

HB 431

2018

1 A bill to be entitled
2 An act relating to the testing for and treatment of
3 influenza and streptococcus; amending s. 465.003,
4 F.S.; revising the definition of the term "practice of
5 the profession of pharmacy"; creating s. 465.1895,
6 F.S.; authorizing pharmacists to test for and treat
7 influenza and streptococcus; providing requirements
8 with respect thereto; requiring that the written
9 protocol between a pharmacist and supervising
10 physician contain certain information, terms, and
11 conditions; requiring that pharmacists provide
12 evidence of current certification by the Board of
13 Pharmacy to the supervising physician; requiring that
14 pharmacists submit their written protocols to the
15 board; providing an effective date.

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

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

21 465.003 Definitions.—As used in this chapter, the term:
22 (13) "Practice of the profession of pharmacy" includes
23 compounding, dispensing, and consulting concerning contents,
24 therapeutic values, and uses of any medicinal drug; consulting
25 concerning therapeutic values and interactions of patent or

26 | proprietary preparations, whether pursuant to prescriptions or
27 | in the absence and entirely independent of such prescriptions or
28 | orders; and other pharmaceutical services. For purposes of this
29 | subsection, "other pharmaceutical services" means the monitoring
30 | of the patient's drug therapy and assisting the patient in the
31 | management of his or her drug therapy, and includes review of
32 | the patient's drug therapy and communication with the patient's
33 | prescribing health care provider as licensed under chapter 458,
34 | chapter 459, chapter 461, or chapter 466, or similar statutory
35 | provision in another jurisdiction, or such provider's agent or
36 | such other persons as specifically authorized by the patient,
37 | regarding the drug therapy. However, nothing in this subsection
38 | may be 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 administration of vaccines to adults pursuant to s.

51 465.189 and the testing for and treatment of influenza and
52 streptococcus pursuant to s. 465.1895.

53 Section 2. Section 465.1895, Florida Statutes, is created
54 to read:

55 465.1895 Testing for and treatment of influenza and
56 streptococcus.—

57 (1) A pharmacist may test for and treat influenza and
58 streptococcus within the framework of an established written
59 protocol under a supervising physician licensed under chapter
60 458 or chapter 459.

61 (2) A pharmacist may not enter into a protocol under this
62 section unless he or she maintains at least \$200,000 of
63 professional liability insurance and has completed training as
64 required by this section.

65 (3) A pharmacist who tests for and treats influenza and
66 streptococcus shall maintain and make available patient records
67 using the same standards for confidentiality and maintenance of
68 such records as those that are imposed on health care
69 practitioners under s. 456.057. Such records shall be maintained
70 for at least 5 years.

71 (4) The decision by a supervising physician licensed under
72 chapter 458 or chapter 459 to enter into a protocol under this
73 section is a professional decision on the part of the physician,
74 and a person may not interfere with a physician's decision
75 regarding entering into such a protocol. A pharmacist may not

76 enter into a protocol that is to be performed while acting as an
77 employee without the written approval of the owner of the
78 pharmacy.

79 (5) A pharmacist seeking to test for and treat influenza
80 and streptococcus under this section must be certified to do so
81 pursuant to a certification program approved by the board in
82 consultation with the Board of Medicine and the Board of
83 Osteopathic Medicine. The certification program shall, at a
84 minimum, require that the pharmacist attend at least 8 hours of
85 continuing education classes approved by the board. The program
86 shall have a curriculum of instruction concerning, at a minimum,
87 point-of-care testing for influenza and streptococcus and the
88 safe and effective treatment of influenza and streptococcus.

89 (6) The protocol between a pharmacist and supervising
90 physician under this section must include particular terms and
91 conditions imposed by the supervising physician relating to the
92 testing for and treatment of influenza and streptococcus
93 pursuant to this section. The terms and conditions set forth in
94 the protocol must be appropriate to the pharmacist's training.
95 The board may adopt rules establishing the requirements for a
96 protocol. At a minimum, the protocol shall include:

97 (a) Specific categories of patients for whom the
98 supervising physician authorizes the pharmacist to test for and
99 treat influenza and streptococcus.

100 (b) The supervising physician's instructions for the

101 treatment of influenza and streptococcus based on the patient's
102 age, symptoms, and test results, including negative results.

103 (c) A process and schedule for the supervising physician
104 to review the pharmacist's actions under the protocol.

105 (d) A process and schedule for the pharmacist to notify
106 the supervising physician of the patient's condition, tests
107 administered, test results, and course of treatment.

108 (7) A pharmacist who has been delegated the authority to
109 test for and treat influenza and streptococcus by a supervising
110 physician under the protocol shall provide evidence of current
111 certification by the board to the supervising physician. A
112 supervising physician shall review the pharmacist's actions
113 pursuant to the protocol. Such review shall take place as
114 outlined in the protocol.

115 (8) A pharmacist shall submit to the board a copy of his
116 or her protocol to test for and treat influenza and
117 streptococcus under this section.

118 Section 3. This act shall take effect upon becoming a law.