

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Hays offered the following:

**Amendment (with title amendment)**

Between lines 15 and 16, insert:

Section 1. Paragraph (t) of subsection (2) of section 499.01, Florida Statutes, is amended to read:

499.01 Permits.--

(2) The following permits are established:

(t) Health care clinic establishment permit.--Effective January 1, 2009, a health care clinic establishment permit is required for the purchase of a prescription drug by a place of business at one general physical location owned and operated by a professional corporation or professional limited liability company described in chapter 621, or a corporation that employs a veterinarian as a qualifying practitioner. For the purpose of this paragraph, the term "qualifying practitioner" means a

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17 licensed health care practitioner defined in s. 456.001 or a  
18 veterinarian licensed under chapter 474, who is authorized under  
19 the appropriate practice act to prescribe and administer a  
20 prescription drug.

21 1. An establishment must provide, as part of the  
22 application required under s. 499.012, designation of a  
23 qualifying practitioner who will be responsible for complying  
24 with all legal and regulatory requirements related to the  
25 purchase, recordkeeping, storage, and handling of the  
26 prescription drugs. In addition, the designated qualifying  
27 practitioner shall be the practitioner whose name, establishment  
28 address, and license number is used on all distribution  
29 documents for prescription drugs purchased or returned by the  
30 health care clinic establishment. Upon initial appointment of a  
31 qualifying practitioner, the qualifying practitioner and the  
32 health care clinic establishment shall notify the department on  
33 a form furnished by the department within 10 days after such  
34 employment. In addition, the qualifying practitioner and health  
35 care clinic establishment shall notify the department within 10  
36 days after any subsequent change.

37 2. The health care clinic establishment must employ a  
38 qualifying practitioner at each establishment.

39 3. In addition to the remedies and penalties provided in  
40 this part, a violation of this chapter by the health care clinic  
41 establishment or qualifying practitioner constitutes grounds for  
42 discipline of the qualifying practitioner by the appropriate  
43 regulatory board.

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44 4. The purchase of prescription drugs by the health care  
45 clinic establishment is prohibited during any period of time  
46 when the establishment does not comply with this paragraph.

47 5. A health care clinic establishment permit is not a  
48 pharmacy permit or otherwise subject to chapter 465. A health  
49 care clinic establishment that meets the criteria of a modified  
50 Class II institutional pharmacy under s. 465.019 is not eligible  
51 to be permitted under this paragraph.

52 6. This paragraph does not prohibit a qualifying  
53 practitioner from purchasing prescription drugs.

54 7. A business entity governed by s. 466.0285 may pay for  
55 prescription drugs obtained by a practitioner licensed under  
56 chapter 466 who is an owner of such business entity, and the  
57 licensed practitioner is deemed the purchaser and owner of the  
58 prescription drugs.

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

Remove line 2 and insert:

An act relating to public health; amending s. 499.01, F.S.;  
authorizing certain business entities to pay for certain  
prescription drugs under certain circumstances; amending s.