

By Senator Saunders

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1 A bill to be entitled

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

25  
26 Be It Enacted by the Legislature of the State of Florida:

27  
28 Section 1. Subsection (1) of section 465.0075, Florida  
29 Statutes, is amended to read:

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30 465.0075 Licensure by endorsement; requirements; fee.--

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

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

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

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

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

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

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

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59 465.014 Pharmacy technician.--

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

83 (2) Any person who wishes to work as a pharmacy technician  
84 in this state must register by filing an application with the  
85 board on a form adopted by rule of the board. The board shall  
86 register each applicant who has remitted a registration fee set  
87 by the board, not to exceed \$50 biennially; has completed the

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88 application form and remitted a nonrefundable application fee set  
89 by the board, not to exceed \$50; and is at least 16 years of age.

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

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

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

106 (6) As a condition of registration renewal, a pharmacy  
107 technician shall complete 20 hours biennially of continuing  
108 education courses approved by the board or the Accreditation  
109 Council for Pharmaceutical Education, of which 4 hours must be  
110 via live presentation and 2 hours must be related to the  
111 prevention of medication errors and pharmacy law.

112 (7) The board shall adopt rules that require each  
113 registration issued by the board under this section to be  
114 displayed in such a manner as to make it available to the public  
115 and to facilitate inspection by the department and such other  
116 rules as necessary to administer the provisions of this section.

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

128       (9) The board shall adopt rules requiring and specifying  
129 the manner in which a pharmacy shall notify the board when a  
130 registered technician is employed or ceases employment with the  
131 pharmacy.

132       (10) The board shall maintain a current directory of  
133 registered pharmacy technicians indicating their place of  
134 employment and which must be published on the Internet.

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

138       465.015 Violations and penalties.--

139       (3)

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

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146 technician in this state.

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

149 465.019 Institutional pharmacies; permits.--

150 (5) All institutional pharmacies shall be under the  
151 professional supervision of a consultant pharmacist, and the  
152 compounding and dispensing of medicinal drugs shall be done only  
153 by a licensed pharmacist. Every institutional pharmacy that  
154 employs or otherwise utilizes registered pharmacy technicians  
155 shall have a written policy and procedures manual specifying  
156 those duties, tasks, and functions which a pharmacy technician is  
157 allowed to perform.

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