

HB 275

2008

1 A bill to be entitled
2 An act relating to pharmacy; amending s. 465.0075, F.S.;
3 revising provisions governing licensure by endorsement to
4 remove the timeframe requirement for passage of a
5 nationally recognized examination; amending s. 465.014,
6 F.S.; providing for the registration of pharmacy
7 technicians; requiring the Board of Pharmacy to set fees
8 and rules to register pharmacy technicians; providing
9 qualification requirements; providing a limitation;
10 exempting pharmacy technician students and licensed
11 pharmacy interns from certain registration requirements;
12 providing continuing education requirements for
13 registration renewal; providing grounds for denial,
14 suspension, or revocation of registration or other
15 disciplinary action; authorizing the board to impose
16 certain penalties; requiring the board to adopt rules;
17 requiring the board to maintain a directory of registered
18 pharmacy technicians and publish the directory on the
19 Internet; amending s. 465.015, F.S.; prohibiting a person
20 who is not registered as a pharmacy technician from
21 performing certain functions or holding himself or herself
22 out to others as a pharmacy technician; providing
23 penalties; amending s. 465.019, F.S.; conforming
24 references relating to use of pharmacy technicians in
25 institutional pharmacies; providing effective dates.

26
27 Be It Enacted by the Legislature of the State of Florida:
28

29 Section 1. Subsection (1) of section 465.0075, Florida
 30 Statutes, is amended to read:

31 465.0075 Licensure by endorsement; requirements; fee.--

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

36 (a) Has met the qualifications for licensure in s.
 37 465.007(1)(b) and (c);

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

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

52 2. Has completed an internship meeting the requirements of
 53 s. 465.007(1)(c) within the 2 years immediately preceding
 54 application; and

55 (d) Has obtained a passing score on the pharmacy
56 jurisprudence portions of the licensure examination, as required
57 by board rule.

58 Section 2. Effective January 1, 2010, section 465.014,
59 Florida Statutes, is amended to read:

60 465.014 Pharmacy technician.--

61 (1) A ~~No~~ person other than a licensed pharmacist or
62 pharmacy intern may not engage in the practice of the profession
63 of pharmacy, except that a licensed pharmacist may delegate to
64 ~~nonlicensed~~ pharmacy technicians registered pursuant to this
65 section those duties, tasks, and functions which do not fall
66 within the purview of s. 465.003(13). All such delegated acts
67 shall be performed under the direct supervision of a licensed
68 pharmacist who shall be responsible for all such acts performed
69 by persons under his or her supervision. A registered pharmacy
70 technician, under the supervision of a pharmacist, may initiate
71 or receive communications with a practitioner or his or her
72 agent, on behalf of a patient, regarding refill authorization
73 requests. A ~~No~~ licensed pharmacist may not ~~shall~~ supervise more
74 than one registered pharmacy technician unless otherwise
75 permitted by the guidelines adopted by the board. The board
76 shall establish guidelines to be followed by licensees or
77 permittees in determining the circumstances under which a
78 licensed pharmacist may supervise up to four registered ~~more~~
79 ~~than one but not more than three~~ pharmacy technicians. When a
80 pharmacist supervises four registered pharmacy technicians under
81 the guidelines of the board, at least one of the four must be
82 certified by the Pharmacy Technician Certification Board or any

83 other nationally accredited certifying body approved by the
84 board.

85 (2) Any person who wishes to work as a pharmacy technician
86 in this state must register by filing an application with the
87 board on a form adopted by rule of the board. The board shall
88 register each applicant who has remitted a registration fee set
89 by the board, not to exceed \$50 biennially; has completed the
90 application form and remitted a nonrefundable application fee
91 set by the board, not to exceed \$50; and is at least 16 years of
92 age.

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

96 (4) Notwithstanding the requirements of this section or
97 any other provision of law, a pharmacy technician student may be
98 placed in a pharmacy for the purpose of obtaining practical
99 training required by the body accrediting the pharmacy
100 technician training program. A pharmacy technician student shall
101 wear identification that indicates his or her student status
102 when performing the functions of a pharmacy technician, and
103 registration under this section is not required.

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

109 (6) As a condition of registration renewal, a pharmacy
110 technician must complete 20 hours biennially of continuing

111 education courses approved by the board or the Accreditation
112 Council for Pharmaceutical Education, of which 4 hours must be
113 via live presentation and 2 hours must be related to the
114 prevention of medication errors and pharmacy law.

115 (7) If the board finds that an applicant for registration
116 as a pharmacy technician or that a registered pharmacy
117 technician has committed an act that constitutes grounds for
118 discipline as set forth in s. 456.072(1) or has committed an act
119 that constitutes grounds for denial of a license or disciplinary
120 action as set forth in this chapter, including an act that
121 constitutes a substantial violation of s. 456.072(1) or a
122 violation of this chapter which occurred before the applicant or
123 registrant was registered as a pharmacy technician, the board
124 may enter an order imposing any of the penalties specified in s.
125 456.072(2) against the applicant or registrant.

126 (8) The board shall adopt rules that require each
127 registration issued by the board under this section to be
128 displayed in such a manner as to make it available to the public
129 and to facilitate inspection by the department, rules that
130 require and specify the manner in which a pharmacy shall notify
131 the board when a registered pharmacy technician is employed or
132 ceases employment with the pharmacy, and such other rules as
133 necessary to administer the provisions of this section.

134 (9) The board shall maintain a current directory of
135 registered pharmacy technicians indicating their place of
136 employment and publish the directory on the Internet.

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137 Section 3. Effective January 1, 2010, paragraph (d) is
138 added to subsection (3) of section 465.015, Florida Statutes, to
139 read:

140 465.015 Violations and penalties.--

141 (3)

142 (d) It is unlawful for a person who is not registered as a
143 pharmacy technician under this chapter, or who is not otherwise
144 exempt from the requirement to register as a pharmacy
145 technician, to perform the functions of a registered pharmacy
146 technician or hold himself or herself out to others as a person
147 who is registered to perform the functions of a registered
148 pharmacy technician in this state.

149 (4) Any person who violates any provision of subsection
150 (1) or subsection (3) commits a misdemeanor of the first degree,
151 punishable as provided in s. 775.082 or s. 775.083. Any person
152 who violates any provision of subsection (2) commits a felony of
153 the third degree, punishable as provided in s. 775.082, s.
154 775.083, or s. 775.084. In any warrant, information, or
155 indictment, it shall not be necessary to negative any
156 exceptions, and the burden of any exception shall be upon the
157 defendant.

158 Section 4. Effective January 1, 2010, subsection (5) of
159 section 465.019, Florida Statutes, is amended to read:

160 465.019 Institutional pharmacies; permits.--

161 (5) All institutional pharmacies shall be under the
162 professional supervision of a consultant pharmacist, and the
163 compounding and dispensing of medicinal drugs shall be done only
164 by a licensed pharmacist. Every institutional pharmacy that

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165 employs or otherwise utilizes registered pharmacy technicians
166 shall have a written policy and procedures manual specifying
167 those duties, tasks, and functions which a registered pharmacy
168 technician is allowed to perform.

169 Section 5. Except as otherwise expressly provided in this
170 act, this act shall take effect upon becoming a law.