

By Senator Peaden

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1 A bill to be entitled

2 An act relating to pharmacy technicians; amending s.
3 465.014, F.S.; providing for the registration of pharmacy
4 technicians; requiring that a registered pharmacy
5 technician be under the direct supervision of a licensed
6 pharmacist; requiring the Board of Pharmacy to set fees
7 and rules for the registration of pharmacy technicians;
8 providing qualification requirements; providing a
9 limitation; exempting pharmacy technician students and
10 licensed pharmacy interns from registration requirements;
11 providing continuing education requirements for
12 registration renewal; requiring the board to adopt rules;
13 providing grounds for denial, suspension, or revocation of
14 registration or other disciplinary action; authorizing the
15 board to impose certain penalties; amending s. 465.015,
16 F.S.; prohibiting a person who is not registered as a
17 pharmacy technician from performing certain functions or
18 holding himself or herself out to others as a registered
19 pharmacy technician; amending ss. 465.019, 465.0196, and
20 465.0197, F.S., relating to institutional pharmacies,
21 special pharmacy permits, and Internet pharmacy permits;
22 conforming references; providing an appropriation and
23 authorizing additional positions; providing effective
24 dates.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Effective January 1, 2010, section 465.014,
29 Florida Statutes, is amended to read:

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30 465.014 Pharmacy technician.--

31 (1) A ~~No~~ person other than a licensed pharmacist or
32 pharmacy intern may not engage in the practice of the profession
33 of pharmacy, except that a licensed pharmacist may delegate to
34 ~~nonlicensed~~ pharmacy technicians who are registered pursuant to
35 this section those duties, tasks, and functions that ~~which~~ do not
36 fall within the purview of s. 465.003(13). All such delegated
37 acts shall be performed under the direct supervision of a
38 licensed pharmacist who shall be responsible for all such acts
39 performed by persons under his or her supervision. A registered
40 pharmacy technician, under the supervision of a pharmacist, may
41 initiate or receive communications with a practitioner or his or
42 her agent, on behalf of a patient, regarding refill authorization
43 requests. ~~A No~~ licensed pharmacist may not ~~shall~~ supervise more
44 than one registered pharmacy technician unless otherwise
45 permitted by the guidelines adopted by the board. The board shall
46 establish guidelines to be followed by licensees or permittees in
47 determining the circumstances under which a licensed pharmacist
48 may supervise up to three registered ~~more than one but not more~~
49 ~~than three~~ pharmacy technicians. When a pharmacist supervises
50 three registered technicians under the guidelines of the board,
51 at least one of the three must be certified by the Pharmacy
52 Technician Certification Board or any other certification
53 approved by the National Commission for Certifying Agencies.

54 (2) Any person who wishes to work as a pharmacy technician
55 in this state must register by filing an application with the
56 board on a form adopted by rule of the board. The board shall
57 register each applicant who has remitted a registration fee set
58 by the board, not to exceed \$50 biennially; has completed the

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59 application form and remitted a nonrefundable application fee set
60 by the board, not to exceed \$50; has earned a high school diploma
61 or GED; and is at least 18 years of age.

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

65 (4) Notwithstanding the requirements of this section or
66 any other provision of law, a pharmacy technician student who is
67 enrolled in a pharmacy technician training program that is
68 accredited by the American Society of Health-System Pharmacists,
69 governed by the Department of Education, or approved by the board
70 may be placed in a pharmacy for the purpose of obtaining
71 practical training. A pharmacy technician student must wear
72 identification that indicates his or her student status when
73 performing the functions of a pharmacy technician, and
74 registration under this section is not required.

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

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

86 (7) The board shall adopt rules that require each
87 registration issued by the board under this section to be

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88 displayed in such a manner as to make it available to the public
89 and to facilitate inspection by the department. The board may
90 adopt other rules as necessary to administer this section.

91 (8) If the board finds that an applicant for registration
92 as a pharmacy technician or that a registered pharmacy technician
93 has committed an act that constitutes grounds for discipline as
94 set forth in s. 456.072(1) or has committed an act that
95 constitutes grounds for denial of a license or disciplinary
96 action as set forth in this chapter, including an act that
97 constitutes a substantial violation of s. 456.072(1) or a
98 violation of this chapter which occurred before the applicant or
99 registrant was registered as a pharmacy technician, the board may
100 enter an order imposing any of the penalties specified in s.
101 456.072(2) against the applicant or registrant.

