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2 A bill to be entitled
3 An act relating to telepharmacy; amending s. 465.003,
4 F.S.; revising and providing definitions; amending s.
5 465.014, F.S.; authorizing a registered pharmacy
6 technician to dispense medicinal drugs under certain
7 conditions; amending s. 465.015, F.S.; conforming
8 provisions to changes made by the act; creating s.
9 465.0198, F.S.; providing permit requirements for
10 remote dispensing site pharmacies; providing
11 requirements and prohibitions for a remote dispensing
12 site pharmacy; requiring the prescription department
13 manager or other licensed pharmacist to visit the
14 remote dispensing site pharmacy; providing an
15 experience requirement for a registered pharmacy
16 technician working at a remote site pharmacy;
17 prohibiting a registered pharmacy technician from
18 performing sterile or nonsterile compounding;
19 providing an exception; providing construction;
20 amending s. 465.022, F.S.; authorizing a Florida
21 licensed pharmacist to serve as the prescription drug
22 manager at more than one remote dispensing site
23 pharmacy under certain conditions; amending s.
24 465.0265, F.S.; conforming provisions to changes made
25 by the act; providing an effective date.

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

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

51 where medicinal drugs are compounded, dispensed, stored, or sold
52 if such locations are not otherwise defined in this subsection.

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

62 6. The term "remote dispensing site pharmacy" includes
63 every location where medicinal drugs are prepared by a
64 registered pharmacy technician who is electronically supervised
65 by an off-site pharmacist and dispensed pursuant to s.
66 465.014(1) to the patient after the pharmacist:

- 67 a. Verifies the dosage and directions.
68 b. Certifies the accuracy of the final preparation.
69 c. Engages in patient counseling.

70 (b) The pharmacy department of any permittee shall be
71 considered closed whenever a Florida licensed pharmacist is not
72 present and on duty. The term "not present and on duty" shall
73 not be construed to prevent:

74 1. A pharmacist from exiting the prescription department
75 for the purposes of consulting or responding to inquiries or

76 providing assistance to patients or customers;~~;~~

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

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

82 4. An off-site pharmacist from remotely supervising a
 83 registered pharmacy technician at a remote dispensing site
 84 pharmacy.

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

87 465.014 Pharmacy technician.—

88 (1) A person other than a licensed pharmacist or pharmacy
 89 intern may not engage in the practice of the profession of
 90 pharmacy, except that a licensed pharmacist may delegate to
 91 pharmacy technicians who are registered pursuant to this section
 92 those duties, tasks, and functions that do not fall within the
 93 purview of s. 465.003(13). However, a registered pharmacy
 94 technician may dispense medicinal drugs when operating under the
 95 electronic supervision of an off-site Florida licensed
 96 pharmacist pursuant to s. 465.0198. All such delegated acts must
 97 be performed under the direct supervision of a licensed
 98 pharmacist who is responsible for all such acts performed by
 99 persons under his or her supervision. A registered pharmacy
 100 technician, under the supervision of a pharmacist, may initiate

101 or receive communications with a practitioner or his or her
102 agent, on behalf of a patient, regarding refill authorization
103 requests. A licensed pharmacist may not supervise more than one
104 registered pharmacy technician unless otherwise permitted by the
105 guidelines adopted by the board. The board shall establish
106 guidelines to be followed by licensees or permittees in
107 determining the circumstances under which a licensed pharmacist
108 may supervise more than one pharmacy technician.

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

111 465.015 Violations and penalties.—

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

115 (a) Which is not registered under the provisions of this
116 chapter.

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

125 (2) It is unlawful for any person:

126 (a) To make a false or fraudulent statement, either for
 127 herself or himself or for another person, in any application,
 128 affidavit, or statement presented to the board or in any
 129 proceeding before the board.

130 (b) To fill, compound, or dispense prescriptions or to
 131 dispense medicinal drugs if such person does not hold an active
 132 license as a pharmacist in this state, is not registered as an
 133 intern in this state, or is an intern not acting under the
 134 direct and immediate personal supervision of a licensed
 135 pharmacist. This paragraph does not apply to a registered
 136 pharmacy technician dispensing medicinal drugs pursuant to s.
 137 465.0198.

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

140 (d) To sell samples or complimentary packages of drug
 141 products.

