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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/06/2018	.	
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The Committee on Health Policy (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (2) of section 381.0031, Florida  
Statutes, is amended to read:

381.0031 Epidemiological research; report of diseases of  
public health significance to department.—

(2) Any practitioner licensed in this state to practice  
medicine, osteopathic medicine, chiropractic medicine,



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11 naturopathy, or veterinary medicine; any licensed pharmacist  
12 authorized pursuant to a protocol to order and evaluate  
13 laboratory and clinical tests; any hospital licensed under part  
14 I of chapter 395; or any laboratory licensed under chapter 483  
15 that diagnoses or suspects the existence of a disease of public  
16 health significance shall immediately report the fact to the  
17 Department of Health.

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

20 465.003 Definitions.—As used in this chapter, the term:

21 (13) "Practice of the profession of pharmacy" includes  
22 compounding, dispensing, and consulting concerning contents,  
23 therapeutic values, and uses of any medicinal drug; consulting  
24 concerning therapeutic values and interactions of patent or  
25 proprietary preparations, whether pursuant to prescriptions or  
26 in the absence and entirely independent of such prescriptions or  
27 orders; and other pharmaceutical services. For purposes of this  
28 subsection, "other pharmaceutical services" means the monitoring  
29 of the patient's drug therapy and assisting the patient in the  
30 management of his or her drug therapy, and includes review of  
31 the patient's drug therapy and communication with the patient's  
32 prescribing health care provider as licensed under chapter 458,  
33 chapter 459, chapter 461, or chapter 466, or similar statutory  
34 provision in another jurisdiction, or such provider's agent or  
35 such other persons as specifically authorized by the patient,  
36 regarding the drug therapy. However, ~~nothing in~~ this subsection  
37 may not be interpreted to permit an alteration of a prescriber's  
38 directions, the diagnosis or treatment of any disease, the  
39 initiation of any drug therapy, the practice of medicine, or the



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40 practice of osteopathic medicine, unless otherwise permitted by  
41 law. The term "Practice of the profession of pharmacy" also  
42 includes any other act, service, operation, research, or  
43 transaction incidental to, or forming a part of, any of the  
44 foregoing acts, requiring, involving, or employing the science  
45 or art of any branch of the pharmaceutical profession, study, or  
46 training, and shall expressly permit a pharmacist to transmit  
47 information from persons authorized to prescribe medicinal drugs  
48 to their patients. The term practice of the profession of  
49 pharmacy also includes the administration of vaccines to adults  
50 pursuant to s. 465.189 and testing for and treating influenza  
51 pursuant to s. 465.1895.

52 Section 3. Section 465.1895, Florida Statutes, is created  
53 to read:

54 465.1895 Testing for and treating influenza.—

55 (1) A pharmacist may test for and treat influenza within  
56 the framework of an established written protocol under a  
57 supervising physician who is licensed under chapter 458 or  
58 chapter 459 if all of the following criteria are met:

59 (a) The pharmacist uses a test that the federal Centers for  
60 Medicare and Medicaid Services have determined qualifies for a  
61 certificate of waiver under the federal Clinical Laboratory  
62 Improvement Amendments of 1988, and the federal rules adopted  
63 thereunder.

64 (b) The pharmacist uses a test system that integrates with  
65 certified electronic health record technology as defined in s.  
66 408.051.

67 (c) The pharmacist submits test results to a health care  
68 practitioner designated by the patient.



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69       (d) The pharmacist reports a diagnosis or suspected  
70 existence of a disease of public health significance to the  
71 department as required under s. 381.0031.

72       (2) A pharmacist may only enter into a protocol under this  
73 section if he or she maintains at least \$200,000 of professional  
74 liability insurance and has completed the training required by  
75 this section.

76       (3) A pharmacist testing for and treating influenza shall  
77 maintain and make available patient records using the same  
78 standards for confidentiality and maintenance of such records as  
79 those that are imposed on health care practitioners under s.  
80 456.057. These records must be maintained for a minimum of 5  
81 years.

