



625908

LEGISLATIVE ACTION

Senate

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House

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Floor: 2/AD/3R

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05/03/2011 10:37 AM

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Senator Hays moved the following:

Senate Amendment (with title amendment)

Between lines 935 and 936

insert:

Section 33. 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 that provides health care or veterinary services, which is owned and operated by a



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14 business entity that has been issued a federal employer tax
15 identification number. For the purpose of this paragraph, the
16 term "qualifying practitioner" means a licensed health care
17 practitioner defined in s. 456.001, or a veterinarian licensed
18 under chapter 474, who is authorized under the appropriate
19 practice act to prescribe and administer a prescription drug.

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

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

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



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

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

51 6. This paragraph does not apply to the purchase of a
52 prescription drug by a licensed practitioner under his or her
53 license. A professional corporation or limited liability company
54 composed of dentists and operating as authorized in s. 466.0285
55 may pay for prescription drugs obtained by a practitioner
56 licensed under chapter 466, and the licensed practitioner is
57 deemed the purchaser and owner of the prescription drugs.

58
59 ===== T I T L E A M E N D M E N T =====

60 And the title is amended as follows:

61 Delete line 111

62 and insert:

63 ingredients; amending s. 499.01, F.S.; authorizing
64 certain business entities to pay for prescription
65 drugs obtained by practitioners licensed under ch.
66 466, F.S.; providing effective dates.