



773004

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/07/2022	.	
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The Committee on Judiciary (Bean) recommended the following:

1           **Senate Substitute for Amendment (874244) (with title**  
2 **amendment)**

3  
4           Delete everything after the enacting clause  
5 and insert:

6           Section 1. Present subsections (1) through (22) of section  
7 401.23, Florida Statutes, are redesignated as subsections (2)  
8 through (23), respectively, a new subsection (1) is added to  
9 that section, and present subsection (19) of that section is  
10 amended, to read:

11           401.23 Definitions.—As used in this part, the term:



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12           (1) "Acute and post-acute hospital care at home" means  
13 acute and post-acute health care services provided in a  
14 clinically qualified patient's permanent residence, as defined  
15 in s. 196.012(17), through a program approved by the Centers for  
16 Medicare and Medicaid Services and the Agency for Health Care  
17 Administration.

18           ~~(20)~~~~(19)~~ "Physician" means a practitioner who is licensed  
19 under the provisions of chapter 458 or chapter 459. For the  
20 purpose of providing medical direction ~~"medical direction" as~~  
21 ~~defined in~~ subsection (14) for the treatment of patients  
22 immediately before ~~prior to~~ or during transportation to a United  
23 States Department of Veterans Affairs medical facility,  
24 "physician" also means a practitioner employed by the United  
25 States Department of Veterans Affairs.

26           Section 2. Paragraph (c) is added to subsection (2) of  
27 section 401.272, Florida Statutes, to read:

28           401.272 Emergency medical services community health care.-

29           (2) Notwithstanding any other provision of law to the  
30 contrary:

31           (c) Paramedics may provide basic life support services and  
32 advanced life support services to patients receiving acute and  
33 post-acute hospital care at home as specified in the paramedic's  
34 supervisory relationship with a physician or standing orders as  
35 described in s. 401.265, s. 458.348, or s. 459.025. A physician  
36 who supervises or provides medical direction to a paramedic who  
37 provides basic life support services or advanced life support  
38 services to patients receiving acute and post-acute hospital  
39 care at home pursuant to a formal supervisory relationship or  
40 standing orders is liable for any act or omission of the



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41 paramedic acting under the physician's supervision or medical  
42 direction when providing such services. The department may adopt  
43 and enforce rules necessary to implement this paragraph.

44 Section 3. Section 465.003, Florida Statutes, is reordered  
45 and amended to read:

46 465.003 Definitions.—As used in this chapter, the term:

47 (1) "Acute and post-acute hospital care at home" means  
48 acute and post-acute health care services provided in a  
49 clinically qualified patient's permanent residence, as defined  
50 in s. 196.012(17), through a program approved by the Centers for  
51 Medicare and Medicaid Services and the Agency for Health Care  
52 Administration.

53 (2)~~(1)~~ "Administration" means the obtaining and giving of a  
54 single dose of medicinal drugs by a legally authorized person to  
55 a patient for her or his consumption.

56 (4)~~(2)~~ "Board" means the Board of Pharmacy.

57 (10)~~(3)~~ "Consultant pharmacist" means a pharmacist licensed  
58 by the department and certified as a consultant pharmacist  
59 pursuant to s. 465.0125.

60 (11)~~(4)~~ "Data communication device" means an electronic  
61 device that receives electronic information from one source and  
62 transmits or routes it to another, including, but not limited  
63 to, any such bridge, router, switch, or gateway.

64 (12)~~(5)~~ "Department" means the Department of Health.

65 (13)~~(6)~~ "Dispense" means the transfer of possession of one  
66 or more doses of a medicinal drug by a pharmacist to the  
67 ultimate consumer or her or his agent. As an element of  
68 dispensing, the pharmacist shall, prior to the actual physical  
69 transfer, interpret and assess the prescription order for



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70 potential adverse reactions, interactions, and dosage regimen  
71 she or he deems appropriate in the exercise of her or his  
72 professional judgment, and the pharmacist shall certify that the  
73 medicinal drug called for by the prescription is ready for  
74 transfer. The pharmacist shall also provide counseling on proper  
75 drug usage, either orally or in writing, if in the exercise of  
76 her or his professional judgment counseling is necessary. The  
77 actual sales transaction and delivery of such drug shall not be  
78 considered dispensing. The administration shall not be  
79 considered dispensing.

