

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Health Quality
2 Subcommittee

3 Representative Ponder offered the following:

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Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (11) of section 465.003, Florida Statutes, is amended to read:

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

(11) (a) "Pharmacy" includes a community pharmacy, an institutional pharmacy, a nuclear pharmacy, a special pharmacy, ~~and~~ an Internet pharmacy, and a remote dispensing site pharmacy.

1. The term "community pharmacy" includes every location where medicinal drugs are compounded, dispensed, stored, or sold or where prescriptions are filled or dispensed on an outpatient basis.

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17 2. The term "institutional pharmacy" includes every
18 location in a hospital, clinic, nursing home, dispensary,
19 sanitarium, extended care facility, or other facility,
20 hereinafter referred to as "health care institutions," where
21 medicinal drugs are compounded, dispensed, stored, or sold.

22 3. The term "nuclear pharmacy" includes every location
23 where radioactive drugs and chemicals within the classification
24 of medicinal drugs are compounded, dispensed, stored, or sold.
25 The term "nuclear pharmacy" does not include hospitals licensed
26 under chapter 395 or the nuclear medicine facilities of such
27 hospitals.

28 4. The term "special pharmacy" includes every location
29 where medicinal drugs are compounded, dispensed, stored, or sold
30 if such locations are not otherwise defined in this subsection.

31 5. The term "Internet pharmacy" includes locations not
32 otherwise licensed or issued a permit under this chapter, within
33 or outside this state, which use the Internet to communicate
34 with or obtain information from consumers in this state and use
35 such communication or information to fill or refill
36 prescriptions or to dispense, distribute, or otherwise engage in
37 the practice of pharmacy in this state. Any act described in
38 this definition constitutes the practice of pharmacy as defined
39 in subsection (13).

40 6. The term "remote dispensing site pharmacy" includes
41 every location where medicinal drugs are dispensed by a

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42 registered pharmacy technician who is electronically supervised
43 by an off-site prescription department manager.

44 (b) The pharmacy department of any permittee shall be
45 considered closed whenever a Florida licensed pharmacist is not
46 present and on duty. The term "not present and on duty" shall
47 not be construed to prevent:

48 1. A pharmacist from exiting the prescription department
49 for the purposes of consulting or responding to inquiries or
50 providing assistance to patients or customers;~~;~~

51 2. A pharmacist attending to personal hygiene needs;~~;~~~~or~~

52 3. A pharmacist performing any other function for which
53 the pharmacist is responsible, provided that such activities are
54 conducted in a manner consistent with the pharmacist's
55 responsibility to provide pharmacy services; or

56 4. An off-site pharmacist from remotely supervising a
57 registered pharmacy technician at a remote dispensing site
58 pharmacy.

59 Section 2. Subsection (1) of section 465.014, Florida
60 Statutes, is amended to read:

61 465.014 Pharmacy technician.—

62 (1) A person other than a licensed pharmacist or pharmacy
63 intern may not engage in the practice of the profession of
64 pharmacy, except that a licensed pharmacist may delegate to
65 pharmacy technicians who are registered pursuant to this section
66 those duties, tasks, and functions that do not fall within the

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67 | purview of s. 465.003(13). However, a registered pharmacy
68 | technician may dispense medicinal drugs when operating under the
69 | electronic supervision of an off-site Florida licensed
70 | pharmacist pursuant to s. 465.0198. All such delegated acts must
71 | be performed under the direct supervision of a licensed
72 | pharmacist who is responsible for all such acts performed by
73 | persons under his or her supervision. A registered pharmacy
74 | technician, under the supervision of a pharmacist, may initiate
75 | or receive communications with a practitioner or his or her
76 | agent, on behalf of a patient, regarding refill authorization
77 | requests. A licensed pharmacist may not supervise more than one
78 | registered pharmacy technician unless otherwise permitted by the
79 | guidelines adopted by the board. The board shall establish
80 | guidelines to be followed by licensees or permittees in
81 | determining the circumstances under which a licensed pharmacist
82 | may supervise more than one pharmacy technician.

