

By Senator Rodriguez

37-01607C-17

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1                   A bill to be entitled  
2       An act relating to pharmacists; amending s. 465.003,  
3       F.S.; expanding the practice of pharmacy to include  
4       consultation with patients regarding certain  
5       preparations, health care products, and services;  
6       providing that the practice of pharmacy includes  
7       making recommendations in communication with other  
8       health care providers; providing that the practice of  
9       pharmacy includes services relating to the treatment  
10      of influenza under certain conditions; amending s.  
11      465.0125, F.S.; authorizing consultant pharmacists to  
12      provide additional services when authorized by a  
13      medical director or within the context of a patient-  
14      specific order or treatment protocol, or at the  
15      request of or referral from a patient's treating  
16      health care provider; removing a certain limitation on  
17      the ordering of laboratory or clinical testing;  
18      removing a training and qualifications requirement  
19      relating to the practice of institutional pharmacy;  
20      removing certain requirements relating to persons  
21      under the care of a licensed home health agency;  
22      removing a continuing education requirement; amending  
23      s. 465.189, F.S.; authorizing qualified pharmacists to  
24      provide certain services related to the treatment of  
25      influenza within the framework of an established  
26      protocol under a supervising physician; providing an  
27      effective date.

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

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Section 1. Subsection (13) of section 465.003, Florida Statutes, is amended to read:

465.003 Definitions.—As used in this chapter, the term:  
(13) "Practice of the profession of pharmacy" includes compounding, dispensing, and consulting concerning contents, therapeutic values, and uses of any medicinal drug; consulting concerning therapeutic values and interactions of patent, ~~or~~ proprietary, or other preparations, health care products, and services, whether pursuant to prescriptions or in the absence and entirely independent of such prescriptions or orders; and other pharmaceutical services. For purposes of this subsection, "other pharmaceutical services" means the monitoring of the patient's drug therapy and assisting the patient in the management of his or her drug therapy, and includes review and recommendations in ~~of the patient's drug therapy and~~ communication with the patient's prescribing health care provider as licensed under chapter 458, chapter 459, chapter 461, or chapter 466, or similar statutory provision in another jurisdiction, or such provider's agent or such other persons as specifically authorized by the patient, regarding the patient's drug therapy and health care status. However, nothing in this subsection may be interpreted to permit an alteration of a prescriber's directions, the diagnosis or treatment of any disease, the initiation of any drug therapy, the practice of medicine, or the practice of osteopathic medicine, unless otherwise permitted by law. "Practice of the profession of pharmacy" also includes any other act, service, operation, research, or transaction incidental to, or forming a part of,

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59 any of the foregoing acts, requiring, involving, or employing  
60 the science or art of any branch of the pharmaceutical  
61 profession, study, or training, and shall expressly permit a  
62 pharmacist to transmit information from persons authorized to  
63 prescribe medicinal drugs to their patients. The practice of the  
64 profession of pharmacy also includes the administration of  
65 vaccines to adults and services relating to the treatment of  
66 influenza pursuant to s. 465.189.

67 Section 2. Section 465.0125, Florida Statutes, is amended  
68 to read:

69 465.0125 Consultant pharmacist license; application,  
70 renewal, fees; responsibilities; rules.—

71 (1) The department shall issue or renew a consultant  
72 pharmacist license upon receipt of an initial or renewal  
73 application which conforms to the requirements for consultant  
74 pharmacist initial licensure or renewal as promulgated by the  
75 board by rule and a fee set by the board not to exceed \$250. For  
76 consultant pharmacist licensure, the Florida-licensed pharmacist  
77 must complete additional training as required by the board.

78 (2) A consultant pharmacist may:

79 (a) Order and evaluate laboratory and clinical tests to  
80 promote and evaluate patient health and wellness, as well as  
81 monitor medication therapy and treatment outcomes;

82 (b) Administer medications; and

83 (c) Initiate, modify, or discontinue medications.

