

By the Committees on Health and Human Services Appropriations;  
Health Regulation; and Senator Peaden

603-07349-08

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

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29       permits, and Internet pharmacy permits; conforming  
30       provisions; providing effective dates.

31  
32 Be It Enacted by the Legislature of the State of Florida:

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

36       465.0075 Licensure by endorsement; requirements; fee.--

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

41       (a) Has met the qualifications for licensure in s.  
42 465.007(1)(b) and (c);

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

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

57       2. Has completed an internship meeting the requirements of

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58 s. 465.007(1)(c) within the 2 years immediately preceding  
59 application; and

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

63 Section 2. Section 465.014, Florida Statutes, is amended to  
64 read:

65 465.014 Pharmacy technician.--No person other than a  
66 licensed pharmacist or pharmacy intern may engage in the practice  
67 of the profession of pharmacy, except that a licensed pharmacist  
68 may delegate to nonlicensed pharmacy technicians those duties,  
69 tasks, and functions which do not fall within the purview of s.  
70 465.003(13). All such delegated acts shall be performed under the  
71 direct supervision of a licensed pharmacist who shall be  
72 responsible for all such acts performed by persons under his or  
73 her supervision. A pharmacy technician, under the supervision of  
74 a pharmacist, may initiate or receive communications with a  
75 practitioner or his or her agent, on behalf of a patient,  
76 regarding refill authorization requests. No licensed pharmacist  
77 shall supervise more than one pharmacy technician unless  
78 otherwise permitted by the guidelines adopted by the board. The  
79 board shall establish guidelines to be followed by licensees or  
80 permittees in determining the circumstances under which a  
81 licensed pharmacist may supervise more than one but not more than  
82 three pharmacy technicians. The board shall adopt rules for the  
83 registration application process and registration systems  
84 administration process established under this section and ss.  
85 465.015, 465.019, 465.0196, and 465.0197, as amended by this act,  
86 so that such rules governing such processes can be in place upon

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87 full implementation of this act. The board may adopt other rules  
88 as necessary to administer this act.

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

91 465.014 Pharmacy technician.--

92 (1) A ~~No~~ person other than a licensed pharmacist or  
93 pharmacy intern may not engage in the practice of the profession  
94 of pharmacy, except that a licensed pharmacist may delegate to  
95 ~~nonlicensed~~ pharmacy technicians who are registered pursuant to  
96 this section those duties, tasks, and functions that ~~which~~ do not  
97 fall within the purview of s. 465.003(13). All such delegated  
98 acts shall be performed under the direct supervision of a  
99 licensed pharmacist who shall be responsible for all such acts  
100 performed by persons under his or her supervision. A pharmacy  
101 registered technician, under the supervision of a pharmacist, may  
102 initiate or receive communications with a practitioner or his or  
103 her agent, on behalf of a patient, regarding refill authorization  
104 requests. A ~~No~~ licensed pharmacist may not ~~shall~~ supervise more  
105 than one registered pharmacy technician unless otherwise  
106 permitted by the guidelines adopted by the board. The board shall  
107 establish guidelines to be followed by licensees or permittees in  
108 determining the circumstances under which a licensed pharmacist  
109 may supervise more than one but not more than three pharmacy  
110 technicians. ~~The board shall adopt rules for the registration~~  
111 ~~application process and registration systems administration~~  
112 ~~process established under this section and ss. 465.015, 465.019,~~  
113 ~~465.0196, and 465.0197, as amended by this act, so that such~~  
114 ~~rules governing such processes can be in place upon full~~  
115 ~~implementation of this act. The board may adopt other rules as~~

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116 ~~necessary to administer this act.~~

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

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

127 (4) Notwithstanding the requirements of this section or any  
128 other provision of law, a pharmacy technician student who is  
129 enrolled in a pharmacy technician training program that is  
130 approved by the board may be placed in a pharmacy for the purpose  
131 of obtaining practical training. A pharmacy technician student  
132 shall wear identification that indicates his or her student  
133 status when performing the functions of a pharmacy technician,  
134 and registration under this section is not required.

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

140 (6) As a condition of registration renewal, a registered  
141 pharmacy technician shall complete 20 hours biennially of  
142 continuing education courses approved by the board or the  
143 Accreditation Council for Pharmacy Education, of which 4 hours  
144 must be via live presentation and 2 hours must be related to the

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145 prevention of medication errors and pharmacy law.

146 (7) The board shall adopt rules that require each  
147 registration issued by the board under this section to be  
148 displayed in such a manner as to make it available to the public  
149 and to facilitate inspection by the department. The board may  
150 adopt other rules as necessary to administer this section.

