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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/12/2008	.	
	.	
	.	

1 The Committee on Health Regulation (Peaden) recommended the
 2 following ~~substitute for amendment (522642)~~:

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

5 Delete everything after the enacting clause
 6 and insert:

7
 8 Section 1. This act may be cited as the "Beth Hippely
 9 Memorial Prescription Drug Safety Act."

10 Section 2. Subsection (1) of section 465.0075, Florida
 11 Statutes, is amended to read:

12 465.0075 Licensure by endorsement; requirements; fee.--

13 (1) The department shall issue a license by endorsement to
 14 any applicant who applies to the department and remits a

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15 nonrefundable fee of not more than \$100, as set by the board,
16 and whom the board certifies:

17 (a) Has met the qualifications for licensure in s.
18 465.007(1)(b) and (c);

19 (b) Has obtained a passing score, as established by rule
20 of the board, on the licensure examination of the National
21 Association of Boards of Pharmacy or a similar nationally
22 recognized examination, if the board certifies that the
23 applicant has taken the required examination ~~not more than 12~~
24 ~~years prior to application;~~

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

33 2. Has completed an internship meeting the requirements of
34 s. 465.007(1)(c) within the 2 years immediately preceding
35 application; and

36 (d) Has obtained a passing score on the pharmacy
37 jurisprudence portions of the licensure examination, as required
38 by board rule.

39 Section 3. Section 465.014, Florida Statutes, is amended
40 to read:

41 465.014 Pharmacy technician.--

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42 (1) A ~~No~~ person other than a licensed pharmacist or
43 pharmacy intern may not engage in the practice of the profession
44 of pharmacy, except that a licensed pharmacist may delegate to
45 ~~nonlicensed~~ pharmacy technicians who are registered pursuant to
46 this section those duties, tasks, and functions that ~~which~~ do
47 not fall within the purview of s. 465.003(13). All such
48 delegated acts shall be performed under the direct supervision
49 of a licensed pharmacist who shall be responsible for all such
50 acts performed by persons under his or her supervision. A
51 registered pharmacy technician, under the supervision of a
52 pharmacist, may initiate or receive communications with a
53 practitioner or his or her agent, on behalf of a patient,
54 regarding refill authorization requests. A ~~No~~ licensed
55 pharmacist may not ~~shall~~ supervise more than one registered
56 pharmacy technician unless otherwise permitted by the guidelines
57 adopted by the board. The board shall establish guidelines to be
58 followed by licensees or permittees in determining the
59 circumstances under which a licensed pharmacist may supervise up
60 to three registered ~~more than one but not more than three~~
61 pharmacy technicians.

62 (2) Any person who wishes to work as a pharmacy technician
63 in this state must register by filing an application with the
64 board on a form adopted by rule of the board. The board shall
65 register each applicant who has remitted a registration fee set
66 by the board, not to exceed \$50 biennially; has completed the
67 application form and remitted a nonrefundable application fee
68 set by the board, not to exceed \$50; has earned a high school
69 diploma or GED; and is at least 18 years of age.

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

73 (4) Notwithstanding the requirements of this section or any
74 other provision of law, a pharmacy technician student who is
75 enrolled in a pharmacy technician training program that is
76 accredited by the National Community Pharmacy Association, the
77 American Society of Health-System Pharmacists, any other
78 national pharmacy association training program governed by the
79 Department of Education, or another pharmacy technician training
80 program approved by the board may be placed in a pharmacy for
81 the purpose of obtaining practical training. A pharmacy
82 technician student must wear identification that indicates his
83 or her student status when performing the functions of a
84 pharmacy technician, and registration under this section is not
85 required.

86 (5) Notwithstanding the requirements of this section or any
87 other provision of law, a person who is licensed by the state as
88 a pharmacy intern may be employed as a registered pharmacy
89 technician without paying a registration fee or filing an
90 application with the board to register as a pharmacy technician.

91 (6) As a condition of registration renewal, a pharmacy
92 technician must complete 20 hours biennially of continuing
93 education courses approved by the board or the Accreditation
94 Council for Pharmacy Education, of which 4 hours must be via
95 live presentation and 2 hours must be related to the prevention
96 of medication errors and pharmacy law.

97 (7) The board shall adopt rules that require each

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98 registration issued by the board under this section to be
99 displayed in such a manner as to make it available to the public
100 and to facilitate inspection by the department. The board may
101 adopt other rules as necessary to administer this section.

102 (8) If the board finds that an applicant for registration
103 as a pharmacy technician or that a registered pharmacy
104 technician has committed an act that constitutes grounds for
105 discipline as set forth in s. 456.072(1) or has committed an act
106 that constitutes grounds for denial of a license or disciplinary
107 action as set forth in this chapter, including an act that
108 constitutes a substantial violation of s. 456.072(1) or a
109 violation of this chapter which occurred before the applicant or
110 registrant was registered as a pharmacy technician, the board
111 may enter an order imposing any of the penalties specified in s.
112 456.072(2) against the applicant or registrant.