80 (14)~~(7)~~ "Institutional formulary system" means a method  
81 whereby the medical staff evaluates, appraises, and selects  
82 those medicinal drugs or proprietary preparations which in the  
83 medical staff's clinical judgment are most useful in patient  
84 care, and which are available for dispensing by a practicing  
85 pharmacist in a Class II or Class III institutional pharmacy.

86 (15)~~(8)~~ "Medicinal drugs" or "drugs" means those substances  
87 or preparations commonly known as "prescription" or "legend"  
88 drugs which are required by federal or state law to be dispensed  
89 only on a prescription, but shall not include patents or  
90 proprietary preparations as hereafter defined.

91 (18)~~(9)~~ "Patent or proprietary preparation" means a  
92 medicine in its unbroken, original package which is sold to the  
93 public by, or under the authority of, the manufacturer or  
94 primary distributor thereof and which is not misbranded under  
95 the provisions of the Florida Drug and Cosmetic Act.

96 (19)~~(10)~~ "Pharmacist" means any person licensed pursuant to  
97 this chapter to practice the profession of pharmacy.

98 (20) (a)~~(11)~~~~(a)~~ "Pharmacy" includes a community pharmacy, an



99 institutional pharmacy, a nuclear pharmacy, a special pharmacy,  
100 and an Internet pharmacy.

101 1. The term "community pharmacy" includes every location  
102 where medicinal drugs are compounded, dispensed, stored, or sold  
103 or where prescriptions are filled or dispensed on an outpatient  
104 basis.

105 2. The term "institutional pharmacy" includes every  
106 location in a hospital, clinic, nursing home, dispensary,  
107 sanitarium, extended care facility, or other facility,  
108 hereinafter referred to as "health care institutions," where  
109 medicinal drugs are compounded, dispensed, stored, or sold.

110 3. The term "nuclear pharmacy" includes every location  
111 where radioactive drugs and chemicals within the classification  
112 of medicinal drugs are compounded, dispensed, stored, or sold.  
113 The term "nuclear pharmacy" does not include hospitals licensed  
114 under chapter 395 or the nuclear medicine facilities of such  
115 hospitals.

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

119 5. The term "Internet pharmacy" includes locations not  
120 otherwise licensed or issued a permit under this chapter, within  
121 or outside this state, which use the Internet to communicate  
122 with or obtain information from consumers in this state and use  
123 such communication or information to fill or refill  
124 prescriptions or to dispense, distribute, or otherwise engage in  
125 the practice of pharmacy in this state. Any act described in  
126 this definition constitutes the practice of the profession of  
127 pharmacy ~~as defined in subsection (13).~~



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128 (b) The pharmacy department of any permittee shall be  
129 considered closed whenever a Florida licensed pharmacist is not  
130 present and on duty. The term "not present and on duty" shall  
131 not be construed to prevent a pharmacist from exiting the  
132 prescription department for the purposes of consulting or  
133 responding to inquiries or providing assistance to patients or  
134 customers, attending to personal hygiene needs, or performing  
135 any other function for which the pharmacist is responsible,  
136 provided that such activities are conducted in a manner  
137 consistent with the pharmacist's responsibility to provide  
138 pharmacy services.

139 (21) ~~(12)~~ "Pharmacy intern" means a person who is currently  
140 registered in, and attending, a duly accredited college or  
141 school of pharmacy, or who is a graduate of such a school or  
142 college of pharmacy, and who is duly and properly registered  
143 with the department as provided for under its rules.

144 (22) ~~(13)~~ "Practice of the profession of pharmacy" includes  
145 compounding, dispensing, and consulting concerning contents,  
146 therapeutic values, and uses of any medicinal drug; consulting  
147 concerning therapeutic values and interactions of patent or  
148 proprietary preparations, whether pursuant to prescriptions or  
149 in the absence and entirely independent of such prescriptions or  
150 orders; and conducting other pharmaceutical services. For  
151 purposes of this subsection, the term "other pharmaceutical  
152 services" means monitoring the patient's drug therapy and  
153 assisting the patient in the management of his or her drug  
154 therapy, and includes reviewing, and making recommendations  
155 regarding, the patient's drug therapy and health care status in  
156 communication with the patient's prescribing health care