83 | Section 3. Subsections (1) and (2) of section 465.015,
84 | Florida Statutes, are amended to read:

85 | 465.015 Violations and penalties.—

86 | (1) It is unlawful for any person to own, operate,
87 | maintain, open, establish, conduct, or have charge of, either
88 | alone or with another person or persons, a pharmacy:

89 | (a) Which is not registered under the provisions of this
90 | chapter.

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91 (b) In which a person not licensed as a pharmacist in this
92 state or not registered as an intern in this state or in which
93 an intern who is not acting under the direct and immediate
94 personal supervision of a licensed pharmacist fills, compounds,
95 or dispenses any prescription or dispenses medicinal drugs. This
96 paragraph does not apply to any person who owns, operates,
97 maintains, opens, establishes, conducts, or has charge of a
98 remote dispensing site pharmacy pursuant to s. 465.0198.

99 (2) It is unlawful for any person:

100 (a) To make a false or fraudulent statement, either for
101 herself or himself or for another person, in any application,
102 affidavit, or statement presented to the board or in any
103 proceeding before the board.

104 (b) To fill, compound, or dispense prescriptions or to
105 dispense medicinal drugs if such person does not hold an active
106 license as a pharmacist in this state, is not registered as an
107 intern in this state, or is an intern not acting under the
108 direct and immediate personal supervision of a licensed
109 pharmacist. This paragraph does not apply to a registered
110 pharmacy technician dispensing medicinal drugs pursuant to s.
111 465.0198.

112 (c) To sell or dispense drugs as defined in s. 465.003(8)
113 without first being furnished with a prescription.

114 (d) To sell samples or complimentary packages of drug
115 products.

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116 Section 4. Section 465.0198, Florida Statutes, is created
117 to read:

118 465.0198 Remote dispensing site pharmacy permits.-

119 (1) Any person desiring a permit to operate a remote
120 dispensing site pharmacy shall apply to the department for a
121 remote dispensing site pharmacy permit. If the board certifies
122 that the application complies with the laws and rules of the
123 board governing the practice of the profession of pharmacy, the
124 department shall issue the permit. A permit may not be issued
125 unless a licensed pharmacist or consultant pharmacist is
126 designated as the prescription department manager responsible
127 for the oversight of the remote dispensing site pharmacy. The
128 permittee must notify the department within 10 days after any
129 change of the prescription department manager.

130 (2) As a prerequisite to issuance of an initial permit or
131 a permit for a change of location, the remote site pharmacy must
132 pass an onsite inspection. The department must make the
133 inspection within 90 days before issuance of the permit.

134 (3) The remote dispensing site pharmacy must:

135 (a) Be jointly owned by a supervising pharmacy or operated
136 under a contract with a supervising pharmacy. For purposes of
137 this subsection, "supervising pharmacy" means a licensed
138 pharmacy in this state that employs a Florida licensed
139 pharmacist who remotely supervises a registered pharmacy
140 technician at a remote dispensing site pharmacy;

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141 (b) Display a sign visible to the public indicating that
142 the location is a remote dispensing site pharmacy and that the
143 facility is under 24-hour video surveillance. The remote
144 dispensing site pharmacy must retain the video surveillance
145 recordings for at least 45 days;

146 (c) Be located in an area defined as rural pursuant to s.
147 381.0406; and at least 10 miles from an existing community
148 pharmacy.

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150 (4) A remote dispensing site pharmacy may not lose its
151 permit based on the subsequent opening of a community pharmacy
152 within 10 miles of the remote dispensing site pharmacy.

153 (5) A remote dispensing site pharmacy is not considered a
154 pharmacy location for purposes of network access in managed care
155 programs.

156 (6) A remote dispensing site pharmacy may store, hold, and
157 dispense all medicinal drugs including those listed in s.
158 893.03(3)-(5). A remote dispensing pharmacy may not store, hold,
159 or dispense controlled substances listed in s. 893.03(2).

160 (7) A remote dispensing site pharmacy may not perform
161 centralized prescription filling, as defined in s. 465.003(16).