151 (8) If the board finds that an applicant for registration  
152 as a pharmacy technician or that a registered pharmacy technician  
153 has committed an act that constitutes grounds for discipline as  
154 set forth in s. 456.072(1) or has committed an act that  
155 constitutes grounds for denial of a license or disciplinary  
156 action as set forth in this chapter, including an act that  
157 constitutes a substantial violation of s. 456.072(1) or a  
158 violation of this chapter which occurred before the applicant or  
159 registrant was registered as a pharmacy technician, the board may  
160 enter an order imposing any of the penalties specified in s.  
161 456.072(2) against the applicant or registrant.

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

165 (2) Any person who wishes to work as a pharmacy technician  
166 in this state must register by filing an application with the  
167 board on a form adopted by rule of the board. The board shall  
168 register each applicant who has remitted a registration fee set  
169 by the board, not to exceed \$50 biennially; has completed the  
170 application form and remitted a nonrefundable application fee set  
171 by the board, not to exceed \$50; ~~and~~ is at least 17 years of age;  
172 and has completed a pharmacy technician training program approved  
173 by the Board of Pharmacy. Notwithstanding any requirements in

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174 this subsection, any registered pharmacy technician registered  
175 pursuant to this section before January 1, 2011, who has worked  
176 as a pharmacy technician for a minimum of 1,500 hours under the  
177 supervision of a licensed pharmacist or received certification as  
178 a pharmacy technician by certification program accredited by the  
179 National Commission for Certifying Agencies is exempt from the  
180 requirement to complete an initial training program for purposes  
181 of registration as required by this subsection.

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

185 465.015 Violations and penalties.--

186 (3)

187 (d) It is unlawful for a person who is not registered as a  
188 pharmacy technician under this chapter or who is not otherwise  
189 exempt from the requirement to register as a pharmacy technician,  
190 to perform the functions of a registered pharmacy technician, or  
191 hold himself or herself out to others as a person who is  
192 registered to perform the functions of a registered pharmacy  
193 technician in this state.

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

196 465.019 Institutional pharmacies; permits.--

197 (5) All institutional pharmacies shall be under the  
198 professional supervision of a consultant pharmacist, and the  
199 compounding and dispensing of medicinal drugs shall be done only  
200 by a licensed pharmacist. Every institutional pharmacy that  
201 employs or otherwise uses registered ~~utilizes~~ pharmacy  
202 technicians shall have a written policy and procedures manual

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203 specifying those duties, tasks, and functions that ~~which~~ a  
204 registered pharmacy technician is allowed to perform.

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

207 465.0196 Special pharmacy permits.--Any person desiring a  
208 permit to operate a special pharmacy shall apply to the  
209 department for a special pharmacy permit. If the board certifies  
210 that the application complies with the applicable laws and rules  
211 of the board governing the practice of the profession of  
212 pharmacy, the department shall issue the permit. A ~~No~~ permit may  
213 not ~~shall~~ be issued unless a licensed pharmacist is designated to  
214 undertake the professional supervision of the compounding and  
215 dispensing of all drugs dispensed by the pharmacy. The licensed  
216 pharmacist shall be responsible for maintaining all drug records  
217 and for providing for the security of the area in the facility in  
218 which the compounding, storing, and dispensing of medicinal drugs  
219 occurs. The permittee shall notify the department within 10 days  
220 after ~~of~~ any change of the licensed pharmacist responsible for  
221 such duties. Each ~~Every~~ permittee that employs or otherwise uses  
222 registered ~~utilizes~~ pharmacy technicians shall have a written  
223 policy and procedures manual specifying those duties, tasks, and  
224 functions that ~~which~~ a registered pharmacy technician is allowed  
225 to perform.

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

228 465.0197 Internet pharmacy permits.--

229 (1) Any person desiring a permit to operate an Internet  
230 pharmacy shall apply to the department for an Internet pharmacy  
231 permit. If the board certifies that the application complies with



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232 | the applicable laws and rules of the board governing the practice  
233 | of the profession of pharmacy, the department shall issue the  
234 | permit. A ~~No~~ permit may not ~~shall~~ be issued unless a licensed  
235 | pharmacist is designated as the prescription department manager  
236 | for dispensing medicinal drugs to persons in this state. The  
237 | licensed pharmacist shall be responsible for maintaining all drug  
238 | records and for providing for the security of the area in the  
239 | facility in which the compounding, storing, and dispensing of  
240 | medicinal drugs to persons in this state occurs. The permittee  
241 | shall notify the department within 30 days after ~~of~~ any change of  
242 | the licensed pharmacist responsible for such duties. A ~~Every~~  
243 | permittee that employs or otherwise uses registered ~~utilizes~~  
244 | pharmacy technicians shall have a written policy and procedures  
245 | manual specifying those duties, tasks, and functions that ~~which~~ a  
246 | registered pharmacy technician is allowed to perform.

247 |       Section 9. Except as otherwise expressly provided in this  
248 | act, this act shall take effect upon becoming a law.