

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Galvano offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

7 465.0075 Licensure by endorsement; requirements; fee.--

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

12 (a) Has met the qualifications for licensure in s.
13 465.007(1)(b) and (c);

14 (b) Has obtained a passing score, as established by rule
15 of the board, on the licensure examination of the National
16 Association of Boards of Pharmacy or a similar nationally

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17 recognized examination, if the board certifies that the
18 applicant has taken the required examination ~~not more than 12~~
19 ~~years prior to application;~~

20 (c)1. Has submitted evidence of the active licensed
21 practice of pharmacy, including practice in community or public
22 health by persons employed by a governmental entity, in another
23 jurisdiction for at least 2 of the immediately preceding 5 years
24 or evidence of successful completion of board-approved
25 postgraduate training or a board-approved clinical competency
26 examination within the year immediately preceding application
27 for licensure; or

28 2. Has completed an internship meeting the requirements of
29 s. 465.007(1)(c) within the 2 years immediately preceding
30 application; and

31 (d) Has obtained a passing score on the pharmacy
32 jurisprudence portions of the licensure examination, as required
33 by board rule.

34 Section 2. Section 465.014, Florida Statutes, is amended
35 to read:

36 465.014 Pharmacy technician.--No person other than a
37 licensed pharmacist or pharmacy intern may engage in the
38 practice of the profession of pharmacy, except that a licensed
39 pharmacist may delegate to nonlicensed pharmacy technicians
40 those duties, tasks, and functions which do not fall within the
41 purview of s. 465.003(13). All such delegated acts shall be
42 performed under the direct supervision of a licensed pharmacist
43 who shall be responsible for all such acts performed by persons
44 under his or her supervision. A pharmacy technician, under the

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45 supervision of a pharmacist, may initiate or receive
46 communications with a practitioner or his or her agent, on
47 behalf of a patient, regarding refill authorization requests. No
48 licensed pharmacist shall supervise more than one pharmacy
49 technician unless otherwise permitted by the guidelines adopted
50 by the board. The board shall establish guidelines to be
51 followed by licensees or permittees in determining the
52 circumstances under which a licensed pharmacist may supervise
53 more than one but not more than three pharmacy technicians. The
54 board shall adopt rules for the registration application process
55 and registration systems administration process established
56 under this section and ss. 465.015, 465.019, 465.0196, and
57 465.0197, as amended by this act, so that such rules governing
58 such processes can be in place upon full implementation of this
59 act. The board may adopt other rules as necessary to administer
60 this act.

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

63 465.014 Pharmacy technician.--

64 (1) A ~~No~~ person other than a licensed pharmacist or
65 pharmacy intern may not engage in the practice of the profession
66 of pharmacy, except that a licensed pharmacist may delegate to
67 ~~nonlicensed~~ pharmacy technicians who are registered pursuant to
68 this section those duties, tasks, and functions that ~~which~~ do
69 not fall within the purview of s. 465.003(13). All such
70 delegated acts shall be performed under the direct supervision
71 of a licensed pharmacist who shall be responsible for all such
72 acts performed by persons under his or her supervision. A

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73 pharmacy registered technician, under the supervision of a
74 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. A ~~No~~ licensed
77 pharmacist may not shall supervise more than one registered
78 pharmacy technician unless otherwise permitted by the guidelines
79 adopted by the board. The board shall establish guidelines to be
80 followed by licensees or permittees in determining the
81 circumstances under which a licensed pharmacist may supervise
82 more than one but not more than three pharmacy technicians. ~~The~~
83 ~~board shall adopt rules for the registration application process~~
84 ~~and registration systems administration process established~~
85 ~~under this section and ss. 465.015, 465.019, 465.0196, and~~
86 ~~465.0197, as amended by this act, so that such rules governing~~
87 ~~such processes can be in place upon full implementation of this~~
88 ~~act. The board may adopt other rules as necessary to administer~~
89 ~~this act.~~

90 (2) Any person who wishes to work as a pharmacy technician
91 in this state must register by filing an application with the
92 board on a form adopted by rule of the board. The board shall
93 register each applicant who has remitted a registration fee set
94 by the board, not to exceed \$50 biennially; has completed the
95 application form and remitted a nonrefundable application fee
96 set by the board, not to exceed \$50; and is at least 17 years of
97 age.

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

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101 (4) Notwithstanding the requirements of this section or
102 any other provision of law, a pharmacy technician student who is
103 enrolled in a pharmacy technician training program that is
104 approved by the board may be placed in a pharmacy for the
105 purpose of obtaining practical training. A pharmacy technician
106 student shall wear identification that indicates his or her
107 student status when performing the functions of a pharmacy
108 technician, and registration under this section is not required.

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

115 (6) As a condition of registration renewal, a registered
116 pharmacy technician shall complete 20 hours biennially of
117 continuing education courses approved by the board or the
118 Accreditation Council for Pharmacy Education, of which 4 hours
119 must be via live presentation and 2 hours must be related to the
120 prevention of medication errors and pharmacy law.

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

126 (8) If the board finds that an applicant for registration
127 as a pharmacy technician or that a registered pharmacy
128 technician has committed an act that constitutes grounds for

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129 discipline as set forth in s. 456.072(1) or has committed an act
130 that constitutes grounds for denial of a license or disciplinary
131 action as set forth in this chapter, including an act that
132 constitutes a substantial violation of s. 456.072(1) or a
133 violation of this chapter which occurred before the applicant or
134 registrant was registered as a pharmacy technician, the board
135 may enter an order imposing any of the penalties specified in s.
136 456.072(2) against the applicant or registrant.