142 Section 4. Section 465.0198, Florida Statutes, is created
 143 to read:

144 465.0198 Remote dispensing site pharmacy permits.—

145 (1) Any person desiring a permit to operate a remote
 146 dispensing site pharmacy shall apply to the department for a
 147 remote dispensing site pharmacy permit. If the board certifies
 148 that the application complies with the laws and rules of the
 149 board governing the practice of the profession of pharmacy, the
 150 department shall issue the permit. A permit may not be issued

151 unless a licensed pharmacist or consultant pharmacist is
152 designated as the prescription department manager responsible
153 for the oversight of the remote dispensing site pharmacy. The
154 permittee must notify the department within 10 days after any
155 change of the prescription department manager.

156 (2) As a prerequisite to issuance of an initial permit or
157 a permit for a change of location, the remote dispensing site
158 pharmacy must pass an onsite inspection. The department must
159 make the inspection within 90 days before issuance of the
160 permit.

161 (3) The remote dispensing site pharmacy must:

162 (a) Be jointly owned by a supervising pharmacy or operated
163 under a contract with a supervising pharmacy. For purposes of
164 this subsection, "supervising pharmacy" means a licensed
165 pharmacy in this state that employs a Florida licensed
166 pharmacist who remotely supervises a registered pharmacy
167 technician at a remote dispensing site pharmacy.

168 (b) Display a sign visible to the public indicating that
169 the location is a remote dispensing site pharmacy and that the
170 facility is under 24-hour video surveillance. The remote
171 dispensing site pharmacy must retain the video surveillance
172 recordings for at least 45 days.

173 (c) Be located in an area defined as rural pursuant to s.
174 381.0406.

175 (d) Be at least 10 miles from an existing community

176 pharmacy.

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

180 (5) A remote dispensing site pharmacy is not considered a
181 pharmacy location for purposes of network access in managed care
182 programs.

183 (6) A remote dispensing site pharmacy may store, hold, and
184 dispense all medicinal drugs, including those listed in s.
185 893.03(3)-(5). A remote dispensing pharmacy may not store, hold,
186 or dispense controlled substances listed in s. 893.03(2).

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

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

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

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

198 (c) The procedure for reviewing the prescription drug
199 inventory and drug records maintained by the remote dispensing
200 site pharmacy.

201 (d) The policy and procedure for providing appropriate
202 security to protect the confidentiality and integrity of patient
203 information.

204 (e) The written plan for recovery from an event that
205 interrupts or prevents the pharmacist from supervising the
206 operation of the remote dispensing site pharmacy.

207 (f) The procedure by which a supervising pharmacist
208 consults the state prescription drug monitoring program before
209 authorizing any controlled substance for dispensing and submits
210 the dispensing of a controlled substance as required under s.
211 893.055.

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

215 (9) The prescription department manager or other Florida-
216 licensed pharmacist must visit the remote dispensing site
217 pharmacy, based on a schedule designated by the board, to
218 inspect the pharmacy, address personnel matters, and provide
219 clinical services for patients.

220 (10) A registered pharmacy technician must have completed
221 at least 2,080 hours of experience at a pharmacy within the 2
222 years immediately preceding the date on which the registered
223 pharmacy technician begins employment at the remote dispensing
224 site pharmacy.

225 (11) A registered pharmacy technician working at a remote

226 dispensing site pharmacy may not perform sterile or nonsterile
227 compounding, except that a registered pharmacy technician may
228 reconstitute orally administered powder antibiotics.

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

231 Section 5. Paragraph (c) of subsection (11) of section
232 465.022, Florida Statutes, is amended to read:

233 465.022 Pharmacies; general requirements; fees.—

234 (11) A permittee must notify the department of the
235 identity of the prescription department manager within 10 days
236 after employment. The prescription department manager must
237 comply with the following requirements:

238 (c) A Florida licensed ~~registered~~ pharmacist may not serve
239 as the prescription department manager in more than one location
240 unless approved by the board. However, a Florida licensed
241 pharmacist may serve as a prescription department manager in
242 more than one, but no more than two, remote dispensing site
243 pharmacies, if such pharmacies are under common control.

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

246 465.0265 Centralized prescription filling.—

247 (1) Except as otherwise provided in this chapter, a
248 pharmacy licensed under this chapter may perform centralized
249 prescription filling for another pharmacy, provided that the
250 pharmacies have the same owner or have a written contract

251 specifying the services to be provided by each pharmacy, the
252 responsibilities of each pharmacy, and the manner in which the
253 pharmacies will comply with federal and state laws, rules, and
254 regulations.

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