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LEGISLATIVE ACTION

Senate

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House

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Appropriations Subcommittee on Health and Human Services  
(Rodriguez) recommended the following:

1           **Senate Amendment to Amendment (645592) (with title**  
2 **amendment)**

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4           Between lines 134 and 135  
5 insert:

6           Section 5. Paragraph (a) of subsection (11) of section  
7 465.003, Florida Statutes, is amended to read

8           465.003 Definitions.—As used in this chapter, the term:

9           (11) (a) "Pharmacy" includes a community pharmacy, an  
10 institutional pharmacy, a nuclear pharmacy, a special pharmacy,



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11 ~~and~~ an Internet pharmacy, and a remote-site pharmacy.

12       1. The term "community pharmacy" includes every location  
13 where medicinal drugs are compounded, dispensed, stored, or sold  
14 or where prescriptions are filled or dispensed on an outpatient  
15 basis.

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

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

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

30       5. The term "Internet pharmacy" includes locations not  
31 otherwise licensed or issued a permit under this chapter, within  
32 or outside this state, which use the Internet to communicate  
33 with or obtain information from consumers in this state and use  
34 such communication or information to fill or refill  
35 prescriptions or to dispense, distribute, or otherwise engage in  
36 the practice of pharmacy in this state. Any act described in  
37 this definition constitutes the practice of pharmacy as defined  
38 in subsection (13).

39       6. The term "remote-site pharmacy" or "remote site"



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40 includes every location within a community mental health center  
41 or clinic as defined in s. 394.455 in which medicinal drugs are  
42 compounded or dispensed by a registered pharmacy technician who  
43 is remotely supervised by an off-site pharmacist acting in the  
44 capacity of a prescription department manager.

45 Section 6. Section 465.0198, Florida Statutes, is created  
46 to read:

47 465.0198 Remote-site pharmacy permits.—

48 (1) As used in this section, the term "supervising  
49 pharmacy" means a pharmacy licensed in this state which employs  
50 a licensed pharmacist who remotely supervises a registered  
51 pharmacy technician at a remote-site pharmacy.

52 (2) Any person desiring a permit to operate a remote-site  
53 pharmacy must apply to the department. If the board certifies  
54 that the application complies with the laws and rules of the  
55 board, the department must issue the permit. A permit may not be  
56 issued unless a licensed pharmacist or consultant pharmacist is  
57 designated as the prescription department manager responsible  
58 for the oversight of the remote site. The permittee must notify  
59 the department within 10 days after any change of the  
60 prescription department manager.

61 (3) A remote-site pharmacy must comply with all of the  
62 following:

63 (a) Be jointly owned by or operated under a contract with a  
64 supervising pharmacy.

65 (b) Maintain a video surveillance system that records  
66 continuously 24 hours per day and retain video surveillance  
67 recordings for at least 45 days.

68 (c) Display a sign visible to the public indicating that



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69 the location is a remote-site pharmacy and that the facility is  
70 under 24-hour video surveillance.

71 (d) Maintain a policies and procedures manual, which must  
72 be made available to the board or its agent upon request, and  
73 must include, but need not be limited to, all of the following:

74 1. A description of how the pharmacy will comply with  
75 federal and state laws and rules.

76 2. The procedures for supervising the remote site and  
77 counseling its patients.

78 3. The procedures for reviewing the prescription drug  
79 inventory and drug records maintained by the remote site.

80 4. The policies and procedures for providing security  
81 adequate to protect the confidentiality and integrity of patient  
82 information.

83 5. The written plan for recovery from an event that  
84 interrupts or prevents the prescription department manager from  
85 supervising the remote site's operation.

86 6. The procedures for use of the state prescription drug  
87 monitoring program by the prescription department manager before  
88 he or she may authorize the dispensing of any controlled  
89 substance.

90 7. The procedures for maintaining a perpetual inventory of  
91 the controlled substances listed in s. 893.03(2).

92 8. The specific duties, tasks, and functions that  
93 registered pharmacy technicians are authorized to perform at the  
94 remote site.

95 (4) A remote-site pharmacy is not considered a pharmacy  
96 location for purposes of network access in managed care  
97 programs.



98       (5) A remote-site pharmacy may store, hold, or dispense any  
99 medicinal drug.

100       (6) A remote-site pharmacy may not perform centralized  
101 prescription filling as defined in s. 465.003(16).

102       (7) The prescription department manager must visit the  
103 remote site, based on a schedule determined by the board, to  
104 inspect the pharmacy, address personnel matters, and provide  
105 clinical services for patients.

106       (8) A registered pharmacist may serve as the prescription  
107 department manager for up to three remote-site pharmacies that  
108 are under common control of the same supervising pharmacy.

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

111 And the title is amended as follows:

112       Between lines 207 and 208

113 insert:

114       amending s. 465.003, F.S.; revising the definition of  
115       the term "pharmacy"; creating s. 465.0198, F.S.;  
116       defining the term "supervising pharmacy"; providing  
117       for the permitting of remote-site pharmacies;  
118       requiring a licensed or consultant pharmacist to serve  
119       as the prescription department manager of a remote  
120       site; requiring remote-site pharmacies to notify the  
121       Department of Health of a change in the pharmacy's  
122       prescription department manager within a specified  
123       timeframe; providing requirements for remote-site  
124       pharmacies; providing that remote-site pharmacies are  
125       not considered pharmacy locations for purposes of  
126       network access in managed care programs; authorizing



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127 remote-site pharmacies to store, hold, and dispense  
128 medicinal drugs; prohibiting remote-site pharmacies  
129 from performing centralized prescription filling;  
130 requiring prescription department managers to visit  
131 remote sites, based on a certain schedule, to perform  
132 specified tasks; authorizing registered pharmacists to  
133 serve as prescription department managers for up to  
134 three remote-site pharmacies under certain  
135 circumstances;