102 Section 2. Effective January 1, 2010, paragraph (d) is
103 added to subsection (3) of section 465.015, Florida Statutes, to
104 read:

105 465.015 Violations and penalties.--

106 (3)

107 (d) It is unlawful for a person who is not registered as a
108 pharmacy technician under this chapter, or who is not otherwise
109 exempt from the requirement to register as a pharmacy technician,
110 to perform the functions of a registered pharmacy technician or
111 hold himself or herself out to others as a person who is
112 registered to perform the functions of a registered pharmacy
113 technician in this state.

114 Section 3. Effective January 1, 2010, subsection (5) of
115 section 465.019, Florida Statutes, is amended to read:

116 465.019 Institutional pharmacies; permits.--

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117 (5) All institutional pharmacies shall be under the
118 professional supervision of a consultant pharmacist, and the
119 compounding and dispensing of medicinal drugs shall be done only
120 by a licensed pharmacist. Every institutional pharmacy that
121 employs or otherwise uses registered ~~utilizes~~ pharmacy
122 technicians shall have a written policy and procedures manual
123 specifying those duties, tasks, and functions that ~~which~~ a
124 registered pharmacy technician is allowed to perform.

125 Section 4. Effective January 1, 2010, section 465.0196,
126 Florida Statutes, is amended to read:

127 465.0196 Special pharmacy permits.--Any person desiring a
128 permit to operate a special pharmacy shall apply to the
129 department for a special pharmacy permit. If the board certifies
130 that the application complies with the applicable laws and rules
131 of the board governing the practice of the profession of
132 pharmacy, the department shall issue the permit. A ~~No~~ permit may
133 not ~~shall~~ be issued unless a licensed pharmacist is designated to
134 undertake the professional supervision of the compounding and
135 dispensing of all drugs dispensed by the pharmacy. The licensed
136 pharmacist shall be responsible for maintaining all drug records
137 and for providing for the security of the area in the facility in
138 which the compounding, storing, and dispensing of medicinal drugs
139 occurs. The permittee shall notify the department within 10 days
140 after ~~of~~ any change of the licensed pharmacist responsible for
141 such duties. Each ~~Every~~ permittee that employs or otherwise uses
142 registered ~~utilizes~~ pharmacy technicians shall have a written
143 policy and procedures manual specifying those duties, tasks, and
144 functions that ~~which~~ a registered pharmacy technician is allowed
145 to perform.

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146 Section 5. Effective January 1, 2010, subsection (1) of
147 section 465.0197, Florida Statutes, is amended to read:

148 465.0197 Internet pharmacy permits.--

149 (1) Any person desiring a permit to operate an Internet
150 pharmacy shall apply to the department for an Internet pharmacy
151 permit. If the board certifies that the application complies with
152 the applicable laws and rules of the board governing the practice
153 of the profession of pharmacy, the department shall issue the
154 permit. A ~~No~~ permit may not ~~shall~~ be issued unless a licensed
155 pharmacist is designated as the prescription department manager
156 for dispensing medicinal drugs to persons in this state. The
157 licensed pharmacist shall be responsible for maintaining all drug
158 records and for providing for the security of the area in the
159 facility in which the compounding, storing, and dispensing of
160 medicinal drugs to persons in this state occurs. The permittee
161 shall notify the department within 30 days after ~~of~~ any change of
162 the licensed pharmacist responsible for such duties. A ~~Every~~
163 permittee that employs or otherwise uses registered ~~utilizes~~
164 pharmacy technicians shall have a written policy and procedures
165 manual specifying those duties, tasks, and functions that ~~which~~ a
166 registered pharmacy technician is allowed to perform.

167 Section 6. The sum of \$812,334 is appropriated from the
168 Medical Quality Assurance Trust Fund to the Department of Health,
169 and 13.5 positions and associated salary rate of 514,673 is
170 authorized for the purpose of implementing this act during the
171 2008-2009 fiscal year.

172 Section 7. Except as otherwise expressly provided in this
173 act, this act shall take effect upon becoming a law.