

20091868er

1
2 An act relating to the practice of pharmacy; amending
3 s. 627.4239, F.S.; revising the definition of the term
4 "standard reference compendium" for purposes of
5 regulating the insurance coverage of drugs used in the
6 treatment of cancer; amending s. 456.42, F.S.;
7 revising provisions specifying the information
8 required to be included in written prescriptions for
9 medicinal drugs; creating s. 465.1901, F.S.; providing
10 that provisions of ch. 468, F.S., relating to
11 orthotics and pedorthics do not apply to pharmacists;
12 requiring the Board of Pharmacy to develop rules
13 regarding the practice of orthotics and pedorthics by
14 a pharmacist; repealing s. 468.812(3), F.S., relating
15 to the practice of orthotics and pedorthics; amending
16 s. 893.04, F.S.; authorizing a pharmacist to dispense
17 a controlled substance and require photographic
18 identification without documenting certain
19 information; authorizing a pharmacist to dispense a
20 controlled substance without verification of certain
21 information by the prescriber under certain
22 circumstances; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Paragraph (b) of subsection (1) of section
27 627.4239, Florida Statutes, is amended to read:

28 627.4239 Coverage for use of drugs in treatment of cancer.-

29 (1) DEFINITIONS.-As used in this section, the term:

20091868er

30 (b) "Standard reference compendium" means an authoritative
31 compendium identified by the Secretary of the United States
32 Department of Health and Human Services and recognized by the
33 federal Centers for Medicare and Medicaid Services;

34 ~~1. The United States Pharmacopeia Drug Information;~~
35 ~~2. The American Medical Association Drug Evaluations; or~~
36 ~~3. The American Hospital Formulary Service Drug~~
37 ~~Information.~~

38 Section 2. Section 456.42, Florida Statutes, is amended to
39 read:

40 456.42 Written prescriptions for medicinal drugs.—A written
41 prescription for a medicinal drug issued by a health care
42 practitioner licensed by law to prescribe such drug must be
43 legibly printed or typed so as to be capable of being understood
44 by the pharmacist filling the prescription; must contain the
45 name of the prescribing practitioner, the name and strength of
46 the drug prescribed, the quantity of the drug prescribed ~~in both~~
47 ~~textual and numerical formats~~, and the directions for use of the
48 drug; must be dated ~~with the month written out in textual~~
49 ~~letters~~; and must be signed by the prescribing practitioner on
50 the day when issued. A written prescription for a controlled
51 substance listed in chapter 893 must have the quantity of the
52 drug prescribed in both textual and numerical formats and must
53 be dated with the abbreviated month written out on the face of
54 the prescription. However, a prescription that is electronically
55 generated and transmitted must contain the name of the
56 prescribing practitioner, the name and strength of the drug
57 prescribed, the quantity of the drug prescribed in numerical
58 format, and the directions for use of the drug and must be dated

20091868er

59 and signed by the prescribing practitioner only on the day
60 issued, which signature may be in an electronic format as
61 defined in s. 668.003(4).

62 Section 3. Section 465.1901, Florida Statutes, is created
63 to read:

64 465.1901 Practice of orthotics and pedorthics.—The
65 provisions of chapter 468 relating to orthotics or pedorthics do
66 not apply to any licensed pharmacist or to any person acting
67 under the supervision of a licensed pharmacist. The practice of
68 orthotics or pedorthics by a pharmacist or any of the
69 pharmacist's employees acting under the supervision of a
70 pharmacist shall be construed to be within the meaning of the
71 term "practice of the profession of pharmacy" as set forth in s.
72 465.003(13), and shall be subject to regulation in the same
73 manner as any other pharmacy practice. The Board of Pharmacy
74 shall develop rules regarding the practice of orthotics and
75 pedorthics by a pharmacist. Any pharmacist or person under the
76 supervision of a pharmacist engaged in the practice of orthotics
77 or pedorthics is not precluded from continuing that practice
78 pending adoption of these rules.

79 Section 4. Subsection (3) of section 468.812, Florida
80 Statutes, is repealed.

81 Section 5. Paragraph (d) of subsection (2) of section
82 893.04, Florida Statutes, is amended to read:

83 893.04 Pharmacist and practitioner.—

84 (2)

85 (d) Each written prescription prescribed by a practitioner
86 in this state for a controlled substance listed in Schedule II,
87 Schedule III, or Schedule IV must include both a written and a

20091868er

88 numerical notation of the quantity of the controlled substance
89 prescribed on the face of the prescription and a notation of the
90 date, with the abbreviated month written out on the face of the
91 prescription. A pharmacist may, upon verification by the
92 prescriber, document any information required by this paragraph.
93 If the prescriber is not available to verify a prescription, the
94 pharmacist may dispense the controlled substance but may insist
95 that the person to whom the controlled substance is dispensed
96 provide valid photographic identification. If a prescription
97 includes a numerical notation of the quantity of the controlled
98 substance or date, but does not include the quantity or date
99 written out in textual format, the pharmacist may dispense the
100 controlled substance without verification by the prescriber of
101 the quantity or date if the pharmacy previously dispensed
102 another prescription for the person to whom the prescription was
103 written.

104 Section 6. This act shall take effect July 1, 2009.