

By Senator Brandes

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1                                   A bill to be entitled  
2       An act relating to the influenza virus and  
3       streptococcal infections; amending s. 465.003, F.S.;  
4       expanding the definition of the term "practice of the  
5       profession of pharmacy" to include testing for and  
6       treating the influenza virus and streptococcal  
7       infections; creating s. 465.1895, F.S.; authorizing  
8       pharmacists to test for and treat the influenza virus  
9       and streptococcal infections within the framework of  
10      an established written protocol under a supervising  
11      physician under certain conditions; requiring a  
12      pharmacist testing for and treating the influenza  
13      virus and streptococcal infections to maintain patient  
14      records using certain standards and for a specified  
15      time; prohibiting a person from interfering with a  
16      supervising physician's decision to enter into a  
17      protocol; prohibiting a pharmacist from performing a  
18      protocol while acting as a pharmacy employee without  
19      the written approval of the pharmacy owner; requiring  
20      a pharmacist seeking to test for and treat the  
21      influenza virus and streptococcal infections to obtain  
22      certification through a certification program approved  
23      by the Board of Pharmacy in consultation with the  
24      Board of Medicine and the Board of Osteopathic  
25      Medicine; providing criteria for certification  
26      programs; authorizing the Board of Pharmacy to adopt  
27      rules establishing the requirements for a protocol;  
28      requiring that the protocol be in writing and contain  
29      certain information, terms, and conditions; requiring

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30 that pharmacists authorized to test for and treat the  
31 influenza virus and streptococcal infections provide  
32 their supervising physician with evidence of current  
33 certification by the board; requiring a supervising  
34 physician to review the pharmacist's actions;  
35 requiring a pharmacist to submit his or her protocol  
36 to the board; providing an effective date.  
37

38 Be It Enacted by the Legislature of the State of Florida:  
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40 Section 1. Subsection (13) of section 465.003, Florida  
41 Statutes, is amended to read:

42 465.003 Definitions.—As used in this chapter, the term:  
43 (13) "Practice of the profession of pharmacy" includes  
44 compounding, dispensing, and consulting concerning contents,  
45 therapeutic values, and uses of any medicinal drug; consulting  
46 concerning therapeutic values and interactions of patent or  
47 proprietary preparations, whether pursuant to prescriptions or  
48 in the absence and entirely independent of such prescriptions or  
49 orders; and other pharmaceutical services. For purposes of this  
50 subsection, "other pharmaceutical services" means the monitoring  
51 of the patient's drug therapy and assisting the patient in the  
52 management of his or her drug therapy, and includes review of  
53 the patient's drug therapy and communication with the patient's  
54 prescribing health care provider as licensed under chapter 458,  
55 chapter 459, chapter 461, or chapter 466, or similar statutory  
56 provision in another jurisdiction, or such provider's agent or  
57 such other persons as specifically authorized by the patient,  
58 regarding the drug therapy. However, ~~nothing in~~ this subsection

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59 may not be interpreted to permit an alteration of a prescriber's  
60 directions, the diagnosis or treatment of any disease, the  
61 initiation of any drug therapy, the practice of medicine, or the  
62 practice of osteopathic medicine, unless otherwise permitted by  
63 law. The term "Practice of the profession of pharmacy" also  
64 includes any other act, service, operation, research, or  
65 transaction incidental to, or forming a part of, any of the  
66 foregoing acts, requiring, involving, or employing the science  
67 or art of any branch of the pharmaceutical profession, study, or  
68 training, and shall expressly permit a pharmacist to transmit  
69 information from persons authorized to prescribe medicinal drugs  
70 to their patients. The practice of the profession of pharmacy  
71 also includes the administration of vaccines to adults pursuant  
72 to s. 465.189 and testing for and treating the influenza virus  
73 and streptococcal infections pursuant to s. 465.1895.

74 Section 2. Section 465.1895, Florida Statutes, is created  
75 to read:

76 465.1895 Testing for and treating influenza and  
77 streptococcal infections.-

78 (1) A pharmacist may test for and treat the influenza virus  
79 and streptococcal infections within the framework of an  
80 established written protocol under a supervising physician who  
81 is licensed under chapter 458 or chapter 459.

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

86 (3) A pharmacist testing for and treating the influenza  
87 virus and streptococcal infections shall maintain and make

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88 available patient records using the same standards for  
89 confidentiality and maintenance of such records as required  
90 pursuant to s. 456.057. These records must be maintained for a  
91 minimum of 5 years.

92 (4) A supervising physician's decision to enter into a  
93 protocol under this section is a professional decision and a  
94 person may not interfere with a supervising physician's decision  
95 to enter into such a protocol. A pharmacist may not perform a  
96 protocol while acting as a pharmacy employee without the written  
97 approval of the pharmacy owner.

98 (5) Any pharmacist seeking to test for and treat the  
99 influenza virus and streptococcal infections under this section  
100 must be certified to do so pursuant to a certification program  
101 approved by the board in consultation with the Board of Medicine  
102 and the Board of Osteopathic Medicine. The certification program  
103 must, at a minimum, require that the pharmacist attend at least  
104 8 hours of continuing education classes approved by the board.  
105 The program must have a curriculum of instruction concerning, at  
106 a minimum, point-of-care testing for the influenza virus and  
107 streptococcal infections and the safe and effective treatment of  
108 the influenza virus and streptococcal infections.

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

113 (a) Any terms and conditions imposed by the supervising  
114 physician relating to testing for and treating the influenza  
115 virus and streptococcal infections pursuant to this section. The  
116 terms and conditions set forth in the protocol must be

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117 appropriate to the pharmacist's training.

118 (b) Specific categories of patients for whom the  
119 supervising physician authorizes the pharmacist to test for and  
120 treat the influenza virus and streptococcal infections.

121 (c) The supervising physician's instructions for the  
122 treatment of the influenza virus and streptococcal infections  
123 based on the patient's age, symptoms, and test results,  
124 including negative results.

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

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

130 (7) Pharmacists who have been delegated the authority to  
131 test for and treat the influenza virus and streptococcal  
132 infections by a supervising physician shall provide the  
133 supervising physician with evidence of current certification by  
134 the board. A supervising physician shall review the pharmacist's  
135 actions pursuant to the protocol in effect, and this review  
136 shall take place as outlined in the protocol.

137 (8) The pharmacist shall submit to the board a copy of his  
138 or her protocol to test for and treat the influenza virus and  
139 streptococcal infections.

140 Section 3. This act shall take effect July 1, 2018.