

20081360er

1
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

20081360er

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

20081360er

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

20081360er

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~~

20081360er

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

20081360er

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

20081360er

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

20081360er

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

20081360er

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.