84 (3) A consultant pharmacist's services may be provided to  
85 patients when authorized by a medical director or within the  
86 context of a patient-specific order or treatment protocol, or at  
87 the request of or referral from a patient's treating health care

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88 provider who is authorized by Florida law or a similar statutory  
89 provision in another jurisdiction to prescribe medication.

90 (4) The consultant pharmacist shall be responsible for the  
91 maintenance of medication, patient care, and quality assurance  
92 records as required by law ~~maintaining all drug records required~~  
93 ~~by law and for establishing drug handling procedures for the~~  
94 ~~safe handling and storage of drugs. The consultant pharmacist~~  
95 ~~may also be responsible for ordering and evaluating any~~  
96 ~~laboratory or clinical testing when, in the judgment of the~~  
97 ~~consultant pharmacist, such activity is necessary for the proper~~  
98 ~~performance of the consultant pharmacist's responsibilities.~~  
99 ~~Such laboratory or clinical testing may be ordered only with~~  
100 ~~regard to patients residing in a nursing home facility, and then~~  
101 ~~only when authorized by the medical director of the nursing home~~  
102 ~~facility. The consultant pharmacist must have completed such~~  
103 ~~additional training and demonstrate such additional~~  
104 ~~qualifications in the practice of institutional pharmacy as~~  
105 ~~shall be required by the board in addition to licensure as a~~  
106 ~~registered pharmacist.~~

107 ~~(2) Notwithstanding the provisions of subsection (1), a~~  
108 ~~consultant pharmacist or a doctor of pharmacy licensed in this~~  
109 ~~state may also be responsible for ordering and evaluating any~~  
110 ~~laboratory or clinical testing for persons under the care of a~~  
111 ~~licensed home health agency when, in the judgment of the~~  
112 ~~consultant pharmacist or doctor of pharmacy, such activity is~~  
113 ~~necessary for the proper performance of his or her~~  
114 ~~responsibilities and only when authorized by a practitioner~~  
115 ~~licensed under chapter 458, chapter 459, chapter 461, or chapter~~  
116 ~~466. In order for the consultant pharmacist or doctor of~~

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117 ~~pharmacy to qualify and accept this authority, he or she must~~  
118 ~~receive 3 hours of continuing education relating to laboratory~~  
119 ~~and clinical testing as established by the board.~~

120 (5)~~(3)~~ The board shall promulgate rules necessary to  
121 implement and administer this section.

122 Section 3. Section 465.189, Florida Statutes, is amended to  
123 read:

124 465.189 Administration of vaccines and epinephrine  
125 autoinjection; treatment of influenza.-

126 (1) In accordance with guidelines of the Centers for  
127 Disease Control and Prevention for each recommended immunization  
128 or vaccine, a pharmacist, or a registered intern under the  
129 supervision of a pharmacist who is certified under subsection  
130 (7)~~(6)~~, may administer the following vaccines to an adult within  
131 the framework of an established protocol under a supervising  
132 physician licensed under chapter 458 or chapter 459:

133 (a) Immunizations or vaccines listed in the Adult  
134 Immunization Schedule as of February 1, 2015, by the United  
135 States Centers for Disease Control and Prevention. The board may  
136 authorize, by rule, additional immunizations or vaccines as they  
137 are added to the Adult Immunization Schedule.

138 (b) Immunizations or vaccines recommended by the United  
139 States Centers for Disease Control and Prevention for  
140 international travel as of July 1, 2015. The board may  
141 authorize, by rule, additional immunizations or vaccines as they  
142 are recommended by the United States Centers for Disease Control  
143 and Prevention for international travel.

144 (c) Immunizations or vaccines approved by the board in  
145 response to a state of emergency declared by the Governor

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146 pursuant to s. 252.36.

147  
148 A registered intern who administers an immunization or vaccine  
149 under this subsection must be supervised by a certified  
150 pharmacist at a ratio of one pharmacist to one registered  
151 intern.