82       (4) A supervising physician's decision to enter into a  
83 protocol under this section is a professional decision and a  
84 person may not interfere with a supervising physician's decision  
85 to enter into such a protocol. A pharmacist may not perform a  
86 protocol while acting as a pharmacy employee without the written  
87 approval of the pharmacy owner.

88       (5) Any pharmacist seeking to test for and treat influenza  
89 under this section must be certified to do so pursuant to a  
90 certification program approved by the board in consultation with  
91 the Board of Medicine and the Board of Osteopathic Medicine. The  
92 certification program must, at a minimum, require that the  
93 pharmacist attend at least 8 hours of continuing education  
94 classes approved by the board. The program must have a  
95 curriculum of instruction concerning, at a minimum, point-of-  
96 care testing for influenza and the safe and effective treatment  
97 of influenza.



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98           (6) The board may adopt rules establishing the requirements  
99 for a protocol between a pharmacist and a supervising physician.  
100 The protocol must be in writing and, at a minimum, must include  
101 all of the following:

102           (a) Any terms and conditions imposed by the supervising  
103 physician relating to testing for and treating influenza  
104 pursuant to this section. The terms and conditions set forth in  
105 the protocol must be appropriate to the pharmacist's training.

106           (b) Specific categories of patients for whom the  
107 supervising physician authorizes the pharmacist to test for and  
108 treat influenza.

109           (c) The supervising physician's instructions for the  
110 treatment of influenza based on the patient's age, symptoms, and  
111 test results, including negative results.

112           (d) A process and schedule for the supervising physician to  
113 review the pharmacist's actions under the protocol.

114           (e) A process and schedule for the pharmacist to notify the  
115 supervising physician of the patient's condition, tests  
116 administered, test results, and course of treatment.

117           (7) Pharmacists who have been delegated the authority to  
118 test for and treat influenza by a supervising physician shall  
119 provide the supervising physician with evidence of current  
120 certification by the board. A supervising physician shall review  
121 the pharmacist's actions pursuant to the protocol in effect, and  
122 this review shall take place as outlined in the protocol.

123           (8) The pharmacist shall submit to the board a copy of his  
124 or her protocol to test for and treat influenza.

125           Section 4. This act shall take effect upon becoming a law.  
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127 ===== T I T L E A M E N D M E N T =====

128 And the title is amended as follows:

129 Delete everything before the enacting clause

130 and insert:

131 A bill to be entitled

132 An act relating to the testing for and treatment of  
133 influenza; amending s. 381.0031, F.S.; requiring  
134 certain licensed pharmacists to report certain  
135 information to the Department of Health; amending s.  
136 465.003, F.S.; expanding the definition of the term  
137 "practice of the profession of pharmacy" to include  
138 testing for and treating influenza; creating s.  
139 465.1895, F.S.; authorizing a pharmacist to test for  
140 and treat influenza within the framework of an  
141 established written protocol under a supervising  
142 physician if certain requirements are met; requiring a  
143 pharmacist testing for and treating influenza to  
144 maintain patient records using certain standards and  
145 for a specified time; prohibiting a person from  
146 interfering with a supervising physician's decision to  
147 enter into a protocol; prohibiting a pharmacist from  
148 performing a protocol while acting as a pharmacy  
149 employee without the written approval of the pharmacy  
150 owner; requiring a pharmacist seeking to test for and  
151 treat influenza to be certified by a certification  
152 program approved by the Board of Pharmacy in  
153 consultation with the Board of Medicine and the Board  
154 of Osteopathic Medicine; providing criteria for  
155 certification programs; authorizing the Board of



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156 Pharmacy to adopt rules establishing the requirements  
157 for a protocol; requiring that the protocol be in  
158 writing and contain certain information, terms, and  
159 conditions; requiring that pharmacists authorized to  
160 test for and treat influenza provide their supervising  
161 physician with evidence of current certification by  
162 the board; requiring a supervising physician to review  
163 the pharmacist's actions; requiring a pharmacist to  
164 submit his or her protocol to the board; providing an  
165 effective date.