

By Senator Diaz

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1 A bill to be entitled
2 An act relating to consultant pharmacists; amending s.
3 465.003, F.S.; revising the definition of the term
4 "practice of the profession of pharmacy"; amending s.
5 465.0125, F.S.; authorizing a consultant pharmacist to
6 perform specified services under certain conditions;
7 prohibiting a consultant pharmacist from modifying or
8 discontinuing medicinal drugs prescribed by a health
9 care practitioner under certain conditions; revising
10 the responsibilities of a consultant pharmacist;
11 requiring a consultant pharmacist and a collaborating
12 practitioner to maintain collaborative practice
13 agreements; requiring collaborative practice
14 agreements to be made available upon request from or
15 upon inspection by the Department of Health;
16 prohibiting a consultant pharmacist from diagnosing
17 any disease or condition; defining the term "health
18 care facility"; providing an effective date.

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

21
22 Section 1. Subsection (13) of section 465.003, Florida
23 Statutes, is amended to read:

24 465.003 Definitions.—As used in this chapter, the term:
25 (13) "Practice of the profession of pharmacy" includes
26 compounding, dispensing, and consulting concerning contents,
27 therapeutic values, and uses of any medicinal drug; consulting
28 concerning therapeutic values and interactions of patent or
29 proprietary preparations, whether pursuant to prescriptions or

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30 in the absence and entirely independent of such prescriptions or
31 orders; and conducting other pharmaceutical services. For
32 purposes of this subsection, "other pharmaceutical services"
33 means the monitoring of the patient's drug therapy and assisting
34 the patient in the management of his or her drug therapy, and
35 includes review and recommendations made in ~~of the patient's~~
36 ~~drug therapy and~~ communication with the patient's prescribing
37 health care provider as licensed under chapter 458, chapter 459,
38 chapter 461, or chapter 466, or a similar statutory provision in
39 another jurisdiction, or such provider's agent or such other
40 persons as specifically authorized by the patient, regarding the
41 patient's drug therapy and health care status. However, ~~nothing~~
42 ~~in~~ this subsection may not be interpreted to permit an
43 alteration of a prescriber's directions, the diagnosis or
44 treatment of any disease, the initiation of any drug therapy,
45 the practice of medicine, or the practice of osteopathic
46 medicine, unless otherwise permitted by law. "Practice of the
47 profession of pharmacy" also includes any other act, service,
48 operation, research, or transaction incidental to, or forming a
49 part of, any of the foregoing acts, ~~requiring~~, involving, or
50 employing the science or art of any branch of the pharmaceutical
51 profession, study, or training, and shall expressly permit a
52 pharmacist to transmit information from persons authorized to
53 prescribe medicinal drugs to their patients. The practice of the
54 profession of pharmacy also includes the administration of
55 vaccines to adults pursuant to s. 465.189 and the preparation of
56 prepackaged drug products in facilities holding Class III
57 institutional pharmacy permits. The term also includes the
58 ordering and evaluating of any laboratory or clinical testing;

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59 conducting patient assessments; and initiating, modifying,
60 discontinuing, or administering medicinal drugs pursuant to s.
61 465.0125.

62 Section 2. Section 465.0125, Florida Statutes, is amended
63 to read:

64 465.0125 Consultant pharmacist license; application,
65 renewal, fees; responsibilities; rules.—

66 (1) The department shall issue or renew a consultant
67 pharmacist license upon receipt of an initial or renewal
68 application that ~~which~~ conforms to the requirements for
69 consultant pharmacist initial licensure or renewal as adopted
70 ~~promulgated~~ by the board by rule and a fee set by the board not
71 to exceed \$250. To be licensed as a consultant pharmacist, a
72 pharmacist must complete additional training as required by the
73 board.

74 (a) A consultant pharmacist may provide medication
75 management services within the framework of a collaborative
76 practice agreement between the pharmacist and a health care
77 facility medical director or a physician licensed under chapter
78 458 or chapter 459, a podiatric physician licensed under chapter
79 461, or a dentist licensed under chapter 466, who is authorized
80 to prescribe medicinal drugs.

81 (b) A collaborative practice agreement must outline the
82 circumstances under which the consultant pharmacist may:

83 1. Order and evaluate any laboratory or clinical tests to
84 promote and evaluate patient health and wellness, and monitor
85 drug therapy and treatment outcomes.

86 2. Conduct patient assessments as appropriate to evaluate
87 and monitor drug therapy.

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88 3. Initiate, modify, or discontinue medicinal drugs as
89 outlined in the agreed upon patient-specific order or
90 preapproved treatment protocol under the direction of a
91 physician. A consultant pharmacist may not modify or discontinue
92 medicinal drugs prescribed by a health care practitioner who
93 does not have a collaborative practice agreement with the
94 consultant pharmacist.

95 4. Administer medicinal drugs.

96 (c) ~~The~~ consultant pharmacist shall maintain ~~be~~
97 ~~responsible for maintaining~~ all drug, patient care, and quality
98 assurance records as required by law and, with the collaborating
99 practitioner, shall maintain collaborative practice agreements
100 that must be available upon request from or upon inspection by
101 the department.

102 (d) This subsection may not be construed to authorize a
103 consultant pharmacist to diagnose any disease or condition.

104 (e) For purposes of this subsection, the term "health care
105 facility" means an ambulatory surgical center or hospital
106 licensed under chapter 395, an alcohol or chemical dependency
107 treatment center licensed under chapter 397, an inpatient
108 hospice licensed under part IV of chapter 400, a nursing home
109 licensed under part II of chapter 400, an ambulatory care center
110 as defined in s. 408.07, or a nursing home component under
111 chapter 400 within a continuing care facility licensed under
112 chapter 651 ~~for establishing drug handling procedures for the~~
113 ~~safe handling and storage of drugs. The consultant pharmacist~~
114 ~~may also be responsible for ordering and evaluating any~~
115 ~~laboratory or clinical testing when, in the judgment of the~~
116 ~~consultant pharmacist, such activity is necessary for the proper~~

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117 ~~performance of the consultant pharmacist's responsibilities.~~
118 ~~Such laboratory or clinical testing may be ordered only with~~
119 ~~regard to patients residing in a nursing home facility, and then~~
120 ~~only when authorized by the medical director of the nursing home~~
121 ~~facility. The consultant pharmacist must have completed such~~
122 ~~additional training and demonstrate such additional~~
123 ~~qualifications in the practice of institutional pharmacy as~~
124 ~~shall be required by the board in addition to licensure as a~~
125 ~~registered pharmacist.~~

126 (2) Notwithstanding the provisions of subsection (1), a
127 consultant pharmacist or a doctor of pharmacy licensed in this
128 state may also be responsible for ordering and evaluating any
129 laboratory or clinical testing for persons under the care of a
130 licensed home health agency when, in the judgment of the
131 consultant pharmacist or doctor of pharmacy, such activity is
132 necessary for the proper performance of his or her
133 responsibilities and only when authorized by a practitioner
134 licensed under chapter 458, chapter 459, chapter 461, or chapter
135 466. In order for the consultant pharmacist or doctor of
136 pharmacy to qualify and accept this authority, he or she must
137 receive 3 hours of continuing education relating to laboratory
138 and clinical testing as established by the board.

139 (3) The board shall adopt ~~promulgate~~ rules necessary to
140 implement and administer this section.

141 Section 3. This act shall take effect July 1, 2020.