

1                                   A bill to be entitled  
 2           An act relating to telepharmacy; amending s. 465.003,  
 3           F.S.; revising and providing definitions; amending s.  
 4           465.014, F.S.; authorizing a registered pharmacy  
 5           technician to prepare and dispense medicinal drugs  
 6           under certain conditions; amending s. 465.015, F.S.;  
 7           conforming provisions to changes made by the act;  
 8           creating s. 465.0198, F.S.; providing permit  
 9           requirements for remote dispensing site pharmacies;  
 10          providing requirements and prohibitions for a remote  
 11          dispensing site pharmacy; requiring the prescription  
 12          department manager to visit the remote dispensing site  
 13          pharmacy; amending s. 465.022, F.S.; authorizing a  
 14          registered pharmacist to serve as the prescription  
 15          drug manager at more than one remote dispensing site  
 16          pharmacy under certain conditions; amending s.  
 17          465.0265, F.S.; conforming provisions to changes made  
 18          by the act; providing an effective date.

19  
 20 Be It Enacted by the Legislature of the State of Florida:

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 22           Section 1. Subsection (11) of section 465.003, Florida  
 23           Statutes, is amended to read:  
 24           465.003 Definitions.—As used in this chapter, the term:  
 25           (11) (a) "Pharmacy" includes a community pharmacy, an

26 | institutional pharmacy, a nuclear pharmacy, a special pharmacy,  
 27 | ~~and an Internet pharmacy,~~ and a remote dispensing site pharmacy.

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

32 |       2. The term "institutional pharmacy" includes every  
 33 | location in a hospital, clinic, nursing home, dispensary,  
 34 | sanitarium, extended care facility, or other facility,  
 35 | hereinafter referred to as "health care institutions," where  
 36 | medicinal drugs are compounded, dispensed, stored, or sold.

37 |       3. The term "nuclear pharmacy" includes every location  
 38 | where radioactive drugs and chemicals within the classification  
 39 | of medicinal drugs are compounded, dispensed, stored, or sold.  
 40 | The term "nuclear pharmacy" does not include hospitals licensed  
 41 | under chapter 395 or the nuclear medicine facilities of such  
 42 | hospitals.

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

46 |       5. The term "Internet pharmacy" includes locations not  
 47 | otherwise licensed or issued a permit under this chapter, within  
 48 | or outside this state, which use the Internet to communicate  
 49 | with or obtain information from consumers in this state and use  
 50 | such communication or information to fill or refill

51 | prescriptions or to dispense, distribute, or otherwise engage in  
 52 | the practice of pharmacy in this state. Any act described in  
 53 | this definition constitutes the practice of pharmacy as defined  
 54 | in subsection (13).

55 | 6. The term "remote dispensing site pharmacy" includes  
 56 | every location where medicinal drugs are compounded or dispensed  
 57 | by a registered pharmacy technician who is electronically  
 58 | supervised by an off-site prescription department manager.

59 | (b) The pharmacy department of any permittee shall be  
 60 | considered closed whenever a Florida licensed pharmacist is not  
 61 | present and on duty. The term "not present and on duty" shall  
 62 | not be construed to prevent:

63 | 1. A pharmacist from exiting the prescription department  
 64 | for the purposes of consulting or responding to inquiries or  
 65 | providing assistance to patients or customers;~~or~~

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

67 | 3. A pharmacist performing any other function for which  
 68 | the pharmacist is responsible, provided that such activities are  
 69 | conducted in a manner consistent with the pharmacist's  
 70 | responsibility to provide pharmacy services; or

71 | 4. An off-site prescription department manager from  
 72 | remotely supervising a registered pharmacy technician at a  
 73 | remote dispensing site pharmacy.

74 | Section 2. Subsection (1) of section 465.014, Florida  
 75 | Statutes, is amended to read:

76 465.014 Pharmacy technician.—

77 (1) A person other than a licensed pharmacist or pharmacy  
 78 intern may not engage in the practice of the profession of  
 79 pharmacy, except that a licensed pharmacist may delegate to  
 80 pharmacy technicians who are registered pursuant to this section  
 81 those duties, tasks, and functions that do not fall within the  
 82 purview of s. 465.003(13). However, a registered pharmacy  
 83 technician may compound and dispense medicinal drugs when  
 84 operating under the electronic supervision of an off-site  
 85 pharmacist pursuant to s. 465.0198. All such delegated acts must  
 86 be performed under the direct supervision of a licensed  
 87 pharmacist who is responsible for all such acts performed by  
 88 persons under his or her supervision. A registered pharmacy  
 89 technician, under the supervision of a pharmacist, may initiate  
 90 or receive communications with a practitioner or his or her  
 91 agent, on behalf of a patient, regarding refill authorization  
 92 requests. A licensed pharmacist may not supervise more than one  
 93 registered pharmacy technician unless otherwise permitted by the  
 94 guidelines adopted by the board. The board shall establish  
 95 guidelines to be followed by licensees or permittees in  
 96 determining the circumstances under which a licensed pharmacist  
 97 may supervise more than one pharmacy technician.

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

100 465.015 Violations and penalties.—

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

104 (a) Which is not registered under the provisions of this  
105 chapter.

106 (b) In which a person not licensed as a pharmacist in this  
107 state or not registered as an intern in this state or in which  
108 an intern who is not acting under the direct and immediate  
109 personal supervision of a licensed pharmacist fills, compounds,  
110 or dispenses any prescription or dispenses medicinal drugs. This  
111 paragraph does not apply to any person who owns, operates,  
112 maintains, opens, establishes, conducts, or has charge of a  
113 remote dispensing site pharmacy pursuant to s. 465.0198.