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157 provider as licensed under chapter 458, chapter 459, chapter  
158 461, or chapter 466, or a similar statutory provision in another  
159 jurisdiction, or such provider's agent or such other persons as  
160 specifically authorized by the patient; and initiating,  
161 modifying, or discontinuing drug therapy for a chronic health  
162 condition under a collaborative pharmacy practice agreement.  
163 This subsection may not be interpreted to permit an alteration  
164 of a prescriber's directions, the diagnosis or treatment of any  
165 disease, the initiation of any drug therapy, the practice of  
166 medicine, or the practice of osteopathic medicine, unless  
167 otherwise permitted by law or specifically authorized by s.  
168 465.1865 or s. 465.1895. The term "practice of the profession of  
169 pharmacy" also includes any other act, service, operation,  
170 research, or transaction incidental to, or forming a part of,  
171 any of the foregoing acts, requiring, involving, or employing  
172 the science or art of any branch of the pharmaceutical  
173 profession, study, or training, and shall expressly permit a  
174 pharmacist to transmit information from persons authorized to  
175 prescribe medicinal drugs to their patients. The practice of the  
176 profession of pharmacy also includes the administration of  
177 vaccines to adults pursuant to s. 465.189, the testing or  
178 screening for and treatment of minor, nonchronic health  
179 conditions pursuant to s. 465.1895, and the preparation of  
180 prepackaged drug products in facilities holding Class III  
181 institutional pharmacy permits. The term also includes the  
182 ordering and evaluating of any laboratory or clinical testing;  
183 conducting patient assessments; and modifying, discontinuing, or  
184 administering medicinal drugs pursuant to s. 465.0125 by a  
185 consultant pharmacist.



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186        ~~(23)(14)~~ "Prescription" includes any order for drugs or  
187 medicinal supplies written or transmitted by any means of  
188 communication by a duly licensed practitioner authorized by the  
189 laws of the state to prescribe such drugs or medicinal supplies  
190 and intended to be dispensed by a pharmacist. The term also  
191 includes an orally transmitted order by the lawfully designated  
192 agent of such practitioner. The term also includes an order  
193 written or transmitted by a practitioner licensed to practice in  
194 a jurisdiction other than this state, but only if the pharmacist  
195 called upon to dispense such order determines, in the exercise  
196 of her or his professional judgment, that the order is valid and  
197 necessary for the treatment of a chronic or recurrent illness.  
198 The term "prescription" also includes a pharmacist's order for a  
199 product selected from the formulary created pursuant to s.  
200 465.186. Prescriptions may be retained in written form or the  
201 pharmacist may cause them to be recorded in a data processing  
202 system, provided that such order can be produced in printed form  
203 upon lawful request.

204        ~~(16)(15)~~ "Nuclear pharmacist" means a pharmacist licensed  
205 by the department and certified as a nuclear pharmacist pursuant  
206 to s. 465.0126.

207        ~~(6)(16)~~ "Centralized prescription filling" means the  
208 filling of a prescription by one pharmacy upon request by  
209 another pharmacy to fill or refill the prescription. The term  
210 includes the performance by one pharmacy for another pharmacy of  
211 other pharmacy duties such as drug utilization review,  
212 therapeutic drug utilization review, claims adjudication, and  
213 the obtaining of refill authorizations.

214        ~~(3)(17)~~ "Automated pharmacy system" means a mechanical





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215 system that delivers prescription drugs received from a Florida  
216 licensed pharmacy and maintains related transaction information.

217 ~~(9)(18)~~ "Compounding" means combining, mixing, or altering  
218 the ingredients of one or more drugs or products to create  
219 another drug or product.

220 ~~(17)(19)~~ "Outsourcing facility" means a single physical  
221 location registered as an outsourcing facility under the federal  
222 Drug Quality and Security Act, Pub. L. No. 113-54, at which  
223 sterile compounding of a drug or product is conducted.

224 ~~(8)(20)~~ "Compounded sterile product" means a drug that is  
225 intended for parenteral administration, an ophthalmic or oral  
226 inhalation drug in aqueous format, or a drug or product that is  
227 required to be sterile under federal or state law or rule, which  
228 is produced through compounding, but is not approved by the  
229 United States Food and Drug Administration.

230 ~~(5)(21)~~ "Central distribution facility" means a facility  
231 under common control with a hospital holding a Class III  
232 institutional pharmacy permit that may dispense, distribute,  
233 compound, or fill prescriptions for medicinal drugs; prepare  
234 prepackaged drug products; and conduct other pharmaceutical  
235 services.