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

140 465.014 Pharmacy technician.--

141 (2) Any person who wishes to work as a pharmacy technician
142 in this state must register by filing an application with the
143 board on a form adopted by rule of the board. The board shall
144 register each applicant who has remitted a registration fee set
145 by the board, not to exceed \$50 biennially; has completed the
146 application form and remitted a nonrefundable application fee
147 set by the board, not to exceed \$50; ~~and~~ is at least 17 years of
148 age; and has completed a pharmacy technician training program
149 approved by the Board of Pharmacy. Notwithstanding any
150 requirements in this subsection, any registered pharmacy
151 technician registered pursuant to this section before January 1,
152 2011, who has worked as a pharmacy technician for a minimum of
153 1,500 hours under the supervision of a licensed pharmacist or
154 received certification as a pharmacy technician by certification
155 program accredited by the National Commission for Certifying
156 Agencies is exempt from the requirement to complete an initial

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157 training program for purposes of registration as required by
158 this subsection.

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

162 465.015 Violations and penalties.--

163 (3)

164 (d) It is unlawful for a person who is not registered as a
165 pharmacy technician under this chapter or who is not otherwise
166 exempt from the requirement to register as a pharmacy
167 technician, to perform the functions of a registered pharmacy
168 technician, or hold himself or herself out to others as a person
169 who is registered to perform the functions of a registered
170 pharmacy technician in this state.

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

173 465.019 Institutional pharmacies; permits.--

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

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

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184 465.0196 Special pharmacy permits.--Any person desiring a
185 permit to operate a special pharmacy shall apply to the
186 department for a special pharmacy permit. If the board certifies
187 that the application complies with the applicable laws and rules
188 of the board governing the practice of the profession of
189 pharmacy, the department shall issue the permit. A ~~No~~ permit may
190 not shall be issued unless a licensed pharmacist is designated
191 to undertake the professional supervision of the compounding and
192 dispensing of all drugs dispensed by the pharmacy. The licensed
193 pharmacist shall be responsible for maintaining all drug records
194 and for providing for the security of the area in the facility
195 in which the compounding, storing, and dispensing of medicinal
196 drugs occurs. The permittee shall notify the department within
197 10 days after ~~of~~ any change of the licensed pharmacist
198 responsible for such duties. Each ~~Every~~ permittee that employs
199 or otherwise uses registered ~~utilizes~~ pharmacy technicians shall
200 have a written policy and procedures manual specifying those
201 duties, tasks, and functions that ~~which~~ a registered pharmacy
202 technician is allowed to perform.

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

205 465.0197 Internet pharmacy permits.--

206 (1) Any person desiring a permit to operate an Internet
207 pharmacy shall apply to the department for an Internet pharmacy
208 permit. If the board certifies that the application complies
209 with the applicable laws and rules of the board governing the
210 practice of the profession of pharmacy, the department shall
211 issue the permit. A ~~No~~ permit may not shall be issued unless a

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212 licensed pharmacist is designated as the prescription department
 213 manager for dispensing medicinal drugs to persons in this state.
 214 The licensed pharmacist shall be responsible for maintaining all
 215 drug records and for providing for the security of the area in
 216 the facility in which the compounding, storing, and dispensing
 217 of medicinal drugs to persons in this state occurs. The
 218 permittee shall notify the department within 30 days after ~~of~~
 219 any change of the licensed pharmacist responsible for such
 220 duties. A ~~Every~~ permittee that employs or otherwise uses
 221 registered ~~utilizes~~ pharmacy technicians shall have a written
 222 policy and procedures manual specifying those duties, tasks, and
 223 functions that ~~which~~ a registered pharmacy technician is allowed
 224 to perform.

225 Section 9. Except as otherwise expressly provided in this
 226 act, this act shall take effect upon becoming a law.

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229 -----

230 **T I T L E A M E N D M E N T**

231 Remove the entire title and insert:

232 A bill to be entitled

233 An act relating to pharmacy technicians; amending s. 465.0075,
 234 F.S.; revising licensure requirements; amending s. 465.014,
 235 F.S.; requiring the Board of Pharmacy to adopt rules; providing
 236 for the registration of pharmacy technicians; deleting obsolete
 237 provisions governing adoption of rules; requiring that a
 238 registered pharmacy technician be under the direct supervision
 239 of a licensed pharmacist; requiring the board to set fees for

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240 the registration of pharmacy technicians; providing
241 qualification requirements; providing a limitation; exempting
242 pharmacy technician students and licensed pharmacy interns from
243 registration requirements; providing continuing education
244 requirements for registration renewal; requiring the board to
245 adopt rules regarding the display of a registration; providing
246 grounds for denial, suspension, or revocation of registration or
247 other disciplinary action; authorizing the board to impose
248 certain penalties; requiring completion of a pharmacy technician
249 training program in order to register as a pharmacy technician
250 by a specified date; providing an exception to the requirement
251 to complete a training program; amending s. 465.015, F.S.;
252 prohibiting a person who is not registered as a pharmacy
253 technician from performing certain functions or holding himself
254 or herself out to others as a registered pharmacy technician;
255 amending ss. 465.019, 465.0196, and 465.0197, F.S., relating to
256 institutional pharmacies, special pharmacy permits, and Internet
257 pharmacy permits; conforming provisions; providing effective
258 dates.