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

116 (2) Any person who wishes to work as a pharmacy technician
117 in this state must register by filing an application with the
118 board on a form adopted by rule of the board. The board shall
119 register each applicant who has remitted a registration fee set
120 by the board, not to exceed \$50 biennially; has completed the
121 application form and remitted a nonrefundable application fee
122 set by the board, not to exceed \$50; has earned a high school
123 diploma or GED; ~~and~~ is at least 18 years of age; and has
124 completed a pharmacy technician training program accredited by
125 the National Community Pharmacists Association, the American

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126 Society of Health-System Pharmacists, the Department of
127 Education, or another program approved by the Board of Pharmacy.

128 Section 5. Notwithstanding any requirements in s. 465.014
129 (2), Florida Statutes, any registered pharmacy technician
130 registered pursuant to s. 465.014, Florida Statutes, before
131 January 1, 2011, who has worked as a pharmacy technician for a
132 minimum of 1,500 hours under the supervision of a licensed
133 pharmacist or received certification as a pharmacy technician by
134 the Pharmacy Technician Certification Board or any certification
135 program approved by the National Commission for Certifying
136 Agencies is exempt from the requirement to complete an initial
137 training program for purposes of registration as required by s.
138 465.014(2), Florida Statutes. The Board of Pharmacy shall
139 prescribe by rule the documentation that such a registered
140 pharmacy technician must submit in order to verify his or her
141 compliance with the provisions of this section. This section
142 expires December 31, 2015.

143 Section 6. Effective January 1, 2010, paragraph (d) is
144 added to subsection (3) of section 465.015, Florida Statutes, to
145 read:

146 465.015 Violations and penalties.--

147 (3)

148 (d) It is unlawful for a person who is not registered as a
149 pharmacy technician under this chapter or who is not otherwise
150 exempt from the requirement to register as a pharmacy
151 technician, to perform the functions of a registered pharmacy
152 technician, or to hold himself or herself out to others as a

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153 person who is registered to perform the functions of a
154 registered pharmacy technician in this state.

155 Section 7. Effective January 1, 2010, subsection (5) of
156 section 465.019, Florida Statutes, is amended to read:

157 465.019 Institutional pharmacies; permits.--

158 (5) All institutional pharmacies shall be under the
159 professional supervision of a consultant pharmacist, and the
160 compounding and dispensing of medicinal drugs shall be done only
161 by a licensed pharmacist. Every institutional pharmacy that
162 employs or otherwise uses registered ~~utilizes~~ pharmacy
163 technicians shall have a written policy and procedures manual
164 specifying those duties, tasks, and functions that ~~which~~ a
165 registered pharmacy technician is allowed to perform.

166 Section 8. Effective January 1, 2010, section 465.0196,
167 Florida Statutes, is amended to read:

168 465.0196 Special pharmacy permits.--Any person desiring a
169 permit to operate a special pharmacy shall apply to the
170 department for a special pharmacy permit. If the board certifies
171 that the application complies with the applicable laws and rules
172 of the board governing the practice of the profession of
173 pharmacy, the department shall issue the permit. A ~~No~~ permit may
174 not ~~shall~~ be issued unless a licensed pharmacist is designated
175 to undertake the professional supervision of the compounding and
176 dispensing of all drugs dispensed by the pharmacy. The licensed
177 pharmacist shall be responsible for maintaining all drug records
178 and for providing for the security of the area in the facility
179 in which the compounding, storing, and dispensing of medicinal
180 drugs occurs. The permittee shall notify the department within

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181 10 days after ~~of~~ any change of the licensed pharmacist
182 responsible for such duties. Each ~~Every~~ permittee that employs
183 or otherwise uses registered ~~utilizes~~ pharmacy technicians shall
184 have a written policy and procedures manual specifying those
185 duties, tasks, and functions that ~~which~~ a registered pharmacy
186 technician is allowed to perform.

187 Section 9. Subsection (1) of section 465.0197, Florida
188 Statutes, is amended to read:

189 465.0197 Internet pharmacy permits.--

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



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209 Section 10. Except as otherwise expressly provided in this
210 act, this act shall take effect upon becoming a law.

211
212 ===== T I T L E A M E N D M E N T =====

213 And the title is amended as follows:

214 Delete everything before the enacting clause
215 and insert:

216 A bill to be entitled
217 An act relating to pharmacy technicians; providing a short
218 title; amending s. 465.0075, F.S.; revising licensure
219 requirements; amending s. 465.014, F.S.; providing for the
220 registration of pharmacy technicians; requiring that a
221 registered pharmacy technician be under the direct
222 supervision of a licensed pharmacist; requiring the Board
223 of Pharmacy to set fees and rules for the registration of
224 pharmacy technicians; providing qualification
225 requirements; providing a limitation; exempting pharmacy
226 technician students and licensed pharmacy interns from
227 registration requirements; providing continuing education
228 requirements for registration renewal; requiring the board
229 to adopt rules; providing grounds for denial, suspension,
230 or revocation of registration or other disciplinary
231 action; authorizing the board to impose certain penalties;
232 requiring completion of a pharmacy technician training
233 program in order to register as a pharmacy technician by a
234 specified date; providing an exception to the requirement
235 to complete a training program; amending s. 465.015, F.S.;
236 prohibiting a person who is not registered as a pharmacy



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237 technician from performing certain functions or holding
238 himself or herself out to others as a registered pharmacy
239 technician; amending ss. 465.019, 465.0196, and 465.0197,
240 F.S., relating to institutional pharmacies, special
241 pharmacy permits, and Internet pharmacy permits;
242 conforming references; providing an effective date.