236 ~~(7)(22)~~ "Common control" means the power to direct or cause  
237 the direction of the management and policies of a person or an  
238 organization, whether by ownership of stock, voting rights,  
239 contract, or otherwise.

240 Section 4. Paragraph (d) of subsection (2) and paragraph  
241 (a) of subsection (4) of section 465.019, Florida Statutes, are  
242 amended to read:

243 465.019 Institutional pharmacies; permits.-



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244 (2) The following classes of institutional pharmacies are  
245 established:

246 (d)1. "Class III institutional pharmacies" are those  
247 institutional pharmacies, including central distribution  
248 facilities, affiliated with a hospital which ~~that~~ provide the  
249 same services that are authorized by a Class II institutional  
250 pharmacy permit. Class III institutional pharmacies may also:

251 a. Dispense, distribute, compound, and fill prescriptions  
252 for medicinal drugs for inpatient treatment or for patients  
253 receiving acute and post-acute hospital care at home.

254 b. Prepare prepackaged drug products.

255 c. Conduct other pharmaceutical services for the affiliated  
256 hospital and for entities under common control that are each  
257 permitted under this chapter to possess medicinal drugs.

258 d. Provide the services in sub-subparagraphs a.-c. to an  
259 entity under common control which holds an active health care  
260 clinic establishment permit as required under s. 499.01(2)(r).

261 2. A Class III institutional pharmacy shall maintain  
262 policies and procedures addressing:

263 a. The consultant pharmacist responsible for pharmaceutical  
264 services.

265 b. Safe practices for the preparation, dispensing,  
266 prepackaging, distribution, and transportation of medicinal  
267 drugs and prepackaged drug products.

268 c. Recordkeeping to monitor the movement, distribution, and  
269 transportation of medicinal drugs and prepackaged drug products.

270 d. Recordkeeping of pharmacy staff responsible for each  
271 step in the preparation, dispensing, prepackaging,  
272 transportation, and distribution of medicinal drugs and



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273 prepackaged drug products.

274 e. Medicinal drugs and prepackaged drug products that may  
275 not be safely distributed among Class III institutional  
276 pharmacies.

277 (4) (a) Medicinal drugs shall be dispensed by ~~in~~ an  
278 institutional pharmacy to outpatients only when that institution  
279 has secured a community pharmacy permit from the department.  
280 However, medicinal drugs may be dispensed by a hospital that  
281 operates a Class II or Class III institutional pharmacy to a  
282 patient of the hospital's emergency department or a hospital  
283 inpatient upon discharge if a prescriber, as defined in s.  
284 465.025(1), treating the patient in such hospital determines  
285 that the medicinal drug is warranted and that community pharmacy  
286 services are not readily accessible, geographically or  
287 otherwise, to the patient. Such prescribing and dispensing must  
288 be for a supply of the drug that will last for the greater of  
289 the following:

- 290 1. Up to 48 hours; or  
291 2. Through the end of the next business day.

292 Section 5. Subsection (1) of section 14.33, Florida  
293 Statutes, is amended to read:

294 14.33 Medal of Heroism.—

295 (1) The Governor may award a Medal of Heroism of  
296 appropriate design, with ribbons and appurtenances, to a law  
297 enforcement, correctional, or correctional probation officer, as  
298 defined in s. 943.10(14); a firefighter, as defined in s.  
299 112.191(1)(b); an emergency medical technician, as defined in s.  
300 401.23 ~~s. 401.23(11)~~; or a paramedic, as defined in s. 401.23 ~~s.~~  
301 ~~401.23(17)~~. A recipient must have distinguished himself or



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302 herself conspicuously by gallantry and intrepidity, must have  
303 risked his or her life deliberately above and beyond the call of  
304 duty while performing duty in his or her respective position,  
305 and must have engaged in hazardous or perilous activities to  
306 preserve lives with the knowledge that such activities might  
307 result in great personal harm.

