

1 A bill to be entitled
 2 An act relating to the practice of pharmacy; providing
 3 a short title; amending s. 465.003, F.S.; revising the
 4 definition of the term "practice of the profession of
 5 pharmacy"; amending s. 465.0125, F.S.; providing
 6 additional responsibilities for licensed consultant
 7 pharmacists and doctors of pharmacy; providing for
 8 payment or reimbursement for certain pharmacist
 9 patient care services; providing an effective date.

10

11 Be It Enacted by the Legislature of the State of Florida:

12

13 Section 1. This act may be cited as the "Access to
 14 Pharmacist Services Act."

15 Section 2. Subsection (13) of section 465.003, Florida
 16 Statutes, is amended to read:

17 465.003 Definitions.—As used in this chapter, the term:

18 (13) "Practice of the profession of pharmacy" includes
 19 compounding, dispensing, and consulting concerning contents,
 20 therapeutic values, and uses of any medicinal drug; consulting
 21 concerning therapeutic values and interactions of patent, ~~or~~
 22 proprietary, or other preparations and products, and health and
 23 wellness assessments and patient care relating to medication
 24 therapy management, whether pursuant to prescriptions or in the
 25 absence and entirely independent of such prescriptions or
 26 orders; and other pharmaceutical services. For purposes of this

27 subsection, "other pharmaceutical services" means the
 28 pharmacist's management and monitoring of the patient's drug
 29 therapy and assisting the patient in the management of his or
 30 her drug therapy, and includes review and management of the
 31 patient's drug therapy and collaboration ~~communication~~ with the
 32 patient's other ~~prescribing~~ health care providers ~~provider~~ as
 33 licensed under chapter 458, chapter 459, chapter 461, or chapter
 34 466, or similar statutory provision in another jurisdiction, or
 35 such provider's agent or such other persons as specifically
 36 authorized by the patient, regarding the drug therapy and health
 37 care status. However, nothing in this subsection may be
 38 interpreted to permit ~~an alteration of a prescriber's~~
 39 ~~directions, the diagnosis or treatment of any disease, the~~
 40 ~~initiation of any drug therapy,~~ the practice of medicine, or the
 41 practice of osteopathic medicine, unless otherwise permitted by
 42 law. "Practice of the profession of pharmacy" also includes any
 43 other act, service, operation, research, or transaction
 44 incidental to, or forming a part of, any of the foregoing acts,
 45 requiring, involving, or employing the science or art of any
 46 branch of the pharmaceutical profession, study, or training, and
 47 shall expressly permit a pharmacist to transmit information from
 48 persons authorized to prescribe medicinal drugs to their
 49 patients. The practice of the profession of pharmacy also
 50 includes the dispensing and administration of medications,
 51 including vaccines ~~to adults~~ pursuant to s. 465.189.

52 Section 3. Section 465.0125, Florida Statutes, is amended

53 to read:

54 465.0125 Consultant pharmacist license; application,
55 renewal, fees; responsibilities; rules.—

56 (1) The department shall issue or renew a consultant
57 pharmacist license upon receipt of an initial or renewal
58 application which conforms to the requirements for consultant
59 pharmacist initial licensure or renewal as promulgated by the
60 board by rule and a fee set by the board not to exceed \$250. The
61 consultant pharmacist shall be responsible for maintaining all
62 drug, patient care, and quality assurance records required by
63 law and for establishing drug handling procedures for the safe
64 handling and storage of drugs. A ~~The~~ consultant pharmacist or
65 doctor of pharmacy licensed in this state may perform medication
66 management, patient health and wellness assessments, counseling,
67 and referrals relating to medications and health care services
68 in accordance with this section and the standards of practice
69 adopted by board rules pursuant to s. 465.0155. A consultant
70 pharmacist or doctor of pharmacy licensed as a health care
71 provider in this state may also be responsible for ordering and
72 evaluating any laboratory, diagnostic, or clinical testing when,
73 in the judgment of the consultant pharmacist or doctor of
74 pharmacy, such activity is necessary for the proper performance
75 of his or her ~~the consultant pharmacist's~~ responsibilities. A
76 consultant pharmacist or doctor of pharmacy licensed in this
77 state may initiate, modify, discontinue, and administer drugs
78 within the context of a drug therapy management order or

79 protocol in collaboration with one or more health care
 80 providers. ~~Such laboratory or clinical testing may be ordered~~
 81 ~~only with regard to patients residing in a nursing home~~
 82 ~~facility, and then only when authorized by the medical director~~
 83 ~~of the nursing home facility.~~ The consultant pharmacist or
 84 doctor of pharmacy must have completed such additional training
 85 and demonstrate such additional qualifications relating to ~~in~~
 86 the practice of pharmacy in institutional, community, or other
 87 settings ~~pharmacy~~ as ~~shall be~~ required by the board in addition
 88 to licensure as a registered pharmacist and health care
 89 provider.

90 (2) Notwithstanding the provisions of subsection (1), a
 91 consultant pharmacist or a doctor of pharmacy licensed in this
 92 state may also be responsible for ordering and evaluating any
 93 laboratory, diagnostic, or clinical testing ~~for persons under~~
 94 ~~the care of a licensed home health agency~~ when, in the judgment
 95 of the consultant pharmacist or doctor of pharmacy, such
 96 activity is necessary for the proper performance of his or her
 97 responsibilities ~~and only when authorized by a practitioner~~
 98 ~~licensed under chapter 458, chapter 459, chapter 461, or chapter~~
 99 ~~466.~~ In order for the consultant pharmacist or doctor of
 100 pharmacy to qualify and accept this authority, he or she must
 101 receive 3 hours of continuing education relating to medical
 102 records and laboratory, diagnostic, and clinical testing as
 103 established by the board.

104 (3) The board shall adopt ~~promulgate~~ rules necessary to

HB 547

2016

105 | implement and administer this section.

106 | Section 4. Notwithstanding any provisions of a patient's
107 | health benefit plan, a health benefit plan or insurer may
108 | provide payment or reimbursement for the pharmacist's patient
109 | care services, separate and apart from the prescription
110 | medications, when the services provided are within the
111 | pharmacist's lawful scope of practice.

112 | Section 5. This act shall take effect July 1, 2016.