

By the Committee on Health Regulation; and Senator Peaden

588-04930-08

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1 A bill to be entitled

2 An act relating to pharmacy technicians; providing a short  
3 title; amending s. 465.0075, F.S.; revising licensure  
4 requirements; amending s. 465.014, F.S.; providing for the  
5 registration of pharmacy technicians; requiring that a  
6 registered pharmacy technician be under the direct  
7 supervision of a licensed pharmacist; requiring the Board  
8 of Pharmacy to set fees and rules for the registration of  
9 pharmacy technicians; providing qualification  
10 requirements; providing a limitation; exempting pharmacy  
11 technician students and licensed pharmacy interns from  
12 registration requirements; providing continuing education  
13 requirements for registration renewal; requiring the board  
14 to adopt rules; providing grounds for denial, suspension,  
15 or revocation of registration or other disciplinary  
16 action; authorizing the board to impose certain penalties;  
17 requiring completion of a pharmacy technician training  
18 program in order to register as a pharmacy technician by a  
19 specified date; providing an exception to the requirement  
20 to complete a training program; amending s. 465.015, F.S.;  
21 prohibiting a person who is not registered as a pharmacy  
22 technician from performing certain functions or holding  
23 himself or herself out to others as a registered pharmacy  
24 technician; amending ss. 465.019, 465.0196, and 465.0197,  
25 F.S., relating to institutional pharmacies, special  
26 pharmacy permits, and Internet pharmacy permits;  
27 conforming references; providing effective dates.

28  
29 Be It Enacted by the Legislature of the State of Florida:

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30  
31           Section 1. This act may be cited as the "Beth Hippely  
32 Memorial Prescription Drug Safety Act."

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

35           465.0075 Licensure by endorsement; requirements; fee.--

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

40           (a) Has met the qualifications for licensure in s.  
41 465.007(1)(b) and (c);

42           (b) Has obtained a passing score, as established by rule of  
43 the board, on the licensure examination of the National  
44 Association of Boards of Pharmacy or a similar nationally  
45 recognized examination, if the board certifies that the applicant  
46 has taken the required examination ~~not more than 12 years prior~~  
47 ~~to application;~~

48           (c)1. Has submitted evidence of the active licensed  
49 practice of pharmacy, including practice in community or public  
50 health by persons employed by a governmental entity, in another  
51 jurisdiction for at least 2 of the immediately preceding 5 years  
52 or evidence of successful completion of board-approved  
53 postgraduate training or a board-approved clinical competency  
54 examination within the year immediately preceding application for  
55 licensure; or

56           2. Has completed an internship meeting the requirements of  
57 s. 465.007(1)(c) within the 2 years immediately preceding  
58 application; and

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59 (d) Has obtained a passing score on the pharmacy  
60 jurisprudence portions of the licensure examination, as required  
61 by board rule.

62 Section 3. Section 465.014, Florida Statutes, is amended to  
63 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 registered  
74 pharmacy 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  
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 up to three registered ~~more than one but not more~~  
83 ~~than three~~ pharmacy technicians.

84 (2) Any person who wishes to work as a pharmacy technician  
85 in this state must register by filing an application with the  
86 board on a form adopted by rule of the board. The board shall  
87 register each applicant who has remitted a registration fee set

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88 by the board, not to exceed \$50 biennially; has completed the  
89 application form and remitted a nonrefundable application fee set  
90 by the board, not to exceed \$50; has earned a high school diploma  
91 or GED; and is at least 18 years of age.

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

95 (4) Notwithstanding the requirements of this section or any  
96 other provision of law, a pharmacy technician student who is  
97 enrolled in a pharmacy technician training program that is  
98 accredited by the National Community Pharmacy Association, the  
99 American Society of Health-System Pharmacists, any other national  
100 pharmacy association training program governed by the Department  
101 of Education, or another pharmacy technician training program  
102 approved by the board may be placed in a pharmacy for the purpose  
103 of obtaining practical training. A pharmacy technician student  
104 must wear identification that indicates his or her student status  
105 when performing the functions of a pharmacy technician, and  
106 registration under this section is not required.

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

112 (6) As a condition of registration renewal, a pharmacy  
113 technician must complete 20 hours biennially of continuing  
114 education courses approved by the board or the Accreditation  
115 Council for Pharmacy Education, of which 4 hours must be via live  
116 presentation and 2 hours must be related to the prevention of

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117 medication errors and pharmacy law.

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

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

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

137 (2) Any person who wishes to work as a pharmacy technician  
138 in this state must register by filing an application with the  
139 board on a form adopted by rule of the board. The board shall  
140 register each applicant who has remitted a registration fee set  
141 by the board, not to exceed \$50 biennially; has completed the  
142 application form and remitted a nonrefundable application fee set  
143 by the board, not to exceed \$50; has earned a high school diploma  
144 or GED; ~~and~~ is at least 18 years of age; and has completed a  
145 pharmacy technician training program accredited by the National

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146 Community Pharmacists Association, the American Society of  
147 Health-System Pharmacists, the Department of Education, or  
148 another program approved by the Board of Pharmacy.

149 Section 5. Notwithstanding any requirements in s. 465.014  
150 (2), Florida Statutes, any registered pharmacy technician  
151 registered pursuant to s. 465.014, Florida Statutes, before  
152 January 1, 2011, who has worked as a pharmacy technician for a  
153 minimum of 1,500 hours under the supervision of a licensed  
154 pharmacist or received certification as a pharmacy technician by  
155 the Pharmacy Technician Certification Board or any certification  
156 program approved by the National Commission for Certifying  
157 Agencies is exempt from the requirement to complete an initial  
158 training program for purposes of registration as required by s.  
159 465.014(2), Florida Statutes. The Board of Pharmacy shall  
160 prescribe by rule the documentation that such a registered  
161 pharmacy technician must submit in order to verify his or her  
162 compliance with the provisions of this section. This section  
163 expires December 31, 2015.

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

167 465.015 Violations and penalties.--

168 (3)

169 (d) It is unlawful for a person who is not registered as a  
170 pharmacy technician under this chapter or who is not otherwise  
171 exempt from the requirement to register as a pharmacy technician,  
172 to perform the functions of a registered pharmacy technician, or  
173 to hold himself or herself out to others as a person who is  
174 registered to perform the functions of a registered pharmacy

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175 technician in this state.

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

178 465.019 Institutional pharmacies; permits.--

179 (5) All institutional pharmacies shall be under the  
180 professional supervision of a consultant pharmacist, and the  
181 compounding and dispensing of medicinal drugs shall be done only  
182 by a licensed pharmacist. Every institutional pharmacy that  
183 employs or otherwise uses registered ~~utilizes~~ pharmacy  
184 technicians shall have a written policy and procedures manual  
185 specifying those duties, tasks, and functions that ~~which~~ a  
186 registered pharmacy technician is allowed to perform.

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

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

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204 registered ~~utilizes~~ pharmacy technicians shall have a written  
205 policy and procedures manual specifying those duties, tasks, and  
206 functions that ~~which~~ a registered pharmacy technician is allowed  
207 to perform.

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

210 465.0197 Internet pharmacy permits.--

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

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