308 Section 6. Subsection (1) of section 125.01045, Florida  
309 Statutes, is amended to read:

310 125.01045 Prohibition of fees for first responder  
311 services.—

312 (1) A county may not impose a fee or seek reimbursement for  
313 any costs or expenses that may be incurred for services provided  
314 by a first responder, including costs or expenses related to  
315 personnel, supplies, motor vehicles, or equipment in response to  
316 a motor vehicle accident, except for costs to contain or clean  
317 up hazardous materials in quantities reportable to the Florida  
318 State Warning Point at the Division of Emergency Management, and  
319 costs for transportation and treatment provided by air ambulance  
320 services or emergency medical services vehicles, as those terms  
321 are defined in s. 401.23 ~~ambulance services licensed pursuant to~~  
322 ~~s. 401.23(4) and (5).~~

323 Section 7. Subsection (1) of section 166.0446, Florida  
324 Statutes, is amended to read:

325 166.0446 Prohibition of fees for first responder services.—

326 (1) A municipality may not impose a fee or seek  
327 reimbursement for any costs or expenses that may be incurred for  
328 services provided by a first responder, including costs or  
329 expenses related to personnel, supplies, motor vehicles, or  
330 equipment in response to a motor vehicle accident, except for



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331 costs to contain or clean up hazardous materials in quantities  
332 reportable to the Florida State Warning Point at the Division of  
333 Emergency Management, and costs for transportation and treatment  
334 provided by air ambulance services or emergency medical services  
335 vehicles, as those terms are defined in s. 401.23 ambulance  
336 services licensed pursuant to s. 401.23(4) and (5).

337 Section 8. Paragraph (a) of subsection (3) of section  
338 252.515, Florida Statutes, is amended to read:

339 252.515 Postdisaster Relief Assistance Act; immunity from  
340 civil liability.—

341 (3) As used in this section, the term:

342 (a) "Emergency first responder" means:

- 343 1. A physician licensed under chapter 458.
- 344 2. An osteopathic physician licensed under chapter 459.
- 345 3. A chiropractic physician licensed under chapter 460.
- 346 4. A podiatric physician licensed under chapter 461.
- 347 5. A dentist licensed under chapter 466.
- 348 6. An advanced practice registered nurse licensed under s.  
349 464.012.
- 350 7. A physician assistant licensed under s. 458.347 or s.  
351 459.022.
- 352 8. A worker employed by a public or private hospital in the  
353 state.
- 354 9. A paramedic as defined in s. 401.23 ~~s. 401.23(17)~~.
- 355 10. An emergency medical technician as defined in s. 401.23  
356 ~~s. 401.23(11)~~.
- 357 11. A firefighter as defined in s. 633.102.
- 358 12. A law enforcement officer as defined in s. 943.10.
- 359 13. A member of the Florida National Guard.



360 14. Any other personnel designated as emergency personnel  
361 by the Governor pursuant to a declared emergency.

362 Section 9. Subsection (5) of section 395.1027, Florida  
363 Statutes, is amended to read:

364 395.1027 Regional poison control centers.—

365 (5) By October 1, 1999, each regional poison control center  
366 shall develop a prehospital emergency dispatch protocol with  
367 each licensee as defined in s. 401.23 ~~by s. 401.23(13)~~ in the  
368 geographic area covered by the regional poison control center.  
369 The prehospital emergency dispatch protocol shall be developed  
370 by each licensee's medical director in conjunction with the  
371 designated regional poison control center responsible for the  
372 geographic area in which the licensee operates. The protocol  
373 shall define toxic substances and describe the procedure by  
374 which the designated regional poison control center may be  
375 consulted by the licensee. If a call is transferred to the  
376 designated regional poison control center in accordance with the  
377 protocol established under this section and s. 401.268, the  
378 designated regional poison control center shall assume  
379 responsibility and liability for the call.

380 Section 10. Paragraph (b) of subsection (1) of section  
381 400.143, Florida Statutes, is amended to read:

382 400.143 Institutional formularies established by nursing  
383 home facilities.—

384 (1) For purposes of this section, the term:

385 (b) "Medicinal drug" has the same meaning as provided in s.  
386 465.003 ~~s. 465.003(8)~~.

