



1 in Schedule I of ch. 893, F.S.; requiring the  
2 Board of Pharmacy to adopt rules for the  
3 security of an automated pharmacy system which  
4 require a photographic record of the recipient  
5 if the drug is dispensed directly to the  
6 recipient in a public location; providing an  
7 appropriation and authorizing additional  
8 positions; providing effective dates.  
9

10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Effective January 1, 2009, section 465.014,  
13 Florida Statutes, is amended to read:

14 465.014 Pharmacy technician.--

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

1 determining the circumstances under which a licensed  
2 pharmacist may supervise up to four registered ~~more than one~~  
3 ~~but not more than three~~ pharmacy technicians.

4       (2) Any person who wishes to work as a pharmacy  
5 technician in this state must register by filing an  
6 application with the board on a form adopted by rule of the  
7 board. The board shall register each applicant who has  
8 remitted a registration fee set by the board, not to exceed  
9 \$50 biennially; has completed the application form and  
10 remitted a nonrefundable application fee set by the board, not  
11 to exceed \$50; and is at least 16 years of age.

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

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

25       (5) Notwithstanding the requirements of this section  
26 or any other provision of law, a person licensed by the state  
27 as a pharmacy intern may be employed as a registered pharmacy  
28 technician without paying a registration fee or filing an  
29 application with the board to register as a pharmacy  
30 technician.

31

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

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

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

25       (9) The board shall adopt rules requiring and  
26 specifying the manner in which a pharmacy shall notify the  
27 board when a registered technician is employed or ceases  
28 employment with the pharmacy.

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

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

4           465.015 Violations and penalties.--

5           (3)

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

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

15           465.019 Institutional pharmacies; permits.--

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

24           Section 4. Effective January 1, 2009, section  
25 465.0196, Florida Statutes, is amended to read:

26           465.0196 Special pharmacy permits.--Any person  
27 desiring a permit to operate a special pharmacy shall apply to  
28 the department for a special pharmacy permit. If the board  
29 certifies that the application complies with the applicable  
30 laws and rules of the board governing the practice of the  
31 profession of pharmacy, the department shall issue the permit.

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

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

16 465.0197 Internet pharmacy permits.--

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

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

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

7 465.0235 Automated pharmacy systems used by long-term  
8 care facilities, hospices, ~~or~~ state correctional institutions,  
9 or pharmacies.--

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

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

26 (3) The operation of an automated pharmacy system must  
27 be under the supervision of a Florida-licensed pharmacist. To  
28 qualify as a supervisor for an automated pharmacy system, the  
29 pharmacist need not be physically present at the site of the  
30 automated pharmacy system and may supervise the system  
31 electronically. The Florida-licensed pharmacist shall be

1 required to develop and implement policies and procedures  
2 designed to verify that the medicinal drugs delivered by the  
3 automated dispensing system are accurate and valid and that  
4 the machine is properly restocked.

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

12 (5) The board shall adopt rules governing the use of  
13 an automated pharmacy system by January 1, 2008 ~~2005~~, which  
14 must specify:

15 (a) Recordkeeping requirements;

16 (b) Security requirements, including a photographic  
17 record of the recipient if the drug is dispensed directly to  
18 the recipient in a public location; and

19 (c) Labeling requirements that permit the use of  
20 unit-dose medications if the facility, hospice, ~~or~~  
21 institution, or pharmacy maintains medication-administration  
22 records that include directions for use of the medication and  
23 the automated pharmacy system identifies:

24 1. The dispensing pharmacy;

25 2. The prescription number;

26 3. The name of the patient; and

27 4. The name of the prescribing practitioner.

28 Section 7. The sum of \$812,334 is appropriated from  
29 the Medical Quality Assurance Trust Fund to the Department of  
30 Health, and 13.5 positions and associated salary rate of  
31



1 514,673 is authorized to implement this act during the  
2 2007-2008 fiscal year.

3           Section 8. Except as otherwise expressly provided in  
4 this act, this act shall take effect upon becoming a law.

5  
6                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
7   COMMITTEE SUBSTITUTE FOR  
8   CS for SB 2100

9 Authorizes pharmacies to provide automated pharmacy services  
10 to long-term care facilities, hospices, and correctional  
11 institutions. Requires a photographic record of the recipient  
12 if the drug is dispensed directly to the recipient in a public  
13 location.

12 Appropriates \$812,334 from the Medical Quality Assurance Trust  
13 Fund, 13.5 positions, and salary rate of 514,673 to implement  
14 the bill during the 2007-2008 fiscal year.

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31