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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/27/2012	.	
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The Committee on Health Regulation (Jones) recommended the following:

1           **Senate Amendment to Amendment (416374) (with directory and**  
2 **title amendments)**

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4           Between lines 150 and 151  
5 insert:

6           (t) *Health care clinic establishment permit.*—Effective  
7 January 1, 2009, a health care clinic establishment permit is  
8 required for the purchase of a prescription drug by a place of  
9 business at one general physical location that provides health  
10 care or veterinary services, which is owned and operated by a  
11 business entity that has been issued a federal employer tax  
12 identification number. For the purpose of this paragraph, the



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13 term "qualifying practitioner" means a licensed health care  
14 practitioner defined in s. 456.001, or a veterinarian licensed  
15 under chapter 474, who is authorized under the appropriate  
16 practice act to prescribe and administer a prescription drug.

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

33 2. The health care clinic establishment must employ a  
34 qualifying practitioner at each establishment.

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

40 4. The purchase of prescription drugs by the health care  
41 clinic establishment is prohibited during any period of time



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42 when the establishment does not comply with this paragraph.

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

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

55  
56 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

57 And the directory clause is amended as follows:

58 Delete line 57

59 and insert:

60 Section 2. Paragraphs (c), (e), and (t) of subsection (2)  
61 of

62  
63 ===== T I T L E A M E N D M E N T =====

64 And the title is amended as follows:

65 Delete line 274

66 and insert:

67 intracompany sale or transfer of prescription drugs;  
68 authorizing certain business entities to pay for  
69 prescription drugs obtained by practitioners licensed  
70 under ch. 466, F.S.;