114 (2) It is unlawful for any person:

115 (a) To make a false or fraudulent statement, either for  
116 herself or himself or for another person, in any application,  
117 affidavit, or statement presented to the board or in any  
118 proceeding before the board.

119 (b) To fill, compound, or dispense prescriptions or to  
120 dispense medicinal drugs if such person does not hold an active  
121 license as a pharmacist in this state, is not registered as an  
122 intern in this state, or is an intern not acting under the  
123 direct and immediate personal supervision of a licensed  
124 pharmacist. This paragraph does not apply to a registered  
125 pharmacy technician preparing or dispensing medicinal drugs

126 | pursuant to s. 465.0198.

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

129 |       (d) To sell samples or complimentary packages of drug  
130 | products.

131 |       Section 4. Section 465.0198, Florida Statutes, is created  
132 | to read:

133 |       465.0198 Remote dispensing site pharmacy permits.—

134 |       (1) Any person desiring a permit to operate a remote  
135 | dispensing site pharmacy shall apply to the department for a  
136 | remote dispensing site pharmacy permit. If the board certifies  
137 | that the application complies with the laws and rules of the  
138 | board governing the practice of the profession of pharmacy, the  
139 | department shall issue the permit. A permit may not be issued  
140 | unless a licensed pharmacist or consultant pharmacist is  
141 | designated as the prescription department manager responsible  
142 | for the oversight of the remote dispensing site pharmacy. The  
143 | permittee must notify the department within 10 days after any  
144 | change of the prescription department manager.

145 |       (2) The remote dispensing site pharmacy must:

146 |       (a) Be jointly owned by a supervising pharmacy or operated  
147 | under a contract with a supervising pharmacy. For purposes of  
148 | this subsection, "supervising pharmacy" means a licensed  
149 | pharmacy in this state that employs a Florida licensed  
150 | pharmacist who remotely supervises a registered pharmacy

151 technician at a remote dispensing site pharmacy.

152 (b) Display a sign visible to the public indicating that  
153 the location is a remote dispensing site pharmacy and that the  
154 facility is under 24-hour video surveillance. The remote  
155 dispensing site pharmacy must retain the video surveillance  
156 recordings for at least 45 days.

157 (c) Be located at least 10 miles from an existing  
158 community pharmacy, unless:

159 1. The applicant for the proposed remote dispensing site  
160 pharmacy demonstrates to the board that the proposed remote  
161 dispensing site pharmacy will promote public health without  
162 unduly harming an existing community pharmacy located within the  
163 10-mile radius; or

164 2. The community pharmacy that is located within the 10-  
165 mile radius from the remote dispensing site pharmacy is part of  
166 a hospital or a physician clinic setting.

167 (3) A remote dispensing site pharmacy may not lose its  
168 permit based on the subsequent opening of a community pharmacy  
169 within 10 miles of the remote dispensing site pharmacy.

170 (4) A remote dispensing site pharmacy is not considered a  
171 pharmacy location for purposes of network access in managed care  
172 programs.

173 (5) A remote dispensing site pharmacy may store, hold, and  
174 dispense all medicinal drugs including those listed in s.  
175 893.03.

176 (6) A remote dispensing site pharmacy may not perform  
177 centralized prescription filling, as defined in s. 465.003(16).

178 (7) A remote dispensing site pharmacy must maintain a  
179 policy and procedures manual, which shall be made available to  
180 the board or its agent upon request. The policy and procedures  
181 manual shall include:

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

184 (b) The procedure for supervising the remote dispensing  
185 site pharmacy and counseling its patients.

186 (c) The procedure for reviewing the prescription drug  
187 inventory and drug records maintained by the remote dispensing  
188 site pharmacy.

189 (d) The policy and procedure for providing appropriate  
190 security to protect the confidentiality and integrity of patient  
191 information.

192 (e) The written plan for recovery from an event that  
193 interrupts or prevents the prescription department manager from  
194 supervising the remote dispensing site pharmacy's operation.

195 (f) The procedure by which the prescription department  
196 manager uses the state prescription drug monitoring program  
197 before authorizing any controlled substance for dispensing.

198 (g) The procedure for maintaining a perpetual inventory of  
199 the controlled substances listed in s. 893.03(2).

200 (h) The specific duties, tasks, and functions that a



201 registered pharmacy technician is authorized to perform at the  
202 remote dispensing site pharmacy.

203 (8) The prescription department manager must visit the  
204 remote dispensing site pharmacy, based on a schedule designated  
205 by the board, to inspect the pharmacy, address personnel  
206 matters, and provide clinical services for patients.

207 Section 5. Paragraph (c) of subsection (11) of section  
208 465.022, Florida Statutes, is amended to read:

209 465.022 Pharmacies; general requirements; fees.—

210 (11) A permittee must notify the department of the  
211 identity of the prescription department manager within 10 days  
212 after employment. The prescription department manager must  
213 comply with the following requirements:

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

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

222 465.0265 Centralized prescription filling.—

223 (1) Except as otherwise provided in this chapter, a  
224 pharmacy licensed under this chapter may perform centralized  
225 prescription filling for another pharmacy, provided that the

226 | pharmacies have the same owner or have a written contract  
227 | specifying the services to be provided by each pharmacy, the  
228 | responsibilities of each pharmacy, and the manner in which the  
229 | pharmacies will comply with federal and state laws, rules, and  
230 | regulations.

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