

By the Committee on Health Regulation; and Senator Peaden

588-2242-07

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; providing  
 7            qualification requirements; providing a  
 8            limitation; exempting pharmacy technician  
 9            students and licensed pharmacy interns from  
 10          certain registration requirements; providing  
 11          continuing education requirements for  
 12          registration renewal; requiring the board to  
 13          adopt rules; providing grounds for denial,  
 14          suspension, or revocation of registration or  
 15          other disciplinary action; authorizing the  
 16          board to impose certain penalties; requiring  
 17          the board to adopt rules requiring a pharmacy  
 18          to notify the board when employing technicians;  
 19          requiring the board to maintain a directory of  
 20          technicians and publish the directory on the  
 21          Internet; amending s. 465.015, F.S.;  
 22          prohibiting a person who is not registered as a  
 23          pharmacy technician from performing certain  
 24          functions or holding himself or herself out to  
 25          others as a pharmacy technician; amending ss.  
 26          465.019, 465.0196, and 465.0197, F.S.;  
 27          conforming references; providing an effective  
 28          date.  
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 30    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 up to four registered ~~more than one~~  
23 ~~but not more than three~~ 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. The board shall register each applicant who has  
28 remitted a registration fee set by the board, not to exceed  
29 \$50 biennially; has completed the application form and  
30 remitted a nonrefundable application fee set by the board, not  
31 to exceed \$50; and is at least 16 years of age.

1           (3) A person whose license to practice pharmacy has  
2 been denied, suspended, or restricted for disciplinary  
3 purposes is not eligible to be registered as a pharmacy  
4 technician.

5           (4) Notwithstanding the requirements of this section  
6 or any other provision of law, a pharmacy technician student  
7 may be placed in a pharmacy for the purpose of obtaining  
8 practical training required by the body accrediting the  
9 pharmacy technician training program. A pharmacy technician  
10 student shall wear identification that indicates his or her  
11 student status when performing the functions of a pharmacy  
12 technician, and registration under this section is not  
13 required.

14           (5) Notwithstanding the requirements of this section  
15 or any other provision of law, a person licensed by the state  
16 as a pharmacy intern may be employed as a registered pharmacy  
17 technician without paying a registration fee or filing an  
18 application with the board to register as a pharmacy  
19 technician.

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

26           (7) The board shall adopt rules that require each  
27 registration issued by the board under this section to be  
28 displayed in such a manner as to make it available to the  
29 public and to facilitate inspection by the department and such  
30 other rules as necessary to administer the provisions of this  
31 section.

1           (8) If the board finds that an applicant for  
2 registration as a pharmacy technician or that a registered  
3 pharmacy technician has committed an act that constitutes  
4 grounds for discipline as set forth in s. 456.072(1) or has  
5 committed an act that constitutes grounds for denial of a  
6 license or disciplinary action as set forth in this chapter,  
7 including an act that constitutes a substantial violation of  
8 s. 456.072(1) or a violation of this chapter which occurred  
9 before the applicant or registrant was registered as a  
10 pharmacy technician, the board may enter an order imposing any  
11 of the penalties specified in s. 456.072(2) against the  
12 applicant or registrant.

13           (9) The board shall adopt rules requiring and  
14 specifying the manner in which a pharmacy shall notify the  
15 board when a registered technician is employed or ceases  
16 employment with the pharmacy.

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

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

22           465.015 Violations and penalties.--

23           (3)

24           (d) It is unlawful for a person who is not registered  
25 as a pharmacy technician under this chapter, or who is not  
26 otherwise exempt from the requirement to register as a  
27 pharmacy technician, to perform the functions of a registered  
28 pharmacy technician or hold himself or herself out to others  
29 as a person who is registered to perform the functions of a  
30 registered pharmacy technician in this state.

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

3           465.019 Institutional pharmacies; permits.--

4           (5) All institutional pharmacies shall be under the  
5 professional supervision of a consultant pharmacist, and the  
6 compounding and dispensing of medicinal drugs shall be done  
7 only by a licensed pharmacist. Every institutional pharmacy  
8 that employs or otherwise utilizes registered pharmacy  
9 technicians shall have a written policy and procedures manual  
10 specifying those duties, tasks, and functions which a pharmacy  
11 technician is allowed to perform.

12           Section 4. Section 465.0196, Florida Statutes, is  
13 amended to read:

14           465.0196 Special pharmacy permits.--Any person  
15 desiring a permit to operate a special pharmacy shall apply to  
16 the department for a special pharmacy permit. If the board  
17 certifies that the application complies with the applicable  
18 laws and rules of the board governing the practice of the  
19 profession of pharmacy, the department shall issue the permit.  
20 No permit shall be issued unless a licensed pharmacist is  
21 designated to undertake the professional supervision of the  
22 compounding and dispensing of all drugs dispensed by the  
23 pharmacy. The licensed pharmacist shall be responsible for  
24 maintaining all drug records and for providing for the  
25 security of the area in the facility in which the compounding,  
26 storing, and dispensing of medicinal drugs occurs. The  
27 permittee shall notify the department within 10 days of any  
28 change of the licensed pharmacist responsible for such duties.  
29 Every permittee that employs or otherwise utilizes pharmacy  
30 technicians shall have a written policy and procedures manual  
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1 specifying those duties, tasks, and functions which a  
2 registered pharmacy technician is allowed to perform.

3 Section 5. Subsection (1) of section 465.0197, Florida  
4 Statutes, is amended to read:

5 465.0197 Internet pharmacy permits.--

6 (1) Any person desiring a permit to operate an  
7 Internet pharmacy shall apply to the department for an  
8 Internet pharmacy permit. If the board certifies that the  
9 application complies with the applicable laws and rules of the  
10 board governing the practice of the profession of pharmacy,  
11 the department shall issue the permit. No permit shall be  
12 issued unless a licensed pharmacist is designated as the  
13 prescription department manager for dispensing medicinal drugs  
14 to persons in this state. The licensed pharmacist shall be  
15 responsible for maintaining all drug records and for providing  
16 for the security of the area in the facility in which the  
17 compounding, storing, and dispensing of medicinal drugs to  
18 persons in this state occurs. The permittee shall notify the  
19 department within 30 days of any change of the licensed  
20 pharmacist responsible for such duties. Every permittee that  
21 employs or otherwise utilizes registered pharmacy technicians  
22 shall have a written policy and procedures manual specifying  
23 those duties, tasks, and functions which a registered pharmacy  
24 technician is allowed to perform.

25 Section 6. This act shall take effect January 1, 2009.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 2100

The committee substitute revises the number of pharmacy technicians who may be supervised by a licensed pharmacist to allow a pharmacist to supervise up to four pharmacy technicians under board-approved guidelines. The committee substitute revises requirements for pharmacy technicians to register with the Board of Pharmacy to no longer require such applicants to submit fingerprints and undergo background screening.

The committee substitute requires the Board of Pharmacy to adopt rules to require and specify the manner in which a pharmacy must notify the board when a registered technician is employed or ceases employment and requires the Board of Pharmacy to maintain a current directory of registered pharmacy technicians which must be published on the Internet.