162 (8) A remote dispensing site pharmacy must maintain a
163 policy and procedures manual, which shall be made available to
164 the board or its agent upon request. The policy and procedures
165 manual shall include:

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166 (a) A description of how the pharmacy will comply with
167 federal and state laws, rules, and regulations.

168 (b) The procedure for supervising the remote dispensing
169 site pharmacy and counseling its patients prior to the
170 dispensing of any medicinal drug pursuant to this section.

171 (c) The procedure for reviewing the prescription drug
172 inventory and drug records maintained by the remote dispensing
173 site pharmacy.

174 (d) The policy and procedure for providing appropriate
175 security to protect the confidentiality and integrity of patient
176 information.

177 (e) The written plan for recovery from an event that
178 interrupts or prevents the pharmacist from supervising the
179 remote dispensing site pharmacy's operation.

180 (f) The procedure by which a supervising pharmacist
181 consults the state prescription drug monitoring program before
182 authorizing any controlled substance for dispensing and submits
183 the dispensing of a controlled substance as required under s.
184 893.055.

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186 (g) The specific duties, tasks, and functions that a
187 registered pharmacy technician is authorized to perform at the
188 remote dispensing site pharmacy.

189 (9) The prescription department manager must visit the
190 remote dispensing site pharmacy, based on a schedule designated

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191 by the board, to inspect the pharmacy, address personnel
192 matters, and provide clinical services for patients.

193 (10) A registered pharmacy technician must have completed
194 at least 2,080 hours of experience at a pharmacy within the 2
195 years immediately preceding the date on which the registered
196 pharmacy technician begins employment at the remote dispensing
197 site pharmacy.

198 (11) A registered pharmacy technician working at a remote
199 dispensing site pharmacy may not perform sterile or nonsterile
200 compounding.

201 (12) Nothing in this section shall be construed to alter
202 the supervision requirements established in s. 465.014.

203 Section 5. Paragraph (c) of subsection (11) of section
204 465.022, Florida Statutes, is amended to read:

205 465.022 Pharmacies; general requirements; fees.—

206 (11) A permittee must notify the department of the
207 identity of the prescription department manager within 10 days
208 after employment. The prescription department manager must
209 comply with the following requirements:

210 (c) A registered pharmacist may not serve as the
211 prescription department manager in more than one location unless
212 approved by the board. However, a Florida licensed pharmacist
213 may serve as a prescription department manager in more than one,
214 but no more than two, remote dispensing site pharmacies, if such
215 pharmacies are under common control.

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216 Section 6. Subsection (1) of section 465.0265, Florida
217 Statutes, is amended to read:

218 465.0265 Centralized prescription filling.—

219 (1) Except as otherwise provided in this chapter, a
220 pharmacy licensed under this chapter may perform centralized
221 prescription filling for another pharmacy, provided that the
222 pharmacies have the same owner or have a written contract
223 specifying the services to be provided by each pharmacy, the
224 responsibilities of each pharmacy, and the manner in which the
225 pharmacies will comply with federal and state laws, rules, and
226 regulations.

227 Section 7. This act shall take effect July 1, 2018.

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T I T L E A M E N D M E N T

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Remove everything before the enacting clause and insert:
An act relating to telepharmacy; amending s. 465.003, F.S.;
revising and providing definitions; amending s. 465.014, F.S.;
authorizing a registered pharmacy technician to dispense
medicinal drugs under certain conditions; amending s. 465.015,
F.S.; conforming provisions to changes made by the act; creating
s. 465.0198, F.S.; providing permit requirements for remote
dispensing site pharmacies; providing requirements and
prohibitions for a remote dispensing site pharmacy; requiring
the prescription department manager to visit the remote

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241 dispensing site pharmacy; providing an experience requirement
242 for a registered pharmacy technician working at a remote site
243 pharmacy; prohibiting a registered pharmacy technician from
244 performing sterile or nonsterile compounding; amending s.
245 465.022, F.S.; authorizing a Florida licensed pharmacist to
246 serve as the prescription drug manager at more than one remote
247 dispensing site pharmacy under certain conditions; amending s.
248 465.0265, F.S.; conforming provisions to changes made by the
249 act; providing an effective date.