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LEGISLATIVE ACTION

Senate

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House

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The Committee on Health Policy (Diaz) recommended the following:

**Senate Amendment (with title amendment)**

Before line 14

insert:

Section 1. Subsection (2) of section 381.0031, Florida Statutes, is amended to read:

381.0031 Epidemiological research; report of diseases of public health significance to department.-

(2) Any practitioner licensed in this state to practice medicine, osteopathic medicine, chiropractic medicine, naturopathy, or veterinary medicine; any licensed pharmacist



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12 authorized pursuant to a written protocol to order and evaluate  
13 laboratory and clinical tests; any hospital licensed under part  
14 I of chapter 395; or any laboratory appropriately certified by  
15 the Centers for Medicare and Medicaid Services under the federal  
16 Clinical Laboratory Improvement Amendments, and the federal  
17 rules adopted thereunder, which diagnoses or suspects the  
18 existence of a disease of public health significance shall  
19 immediately report the fact to the Department of Health.

20 Section 2. Subsection (13) of section 465.003, Florida  
21 Statutes, is amended to read:

22 465.003 Definitions.—As used in this chapter, the term:

23 (13) "Practice of the profession of pharmacy" includes  
24 compounding, dispensing, and consulting concerning contents,  
25 therapeutic values, and uses of any medicinal drug; consulting  
26 concerning therapeutic values and interactions of patent or  
27 proprietary preparations, whether pursuant to prescriptions or  
28 in the absence and entirely independent of such prescriptions or  
29 orders; and conducting other pharmaceutical services. For  
30 purposes of this subsection, "other pharmaceutical services"  
31 means the monitoring of the patient's drug therapy and assisting  
32 the patient in the management of his or her drug therapy, and  
33 includes review of the patient's drug therapy and communication  
34 with the patient's prescribing health care provider as licensed  
35 under chapter 458, chapter 459, chapter 461, or chapter 466, or  
36 similar statutory provision in another jurisdiction, or such  
37 provider's agent or such other persons as specifically  
38 authorized by the patient, regarding the drug therapy. However,  
39 nothing in this subsection may be interpreted to permit an  
40 alteration of a prescriber's directions, the diagnosis or



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41 treatment of any disease, the initiation of any drug therapy,  
42 the practice of medicine, or the practice of osteopathic  
43 medicine, unless otherwise permitted by law. "Practice of the  
44 profession of pharmacy" also includes any other act, service,  
45 operation, research, or transaction incidental to, or forming a  
46 part of, any of the foregoing acts, requiring, involving, or  
47 employing the science or art of any branch of the pharmaceutical  
48 profession, study, or training, and shall expressly permit a  
49 pharmacist to transmit information from persons authorized to  
50 prescribe medicinal drugs to their patients. The practice of the  
51 profession of pharmacy also includes the administration of  
52 vaccines to adults pursuant to s. 465.189, the testing for and  
53 treatment of influenza and streptococcus pursuant to s.

54 465.1895, and the preparation of prepackaged drug products in  
55 facilities holding Class III institutional pharmacy permits.

56 Section 3. Section 465.1895, Florida Statutes, is created  
57 to read:

58 465.1895 Testing for and treatment of influenza and  
59 streptococcus.—

60 (1) A pharmacist may test for and treat influenza and  
61 streptococcus if all of the following criteria are met:

62 (a) The pharmacist has entered into a written protocol with  
63 a supervising physician licensed under chapter 458 or chapter  
64 459 and such protocol complies with the requirements as  
65 specified in subsection (5) and board rules.

66 (b) The pharmacist uses an instrument and a waived test, as  
67 that term is defined in 42 C.F.R. s. 493.2.

68 (c) The pharmacist uses a testing system that:

69 1. Provides automated readings in order to reduce user



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70 subjectivity or interpretation of results;

71 2. Is capable of directly or indirectly interfacing with  
72 electronic medical records systems; and

73 3. Is capable of electronically reporting daily de-  
74 identified test results to the appropriate agencies.

75 (d) The pharmacist is certified to test for and treat  
76 influenza and streptococcus pursuant to a certification program  
77 approved by the board, in consultation with the Board of  
78 Medicine and the Board of Osteopathic Medicine, within 90 days  
79 after the date this section becomes effective. The certification  
80 program must require that the pharmacist attend, on a one-time  
81 basis, 8 hours of continuing education courses approved by the  
82 board. The continuing education curriculum must be provided by  
83 an training organization approved by the Accreditation Council  
84 for Pharmacy Education and must include, at a minimum, point-of-  
85 care testing for influenza and streptococcus and the safe and  
86 effective treatment of influenza and streptococcus.

87 (2) A pharmacist may not enter into a written protocol  
88 under this section unless he or she maintains at least \$200,000  
89 of professional liability insurance and is certified as required  
90 in paragraph (1) (d).

91 (3) A pharmacist who tests for and treats influenza and  
92 streptococcus shall maintain and make available patient records  
93 using the same standards for confidentiality and maintenance of  
94 such records as those that are imposed on health care  
95 practitioners under s. 456.057. Such records must be maintained  
96 for at least 5 years.

97 (4) The decision by a supervising physician licensed under  
98 chapter 458 or chapter 459 to enter into a written protocol



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99 under this section is a professional decision on the part of the  
100 physician, and a person may not interfere with a physician's  
101 decision regarding entering into such a protocol. A pharmacist  
102 may not enter into a written protocol that is to be performed  
103 while he or she is acting as an employee without the written  
104 approval of the owner of the pharmacy.

105 (5) The board shall adopt rules establishing the  
106 requirements for the written protocol within 90 days after the  
107 date this section becomes effective. At a minimum, the written  
108 protocol must include:

109 (a) The terms and conditions as required in s. 465.189(7);

110 (b) Specific categories of patients for whom the  
111 supervising physician authorizes the pharmacist to test for and  
112 treat influenza and streptococcus;

113 (c) The supervising physician's instructions for the  
114 treatment of influenza and streptococcus, based on the patient's  
115 age, symptoms, and test results, including negative results;

116 (d) A process and schedule for the supervising physician to  
117 review the pharmacist's actions under the written protocol; and

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

121 (6) A pharmacist who provides testing for or treatment of  
122 influenza and streptococcus under this section shall notify the  
123 patient's primary care provider within 2 business days after  
124 providing any such testing or treatment.

125  
126 ===== T I T L E A M E N D M E N T =====

127 And the title is amended as follows:



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128           Delete line 2  
129 and insert:  
130           An act relating to pharmacy; amending s. 381.0031,  
131           F.S.; requiring specified licensed pharmacists to  
132           report certain information to the Department of  
133           Health; amending s. 465.003, F.S.; revising the  
134           definition of the term "practice of the profession of  
135           pharmacy"; creating s. 465.1895, F.S.; authorizing  
136           pharmacists who meet certain criteria to test for and  
137           treat influenza and streptococcus; providing  
138           requirements relating thereto; specifying requirements  
139           for the certification program and for certain  
140           continuing education; requiring that the written  
141           protocol between a pharmacist and supervising  
142           physician contain certain information, terms, and  
143           conditions; requiring the Board of Pharmacy to adopt  
144           rules within a specified time; requiring that a  
145           pharmacist notify a patient's primary care provider  
146           within a specified time after providing any such  
147           testing or treatment;