



066848

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/10/2008	.	
	.	
	.	

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

3
4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause
6 and insert:

7 Section 1. Subsection (1) of section 465.0075, Florida
8 Statutes, is amended to read:

9 465.0075 Licensure by endorsement; requirements; fee.--

10 (1) The department shall issue a license by endorsement to
11 any applicant who applies to the department and remits a
12 nonrefundable fee of not more than \$100, as set by the board, and
13 whom the board certifies:

14 (a) Has met the qualifications for licensure in s.
15 465.007(1)(b) and (c);

16 (b) Has obtained a passing score, as established by rule of
17 the board, on the licensure examination of the National



066848

18 Association of Boards of Pharmacy or a similar nationally
19 recognized examination, if the board certifies that the applicant
20 has taken the required examination ~~not more than 12 years prior~~
21 ~~to application;~~

22 (c)1. Has submitted evidence of the active licensed
23 practice of pharmacy, including practice in community or public
24 health by persons employed by a governmental entity, in another
25 jurisdiction for at least 2 of the immediately preceding 5 years
26 or evidence of successful completion of board-approved
27 postgraduate training or a board-approved clinical competency
28 examination within the year immediately preceding application for
29 licensure; or

30 2. Has completed an internship meeting the requirements of
31 s. 465.007(1)(c) within the 2 years immediately preceding
32 application; and

33 (d) Has obtained a passing score on the pharmacy
34 jurisprudence portions of the licensure examination, as required
35 by board rule.

36 Section 2. Section 465.014, Florida Statutes, is amended to
37 read:

38 465.014 Pharmacy technician.--No person other than a
39 licensed pharmacist or pharmacy intern may engage in the practice
40 of the profession of pharmacy, except that a licensed pharmacist
41 may delegate to nonlicensed pharmacy technicians those duties,
42 tasks, and functions which do not fall within the purview of s.
43 465.003(13). All such delegated acts shall be performed under the
44 direct supervision of a licensed pharmacist who shall be
45 responsible for all such acts performed by persons under his or
46 her supervision. A pharmacy technician, under the supervision of
47 a pharmacist, may initiate or receive communications with a



066848

48 practitioner or his or her agent, on behalf of a patient,
49 regarding refill authorization requests. No licensed pharmacist
50 shall supervise more than one pharmacy technician unless
51 otherwise permitted by the guidelines adopted by the board. The
52 board shall establish guidelines to be followed by licensees or
53 permittees in determining the circumstances under which a
54 licensed pharmacist may supervise more than one but not more than
55 three pharmacy technicians. The board shall adopt rules for the
56 registration application process and registration systems
57 administration process established under this section and ss.
58 465.015, 465.019, 465.0196, and 465.0197, as amended by this act,
59 so that such rules governing such processes can be in place upon
60 full implementation of this act. The board may adopt other rules
61 as necessary to administer this act.

62 Section 3. Effective January 1, 2010, section 465.014,
63 Florida Statutes, as amended by this act, is amended to read:

64 465.014 Pharmacy technician.--

65 (1) A ~~No~~ person other than a licensed pharmacist or
66 pharmacy intern may not engage in the practice of the profession
67 of pharmacy, except that a licensed pharmacist may delegate to
68 ~~nonlicensed~~ pharmacy technicians who are registered pursuant to
69 this section those duties, tasks, and functions that ~~which~~ do not
70 fall within the purview of s. 465.003(13). All such delegated
71 acts shall be performed under the direct supervision of a
72 licensed pharmacist who shall be responsible for all such acts
73 performed by persons under his or her supervision. A pharmacy
74 registered technician, under the supervision of a pharmacist, may
75 initiate or receive communications with a practitioner or his or
76 her agent, on behalf of a patient, regarding refill authorization
77 requests. A ~~No~~ licensed pharmacist may not ~~shall~~ supervise more



066848

78 than one registered pharmacy technician unless otherwise
79 permitted by the guidelines adopted by the board. The board shall
80 establish guidelines to be followed by licensees or permittees in
81 determining the circumstances under which a licensed pharmacist
82 may supervise more than one but not more than three pharmacy
83 technicians. ~~The board shall adopt rules for the registration~~
84 ~~application process and registration systems administration~~
85 ~~process established under this section and ss. 465.015, 465.019,~~
86 ~~465.0196, and 465.0197, as amended by this act, so that such~~
87 ~~rules governing such processes can be in place upon full~~
88 ~~implementation of this act. The board may adopt other rules as~~
89 ~~necessary to administer this act.~~

90 (2) Any person who wishes to work as a pharmacy technician
91 in this state must register by filing an application with the
92 board on a form adopted by rule of the board. The board shall
93 register each applicant who has remitted a registration fee set
94 by the board, not to exceed \$50 biennially; has completed the
95 application form and remitted a nonrefundable application fee set
96 by the board, not to exceed \$50; and is at least 17 years of age.

