

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Byrd offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 81-94 and insert:

7 (5) (a) A prescriber using the institutional formulary must
8 authorize its use for each patient. A nursing home facility must
9 obtain the prescriber's approval for any subsequent change to a
10 nursing home facility's institutional formulary. A prescriber
11 may opt out of the nursing home facility's institutional
12 formulary with respect to a medicinal drug or class of medicinal
13 drugs for any resident. A nursing home facility may not take
14 adverse action against a prescriber for declining to use the
15 facility's institutional formulary.

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16 (b) A nursing home facility must notify the prescriber
17 prior to each therapeutic substitution using a method of
18 communication designated by the prescriber. A nursing home
19 facility must document the therapeutic substitution in the
20 resident's medical records.

21 (c) A prescriber may prevent a therapeutic substitution
22 for a specific prescription by indicating "NO THERAPEUTIC
23 SUBSTITUTION" on the prescription. If the prescription is
24 provided orally, the prescriber must make an overt action to opt
25 out of therapeutic substitution.

26 (6) The nursing home facility must obtain informed consent
27 from a resident or a resident's legal representative or designee
28 to the use of the institutional formulary for the resident. The
29 nursing home facility must clearly inform the resident or the
30 resident's legal representative or designee of the right to
31 refuse to participate to the institutional formulary and may not
32 take any adverse action against the resident refusing to agree
33 to the use of the institutional formulary.

34 Section 2. Subsection (9) is added to section 465.025,
35 Florida Statutes, to read:

36 465.025 Substitution of drugs.—

37 (9) A pharmacist may therapeutically substitute medicinal
38 drugs in accordance with an institutional formulary established
39 under s. 400.143 for the resident of a nursing home facility if
40 the prescriber has agreed to the use of such institutional

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41 formulary for the patient. The pharmacist may not
42 therapeutically substitute a medicinal drug pursuant to the
43 facility's institutional formulary if the prescriber indicates
44 on the prescription "NO THERAPEUTIC SUBSTITUTION" or overtly
45 indicates that therapeutic substitution is prohibited as
46 authorized under s. 400.143(5)(c).

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T I T L E A M E N D M E N T

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Remove lines 16-25 and insert:

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requiring a prescriber to authorize the use of the institutional

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formulary for each specific patient; requiring the prescriber to

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opt into any changes made to the institutional formulary;

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authorizing a prescriber to opt out of using the institutional

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formulary or to prevent a therapeutic substitution under certain

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circumstances; requiring the nursing home facility to notify the

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prescriber of therapeutic substitutions by a certain method;

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prohibiting a nursing home facility from taking adverse action

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against a prescriber for refusing to agree to the use of the

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institutional formulary; requiring a nursing facility to obtain

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informed consent from a resident for the use of the

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institutional formula; requiring a resident be notified of the

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right to refuse the institutional formulary; prohibiting a

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nursing home facility from taking adverse action against a

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 559 (2020)

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65 resident for refusing to participate in the institutional
66 formulary; amending s. 465.025, F.S.;