387 Section 11. Paragraph (b) of subsection (2) of section  
388 401.245, Florida Statutes, is amended to read:



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389 401.245 Emergency Medical Services Advisory Council.-  
390 (2) (b) Representation on the Emergency Medical Services  
391 Advisory Council shall include: two licensed physicians who are  
392 medical directors ~~"medical directors"~~ as defined in s. 401.23 ~~s.~~  
393 ~~401.23(15)~~ or whose medical practice is closely related to  
394 emergency medical services; two emergency medical service  
395 administrators, one of whom is employed by a fire service; two  
396 certified paramedics, one of whom is employed by a fire service;  
397 two certified emergency medical technicians, one of whom is  
398 employed by a fire service; one emergency medical services  
399 educator; one emergency nurse; one hospital administrator; one  
400 representative of air ambulance services; one representative of  
401 a commercial ambulance operator; and two laypersons who are in  
402 no way connected with emergency medical services, one of whom is  
403 a representative of the elderly. Ex officio members of the  
404 advisory council from state agencies shall include, but are  
405 ~~shall~~ not be limited to, representatives from the Department of  
406 Education, the Department of Management Services, the State Fire  
407 Marshal, the Department of Highway Safety and Motor Vehicles,  
408 the Department of Transportation, and the Division of Emergency  
409 Management.

410 Section 12. Subsection (2) of section 401.27, Florida  
411 Statutes, is amended to read:

412 401.27 Personnel; standards and certification.-

413 (2) The department shall establish by rule educational and  
414 training criteria and examinations for the certification and  
415 recertification of emergency medical technicians and paramedics.  
416 Such rules must require, but need not be limited to:

417 (a) For emergency medical technicians, proficiency in basic



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418 life support as defined techniques identified in s. 401.23 s.  
419 401.23(7) and in rules of the department.

420 (b) For paramedics, proficiency in advanced life support as  
421 defined techniques identified in s. 401.23 s. 401.23(1) and in  
422 rules of the department.

423 Section 13. Paragraph (a) of subsection (1) of section  
424 409.9201, Florida Statutes, is amended to read:

425 409.9201 Medicaid fraud.—

426 (1) As used in this section, the term:

427 (a) "Prescription drug" means any drug, including, but not  
428 limited to, finished dosage forms or active ingredients that are  
429 subject to, defined in, or described in s. 503(b) of the Federal  
430 Food, Drug, and Cosmetic Act or in s. 465.003 s. 465.003(8), s.  
431 499.003(17), s. 499.007(13), or s. 499.82(10).

432  
433 The value of individual items of the legend drugs or goods or  
434 services involved in distinct transactions committed during a  
435 single scheme or course of conduct, whether involving a single  
436 person or several persons, may be aggregated when determining  
437 the punishment for the offense.

438 Section 14. Paragraph (pp) of subsection (1) of section  
439 458.331, Florida Statutes, is amended to read:

440 458.331 Grounds for disciplinary action; action by the  
441 board and department.—

442 (1) The following acts constitute grounds for denial of a  
443 license or disciplinary action, as specified in s. 456.072(2):

444 (pp) Applicable to a licensee who serves as the designated  
445 physician of a pain-management clinic as defined in s. 458.3265  
446 or s. 459.0137:





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- 447           1. Registering a pain-management clinic through  
448 misrepresentation or fraud;
- 449           2. Procuring, or attempting to procure, the registration of  
450 a pain-management clinic for any other person by making or  
451 causing to be made, any false representation;
- 452           3. Failing to comply with any requirement of chapter 499,  
453 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the  
454 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,  
455 the Drug Abuse Prevention and Control Act; or chapter 893, the  
456 Florida Comprehensive Drug Abuse Prevention and Control Act;
- 457           4. Being convicted or found guilty of, regardless of  
458 adjudication to, a felony or any other crime involving moral  
459 turpitude, fraud, dishonesty, or deceit in any jurisdiction of  
460 the courts of this state, of any other state, or of the United  
461 States;
- 462           5. Being convicted of, or disciplined by a regulatory  
463 agency of the Federal Government or a regulatory agency of  
464 another state for, any offense that would constitute a violation  
465 of this chapter;
- 466           6. Being convicted of, or entering a plea of guilty or nolo  
467 contendere to, regardless of adjudication, a crime in any  
468 jurisdiction of the courts of this state, of any other state, or  
469 of the United States which relates to the practice of, or the  
470 ability to practice, a licensed health care profession;
- 471           7. Being convicted of, or entering a plea of guilty or nolo  
472 contendere to, regardless of adjudication, a crime in any  
473 jurisdiction of the courts of this state, of any other state, or  
474 of the United States which relates to health care fraud;
- 475           8. Dispensing any medicinal drug based upon a communication



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476 that purports to be a prescription as defined in s. 465.003 ~~s.~~  
477 ~~465.003(14)~~ or s. 893.02 if the dispensing practitioner knows or  
478 has reason to believe that the purported prescription is not  
479 based upon a valid practitioner-patient relationship; or

480 9. Failing to timely notify the board of the date of his or  
481 her termination from a pain-management clinic as required by s.  
482 458.3265(3).