97 (3) A person whose license to practice pharmacy has been
98 denied, suspended, or restricted for disciplinary purposes is not
99 eligible to register as a pharmacy technician.

100 (4) Notwithstanding the requirements of this section or any
101 other provision of law, a pharmacy technician student who is
102 enrolled in an employer or association based pharmacy technician
103 training program that is approved by the board may be placed in a
104 pharmacy for the purpose of obtaining practical training. A
105 pharmacy technician student shall wear identification that
106 indicates his or her student status when performing the functions
107 of a pharmacy technician, and registration under this section is



066848

108 | not required.

109 | (5) Notwithstanding the requirements of this section or any
110 | other provision of law, a person who is licensed by the state as
111 | a pharmacy intern may be employed as a registered pharmacy
112 | technician without paying a registration fee or filing an
113 | application with the board to register as a pharmacy technician.

114 | (6) As a condition of registration renewal, a registered
115 | pharmacy technician shall complete 20 hours biennially of
116 | continuing education courses approved by the board or the
117 | Accreditation Council for Pharmacy Education, of which 4 hours
118 | must be via live presentation and 2 hours must be related to the
119 | prevention of medication errors and pharmacy law.

120 | (7) The board shall adopt rules that require each
121 | registration issued by the board under this section to be
122 | displayed in such a manner as to make it available to the public
123 | and to facilitate inspection by the department. The board may
124 | adopt other rules as necessary to administer this section.

125 | (8) If the board finds that an applicant for registration
126 | as a pharmacy technician or that a registered pharmacy technician
127 | has committed an act that constitutes grounds for discipline as
128 | set forth in s. 456.072(1) or has committed an act that
129 | constitutes grounds for denial of a license or disciplinary
130 | action as set forth in this chapter, including an act that
131 | constitutes a substantial violation of s. 456.072(1) or a
132 | violation of this chapter which occurred before the applicant or
133 | registrant was registered as a pharmacy technician, the board may
134 | enter an order imposing any of the penalties specified in s.
135 | 456.072(2) against the applicant or registrant.



066848

136 Section 4. Effective January 1, 2011, subsection (2) of
137 section 465.014, Florida Statutes, as amended by this act, is
138 amended to read:

139 (2) Any person who wishes to work as a pharmacy technician
140 in this state must register by filing an application with the
141 board on a form adopted by rule of the board. The board shall
142 register each applicant who has remitted a registration fee set
143 by the board, not to exceed \$50 biennially; has completed the
144 application form and remitted a nonrefundable application fee set
145 by the board, not to exceed \$50; ~~and~~ is at least 17 years of age;
146 and has completed a pharmacy technician training program approved
147 by the Board of Pharmacy. Notwithstanding any requirements in
148 this subsection, any registered pharmacy technician registered
149 pursuant to this section before January 1, 2011, who has worked
150 as a pharmacy technician for a minimum of 1,500 hours under the
151 supervision of a licensed pharmacist or received certification as
152 a pharmacy technician by certification program accredited by the
153 National Commission for Certifying Agencies is exempt from the
154 requirement to complete an initial training program for purposes
155 of registration as required by this subsection.

156 Section 5. Effective January 1, 2010, paragraph (d) is
157 added to subsection (3) of section 465.015, Florida Statutes, to
158 read:

159 465.015 Violations and penalties.--

160 (3)

161 (d) It is unlawful for a person who is not registered as a
162 pharmacy technician under this chapter or who is not otherwise
163 exempt from the requirement to register as a pharmacy technician,
164 to perform the functions of a registered pharmacy technician, or
165 hold himself or herself out to others as a person who is



066848

166 registered to perform the functions of a registered pharmacy
167 technician in this state.

168 Section 6. Effective January 1, 2010, subsection (5) of
169 section 465.019, Florida Statutes, is amended to read:

170 465.019 Institutional pharmacies; permits.--

171 (5) All institutional pharmacies shall be under the
172 professional supervision of a consultant pharmacist, and the
173 compounding and dispensing of medicinal drugs shall be done only
174 by a licensed pharmacist. Every institutional pharmacy that
175 employs or otherwise uses registered ~~utilizes~~ pharmacy
176 technicians shall have a written policy and procedures manual
177 specifying those duties, tasks, and functions that ~~which~~ a
178 registered pharmacy technician is allowed to perform.

