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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/15/2009	.	
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The Committee on Health and Human Services Appropriations
(Gaetz) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 1269 - 1303

and insert:

age.

(3) Any person, partnership, or corporation before engaging in the operation of a pharmacy shall file with the board a sworn application on forms provided by the department.

(a) An application for a pharmacy permit must include a set of fingerprints from each person having an ownership interest of 5 percent or greater and from any person who, directly or



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12 indirectly, manages, oversees, or controls the operation of the
13 applicant, including officers and members of the board of
14 directors of an applicant that is a corporation. The applicant
15 must provide payment in the application for the cost of state
16 and national criminal history records checks.

17 1. For corporations having more than \$100 million of
18 business taxable assets in this state, in lieu of these
19 fingerprint requirements, the department shall require the
20 prescription department manager who will be directly involved in
21 the management and operation of the pharmacy to submit a set of
22 fingerprints.

23 2. A representative of a corporation described in
24 subparagraph 1. satisfies the requirement to submit a set of his
25 or her fingerprints if the fingerprints are on file with a state
26 agency and available to the department.

27 (b) The department shall submit the fingerprints provided
28 by the applicant to the Department of Law Enforcement for a
29 state criminal history records check. The Department of Law
30 Enforcement shall forward the fingerprints to the Federal Bureau
31 of Investigation for a national criminal history records check.

32 (4) The department or board shall deny an application for a
33 pharmacy permit if the applicant or an affiliated person,
34 partner, officer, director, or prescription department manager
35 of the applicant has:

36 (a) Obtained a permit by misrepresentation or fraud;

37 (b) Attempted to procure, or has procured, a permit for any
38 other person by making, or causing to be made, any false
39 representation;

40 (c) Been convicted of, or entered a plea of guilty or nolo



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41 contendere to, regardless of adjudication, a crime in any
42 jurisdiction which relates to the practice of, or the ability to
43 practice, the profession of pharmacy;

44 (d) Been convicted of, or entered a plea of guilty or nolo
45 contendere to, regardless of adjudication, a crime in any
46 jurisdiction which relates to health care fraud;

47 (e) Been terminated for cause, pursuant to the appeals
48 procedures established by the state or Federal Government, from
49 any state Medicaid program or the federal Medicare program; or

50 (f) Dispensed any medicinal drug based upon a communication
51 that purports to be a prescription as defined by s. 465.003(14)
52 or s. 893.02 when the pharmacist knows or has reason to believe
53 that the purported prescription is not based upon a valid
54 practitioner-patient relationship that includes a documented
55 patient evaluation, including history and a physical examination
56 adequate to establish the diagnosis for which any drug is
57 prescribed and any other requirement established by board rule
58 under chapter 458, chapter 459, chapter 461, chapter 463,
59 chapter 464, or chapter 466.

60 Section 22. Subsection (1) of section 465.023, Florida
61 Statutes, is amended to read:

62 465.023 Pharmacy permittee; disciplinary action.—

63 (1) The department or the board may revoke or suspend the
64 permit of any pharmacy permittee, and may fine, place on
65 probation, or otherwise discipline any pharmacy permittee if the
66 permittee, or any affiliated person, partner, officer, director,
67 or agent of the permittee, including a person fingerprinted
68 under s. 465.022(3), who has:

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D I R E C T O R Y C L A U S E A M E N D M E N T
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And the directory clause is amended as follows:

Delete lines 1261 - 1262

and insert:

Section 21. Subsections (2) and (3) of section 465.022, Florida Statutes, are amended, present subsections (4), (5), (6), and (7) are renumbered as subsections (5), (6), (7), and (8) respectively, and a new subsection (4) is added to that section, to read:

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T I T L E A M E N D M E N T
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And the title is amended as follows:

Delete lines 135 - 140

and insert:

history records check; requiring the Department of Health or Board of Pharmacy to deny an application for a pharmacy permit for certain misconduct by the applicant; or persons affiliated with the applicant; amending s. 465.023, F.S.; authorizing the Department of Health or the Board of Pharmacy to take disciplinary action against a permittee for certain misconduct by the permittee, or persons affiliated with the permittee;