



548234

LEGISLATIVE ACTION

Senate

House

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Floor: 9/AD/2R

04/28/2011 02:17 PM

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Senator Fasano moved the following:

**Senate Amendment (with title amendment)**

Between lines 828 and 829

insert:

Section 16. 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



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 103

62 and insert:

63           dispense controlled substances; amending s. 499.01,  
64           F.S.; authorizing certain business entities to pay for  
65           prescription drugs obtained by practitioners licensed  
66           under ch. 466, F.S.; amending s. 766.101,