pharmacy technician unless otherwise permitted by  
19 the guidelines adopted by the board. The board shall establish  
20 guidelines to be followed by licensees or permittees in  
21 determining the circumstances under which a licensed  
22 pharmacist may supervise more than one but not more than three  
23 registered pharmacy technicians.

24           (2) Any person who wishes to work as a pharmacy  
25 technician in this state must register by filing an  
26 application with the board on a form adopted by rule of the  
27 board, together with a set of fingerprints, on a form and  
28 under procedures specified by the board and a payment in an  
29 amount equal to the costs incurred by the board for the  
30 criminal background check of the applicant. The board shall  
31 submit the fingerprints provided by an applicant for initial

1 registration to the Department of Law Enforcement for a  
2 statewide criminal history check, and the Department of Law  
3 Enforcement shall forward the fingerprints to the Federal  
4 Bureau of Investigation for a national criminal history check  
5 of the applicant. For any subsequent renewal of the  
6 applicant's registration, the board shall submit the required  
7 information for a statewide criminal history check of the  
8 applicant to the Department of Law Enforcement. The board  
9 shall register each applicant who has remitted a registration  
10 fee set by the board, not to exceed \$50 biennially; has  
11 completed the application form and remitted a nonrefundable  
12 application fee set by the board, not to exceed \$50; has  
13 submitted a set of fingerprints as provided in this  
14 subsection; and meets the following requirements:  
15       (a) Is at least 16 years of age.  
16       (b) Within the 5 years preceding application, has not  
17 been convicted of or pled guilty or nolo contendere to,  
18 regardless of adjudication, any crime that relates to drug  
19 trafficking or that otherwise directly relates to the  
20 functions and duties of a pharmacy technician.  
21       (3) A person whose license to practice pharmacy has  
22 been denied, suspended, or restricted for disciplinary  
23 purposes is not eligible to be registered as a pharmacy  
24 technician.  
25       (4) Notwithstanding the requirements of this section  
26 or any other provision of law, a pharmacy technician student  
27 may be placed in a pharmacy for the purpose of obtaining  
28 practical training required by the body accrediting the  
29 pharmacy technician training program. A pharmacy technician  
30 student shall wear identification that indicates his or her  
31 student status when performing the functions of a pharmacy

1 technician, and registration under this section is not  
2 required.

3 (5) Notwithstanding the requirements of this section  
4 or any other provision of law, a person licensed by the state  
5 as a pharmacy intern may be employed as a registered pharmacy  
6 technician without paying a registration fee or filing an  
7 application with the board to register as a pharmacy  
8 technician.

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

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

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

3           Section 2. Paragraph (d) is added to subsection (3) of  
4 section 465.015, Florida Statutes, to read:

5           465.015 Violations and penalties.--

6           (3)

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

14           Section 3. Subsection (5) of section 465.019, Florida  
15 Statutes, is amended to read:

16           465.019 Institutional pharmacies; permits.--

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

25           Section 4. Section 465.0196, Florida Statutes, is  
26 amended to read:

27           465.0196 Special pharmacy permits.--Any person  
28 desiring a permit to operate a special pharmacy shall apply to  
29 the department for a special pharmacy permit. If the board  
30 certifies that the application complies with the applicable  
31 laws and rules of the board governing the practice of the

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

15 |         Section 5. Subsection (1) of section 465.0197, Florida  
16 | Statutes, is amended to read:

17 |             465.0197 Internet pharmacy permits.--

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

1 pharmacist responsible for such duties. Every permittee that  
2 employs or otherwise utilizes registered pharmacy technicians  
3 shall have a written policy and procedures manual specifying  
4 those duties, tasks, and functions which a registered pharmacy  
5 technician is allowed to perform.

6 Section 6. This act shall take effect October 1, 2007.

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9 SENATE SUMMARY

10 Provides for the registration of pharmacy technicians.  
11 Requires the Board of Pharmacy to set fees and rules to  
12 register pharmacy technicians. Requires an applicant for  
13 registration as a pharmacy technician to submit  
14 fingerprints. Requires that a criminal background check  
15 be conducted for each applicant. Provides qualification  
16 requirements. Provides an age limitation. Provides a  
17 criminal limitation. Provides that a person licensed to  
18 practice pharmacy whose license has been denied,  
19 suspended, or restricted for disciplinary purposes is not  
20 eligible to be registered as a pharmacy technician.  
21 Exempts pharmacy technician students and licensed  
22 pharmacy interns from certain registration requirements.  
23 Provides continuing education requirements for  
24 registration renewal. Requires the board to adopt rules  
25 regarding registration. Provides grounds for denial,  
26 suspension, or revocation of registration or other  
27 disciplinary action. Authorizes the board to impose  
28 certain penalties. Prohibits a person who is not  
29 registered as a pharmacy technician from performing  
30 certain functions or holding himself or herself out to  
31 others as a pharmacy technician.