

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A bill to be entitled  
 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 dispensing site pharmacy;  
 providing an experience requirement for a registered  
 pharmacy technician working at a remote site pharmacy;  
 prohibiting a registered pharmacy technician from  
 performing sterile or nonsterile compounding;  
 providing construction; amending s. 465.022, F.S.;  
 authorizing a Florida licensed pharmacist to serve as  
 the prescription drug manager at more than one remote  
 dispensing site pharmacy under certain conditions;  
 amending s. 465.0265, F.S.; conforming provisions to  
 changes made by the act; providing an effective date.

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

26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

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.

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

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

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

51           5. The term "Internet pharmacy" includes locations not  
52 otherwise licensed or issued a permit under this chapter, within  
53 or outside this state, which use the Internet to communicate  
54 with or obtain information from consumers in this state and use  
55 such communication or information to fill or refill  
56 prescriptions or to dispense, distribute, or otherwise engage in  
57 the practice of pharmacy in this state. Any act described in  
58 this definition constitutes the practice of pharmacy as defined  
59 in subsection (13).

60           6. The term "remote dispensing site pharmacy" includes  
61 every location where medicinal drugs are dispensed by a  
62 registered pharmacy technician who is electronically supervised  
63 by an off-site prescription department manager.

64           (b) The pharmacy department of any permittee shall be  
65 considered closed whenever a Florida licensed pharmacist is not  
66 present and on duty. The term "not present and on duty" shall  
67 not be construed to prevent:

68           1. A pharmacist from exiting the prescription department  
69 for the purposes of consulting or responding to inquiries or  
70 providing assistance to patients or customers;~~or~~

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

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

76           4. An off-site pharmacist from remotely supervising a  
77 registered pharmacy technician at a remote dispensing site  
78 pharmacy.

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

81           465.014 Pharmacy technician.—

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

101 determining the circumstances under which a licensed pharmacist  
102 may supervise more than one pharmacy technician.

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

105 465.015 Violations and penalties.—

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

109 (a) Which is not registered under the provisions of this  
110 chapter.

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

119 (2) It is unlawful for any person:

120 (a) To make a false or fraudulent statement, either for  
121 herself or himself or for another person, in any application,  
122 affidavit, or statement presented to the board or in any  
123 proceeding before the board.

124 (b) To fill, compound, or dispense prescriptions or to  
125 dispense medicinal drugs if such person does not hold an active

126 | license as a pharmacist in this state, is not registered as an  
 127 | intern in this state, or is an intern not acting under the  
 128 | direct and immediate personal supervision of a licensed  
 129 | pharmacist. This paragraph does not apply to a registered  
 130 | pharmacy technician dispensing medicinal drugs pursuant to s.  
 131 | 465.0198.

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

134 | (d) To sell samples or complimentary packages of drug  
 135 | products.

136 | Section 4. Section 465.0198, Florida Statutes, is created  
 137 | to read:

138 | 465.0198 Remote dispensing site pharmacy permits.-

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

150 | (2) As a prerequisite to issuance of an initial permit or

151 a permit for a change of location, the remote site pharmacy must  
152 pass an onsite inspection. The department must make the  
153 inspection within 90 days before issuance of the permit.

154 (3) The remote dispensing site pharmacy must:

155 (a) Be jointly owned by a supervising pharmacy or operated  
156 under a contract with a supervising pharmacy. For purposes of  
157 this subsection, "supervising pharmacy" means a licensed  
158 pharmacy in this state that employs a Florida licensed  
159 pharmacist who remotely supervises a registered pharmacy  
160 technician at a remote dispensing site pharmacy.

161 (b) Display a sign visible to the public indicating that  
162 the location is a remote dispensing site pharmacy and that the  
163 facility is under 24-hour video surveillance. The remote  
164 dispensing site pharmacy must retain the video surveillance  
165 recordings for at least 45 days.

166 (c) Be located in an area defined as rural pursuant to s.  
167 381.0406.

168 (d) Be at least 10 miles from an existing community  
169 pharmacy.

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

173 (5) A remote dispensing site pharmacy is not considered a  
174 pharmacy location for purposes of network access in managed care  
175 programs.

176 (6) A remote dispensing site pharmacy may store, hold, and  
177 dispense all medicinal drugs including those listed in s.  
178 893.03(3)-(5). A remote dispensing pharmacy may not store, hold,  
179 or dispense controlled substances listed in s. 893.03(2).

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

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

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

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

191 (c) The procedure for reviewing the prescription drug  
192 inventory and drug records maintained by the remote dispensing  
193 site pharmacy.

194 (d) The policy and procedure for providing appropriate  
195 security to protect the confidentiality and integrity of patient  
196 information.

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

200 (f) The procedure by which a supervising pharmacist

201 consults the state prescription drug monitoring program before  
202 authorizing any controlled substance for dispensing and submits  
203 the dispensing of a controlled substance as required under s.  
204 893.055.

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

208 (9) The prescription department manager must visit the  
209 remote dispensing site pharmacy, based on a schedule designated  
210 by the board, to inspect the pharmacy, address personnel  
211 matters, and provide clinical services for patients.

212 (10) A registered pharmacy technician must have completed  
213 at least 2,080 hours of experience at a pharmacy within the 2  
214 years immediately preceding the date on which the registered  
215 pharmacy technician begins employment at the remote dispensing  
216 site pharmacy.

217 (11) A registered pharmacy technician working at a remote  
218 dispensing site pharmacy may not perform sterile or nonsterile  
219 compounding.

220 (12) This section does not alter the supervision  
221 requirements established in s. 465.014.

222 Section 5. Paragraph (c) of subsection (11) of section  
223 465.022, Florida Statutes, is amended to read:

224 465.022 Pharmacies; general requirements; fees.—

225 (11) A permittee must notify the department of the

226 identity of the prescription department manager within 10 days  
227 after employment. The prescription department manager must  
228 comply with the following requirements:

229 (c) A Florida licensed ~~registered~~ pharmacist may not serve  
230 as the prescription department manager in more than one location  
231 unless approved by the board. However, a Florida licensed  
232 pharmacist may serve as a prescription department manager in  
233 more than one, but no more than two, remote dispensing site  
234 pharmacies, if such pharmacies are under common control.

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

237 465.0265 Centralized prescription filling.—

238 (1) Except as otherwise provided in this chapter, a  
239 pharmacy licensed under this chapter may perform centralized  
240 prescription filling for another pharmacy, provided that the  
241 pharmacies have the same owner or have a written contract  
242 specifying the services to be provided by each pharmacy, the  
243 responsibilities of each pharmacy, and the manner in which the  
244 pharmacies will comply with federal and state laws, rules, and  
245 regulations.

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