179 Section 7. Effective January 1, 2010, section 465.0196,
180 Florida Statutes, is amended to read:

181 465.0196 Special pharmacy permits.--Any person desiring a
182 permit to operate a special pharmacy shall apply to the
183 department for a special pharmacy permit. If the board certifies
184 that the application complies with the applicable laws and rules
185 of the board governing the practice of the profession of
186 pharmacy, the department shall issue the permit. A ~~No~~ permit may
187 not ~~shall~~ be issued unless a licensed pharmacist is designated to
188 undertake the professional supervision of the compounding and
189 dispensing of all drugs dispensed by the pharmacy. The licensed
190 pharmacist shall be responsible for maintaining all drug records
191 and for providing for the security of the area in the facility in
192 which the compounding, storing, and dispensing of medicinal drugs
193 occurs. The permittee shall notify the department within 10 days
194 after ~~of~~ any change of the licensed pharmacist responsible for
195 such duties. Each ~~Every~~ permittee that employs or otherwise uses



066848

196 registered ~~utilizes~~ pharmacy technicians shall have a written
197 policy and procedures manual specifying those duties, tasks, and
198 functions that ~~which~~ a registered pharmacy technician is allowed
199 to perform.

200 Section 8. Subsection (1) of section 465.0197, Florida
201 Statutes, is amended to read:

202 465.0197 Internet pharmacy permits.--

203 (1) Any person desiring a permit to operate an Internet
204 pharmacy shall apply to the department for an Internet pharmacy
205 permit. If the board certifies that the application complies with
206 the applicable laws and rules of the board governing the practice
207 of the profession of pharmacy, the department shall issue the
208 permit. A ~~No~~ permit may not ~~shall~~ be issued unless a licensed
209 pharmacist is designated as the prescription department manager
210 for dispensing medicinal drugs to persons in this state. The
211 licensed pharmacist shall be responsible for maintaining all drug
212 records and for providing for the security of the area in the
213 facility in which the compounding, storing, and dispensing of
214 medicinal drugs to persons in this state occurs. The permittee
215 shall notify the department within 30 days after ~~of~~ any change of
216 the licensed pharmacist responsible for such duties. A ~~Every~~
217 permittee that employs or otherwise uses registered ~~utilizes~~
218 pharmacy technicians shall have a written policy and procedures
219 manual specifying those duties, tasks, and functions that ~~which~~ a
220 registered pharmacy technician is allowed to perform.

221 Section 9. Except as otherwise expressly provided in this
222 act, this act shall take effect upon becoming a law.

223
224 ===== T I T L E A M E N D M E N T =====

225 And the title is amended as follows:



066848

226 Delete everything before the enacting clause
227 and insert:

228 A bill to be entitled
229 An act relating to pharmacy technicians; amending s.
230 465.0075, F.S.; revising licensure requirements; amending
231 s. 465.014, F.S.; requiring the Board of Pharmacy to adopt
232 rules; providing for the registration of pharmacy
233 technicians; deleting the requirement for the board to
234 adopt rules; requiring that a registered pharmacy
235 technician be under the direct supervision of a licensed
236 pharmacist; requiring the board to set fees for the
237 registration of pharmacy technicians; providing
238 qualification requirements; providing a limitation;
239 exempting pharmacy technician students and licensed
240 pharmacy interns from registration requirements; providing
241 continuing education requirements for registration
242 renewal; requiring the board to adopt rules regarding the
243 display of a registration; providing grounds for denial,
244 suspension, or revocation of registration or other
245 disciplinary action; authorizing the board to impose
246 certain penalties; requiring completion of a pharmacy
247 technician training program in order to register as a
248 pharmacy technician by a specified date; providing an
249 exception to the requirement to complete a training
250 program; amending s. 465.015, F.S.; prohibiting a person
251 who is not registered as a pharmacy technician from
252 performing certain functions or holding himself or herself
253 out to others as a registered pharmacy technician;
254 amending ss. 465.019, 465.0196, and 465.0197, F.S.,
255 relating to institutional pharmacies, special pharmacy



066848

256 | permits, and Internet pharmacy permits; conforming
257 | provisions; providing effective dates.