152 (2) In order to address any unforeseen allergic reaction, a  
153 pharmacist may administer epinephrine using an autoinjector  
154 delivery system within the framework of an established protocol  
155 under a supervising physician licensed under chapter 458 or  
156 chapter 459.

157 (3) A pharmacist certified under subsection (7) may, within  
158 the framework of an established protocol under a supervising  
159 physician licensed under chapter 458 or chapter 459, perform the  
160 following services related to the treatment of influenza:

161 (a) Order and evaluate laboratory and clinical tests; and

162 (b) Administer, modify, and discontinue medications.

163 (4)~~(3)~~ A pharmacist may not enter into a protocol unless he  
164 or she maintains at least \$200,000 of professional liability  
165 insurance and has completed training in administering vaccines  
166 authorized under this section.

167 (5)~~(4)~~ A pharmacist administering vaccines or treating  
168 influenza under this section shall maintain and make available  
169 patient records using the same standards for confidentiality and  
170 maintenance of such records as those that are imposed on health  
171 care practitioners under s. 456.057. These records shall be  
172 maintained for a minimum of 5 years.

173 (6)~~(5)~~ The decision by a supervising physician licensed  
174 under chapter 458 or chapter 459 to enter into a protocol under

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175 this section is a professional decision on the part of the  
176 practitioner, and a person may not interfere with a physician's  
177 decision as to entering into such a protocol. A pharmacist may  
178 not enter into a protocol that is to be performed while acting  
179 as an employee without the written approval of the owner of the  
180 pharmacy. Pharmacists shall forward vaccination records to the  
181 department for inclusion in the state registry of immunization  
182 information.

183 (7)~~(6)~~ Any pharmacist or registered intern seeking to  
184 administer vaccines to adults under this section must be  
185 certified to administer such vaccines pursuant to a  
186 certification program approved by the Board of Pharmacy in  
187 consultation with the Board of Medicine and the Board of  
188 Osteopathic Medicine. The certification program shall, at a  
189 minimum, require that the pharmacist attend at least 20 hours of  
190 continuing education classes approved by the board and the  
191 registered intern complete at least 20 hours of coursework  
192 approved by the board. The program shall have a curriculum of  
193 instruction concerning the safe and effective administration of  
194 such vaccines, including, but not limited to, potential allergic  
195 reactions to such vaccines.

196 (8)~~(7)~~ The written protocol between the pharmacist and  
197 supervising physician under this section must include particular  
198 terms and conditions imposed by the supervising physician upon  
199 the pharmacist relating to the administration of vaccines or the  
200 treatment of influenza by the pharmacist pursuant to this  
201 section. The written protocol for the administration of vaccines  
202 shall include, at a minimum, specific categories and conditions  
203 among patients for whom the supervising physician authorizes the

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204 pharmacist to administer such vaccines. The terms, scope, and  
205 conditions set forth in the written protocol between the  
206 pharmacist and the supervising physician must be appropriate to  
207 the pharmacist's training and certification for administering  
208 such vaccines or the treatment of influenza. Pharmacists who  
209 have been delegated the authority to administer vaccines under  
210 this section by the supervising physician under the protocol  
211 shall provide evidence of current certification by the Board of  
212 Pharmacy to the supervising physician. A supervising physician  
213 shall review the administration of such vaccines or the  
214 treatment of influenza by the pharmacist pursuant to the written  
215 protocol between them, and this review shall take place as  
216 outlined in the written protocol. The process and schedule for  
217 the review shall be outlined in the written protocol between the  
218 pharmacist and the supervising physician.

219 (9)~~(8)~~ The pharmacist shall submit to the Board of Pharmacy  
220 a copy of his or her protocol or written agreement to administer  
221 vaccines or engage in the treatment of influenza under this  
222 section.

223 Section 4. This act shall take effect July 1, 2017.