483 Section 15. Paragraph (rr) of subsection (1) of section  
484 459.015, Florida Statutes, is amended to read:

485 459.015 Grounds for disciplinary action; action by the  
486 board and department.—

487 (1) The following acts constitute grounds for denial of a  
488 license or disciplinary action, as specified in s. 456.072(2):

489 (rr) Applicable to a licensee who serves as the designated  
490 physician of a pain-management clinic as defined in s. 458.3265  
491 or s. 459.0137:

492 1. Registering a pain-management clinic through  
493 misrepresentation or fraud;

494 2. Procuring, or attempting to procure, the registration of  
495 a pain-management clinic for any other person by making or  
496 causing to be made, any false representation;

497 3. Failing to comply with any requirement of chapter 499,  
498 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the  
499 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,  
500 the Drug Abuse Prevention and Control Act; or chapter 893, the  
501 Florida Comprehensive Drug Abuse Prevention and Control Act;

502 4. Being convicted or found guilty of, regardless of  
503 adjudication to, a felony or any other crime involving moral  
504 turpitude, fraud, dishonesty, or deceit in any jurisdiction of



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505 the courts of this state, of any other state, or of the United  
506 States;

507 5. Being convicted of, or disciplined by a regulatory  
508 agency of the Federal Government or a regulatory agency of  
509 another state for, any offense that would constitute a violation  
510 of this chapter;

511 6. Being convicted of, or entering a plea of guilty or nolo  
512 contendere to, regardless of adjudication, a crime in any  
513 jurisdiction of the courts of this state, of any other state, or  
514 of the United States which relates to the practice of, or the  
515 ability to practice, a licensed health care profession;

516 7. Being convicted of, or entering a plea of guilty or nolo  
517 contendere to, regardless of adjudication, a crime in any  
518 jurisdiction of the courts of this state, of any other state, or  
519 of the United States which relates to health care fraud;

520 8. Dispensing any medicinal drug based upon a communication  
521 that purports to be a prescription as defined in s. 465.003 ~~s.~~  
522 ~~465.003(14)~~ or s. 893.02 if the dispensing practitioner knows or  
523 has reason to believe that the purported prescription is not  
524 based upon a valid practitioner-patient relationship; or

525 9. Failing to timely notify the board of the date of his or  
526 her termination from a pain-management clinic as required by s.  
527 459.0137(3).

528 Section 16. Subsection (1) of section 465.014, Florida  
529 Statutes, is amended to read:

530 465.014 Pharmacy technician.—

531 (1) A person other than a licensed pharmacist or pharmacy  
532 intern may not engage in the practice of the profession of  
533 pharmacy, except that a licensed pharmacist may delegate to



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534 pharmacy technicians who are registered pursuant to this section  
535 those duties, tasks, and functions that do not fall within the  
536 purview of s. 465.003 ~~s. 465.003(13)~~. All such delegated acts  
537 must be performed under the direct supervision of a licensed  
538 pharmacist who is responsible for all such acts performed by  
539 persons under his or her supervision. A registered pharmacy  
540 technician, under the supervision of a pharmacist, may initiate  
541 or receive communications with a practitioner or his or her  
542 agent, on behalf of a patient, regarding refill authorization  
543 requests. A licensed pharmacist may not supervise more than one  
544 registered pharmacy technician unless otherwise permitted by the  
545 guidelines adopted by the board. The board shall establish  
546 guidelines to be followed by licensees or permittees in  
547 determining the circumstances under which a licensed pharmacist  
548 may supervise more than one pharmacy technician.

549 Section 17. Paragraph (c) of subsection (2) of section  
550 465.015, Florida Statutes, is amended to read:

551 465.015 Violations and penalties.—

552 (2) It is unlawful for any person:

553 (c) To sell or dispense drugs as defined in s. 465.003 ~~s.~~  
554 ~~465.003(8)~~ without first being furnished with a prescription.

555 Section 18. Subsection (9) of section 465.0156, Florida  
556 Statutes, is amended to read:

557 465.0156 Registration of nonresident pharmacies.—

558 (9) Notwithstanding s. 465.003 ~~s. 465.003(10)~~, for purposes  
559 of this section, the registered pharmacy and the pharmacist  
560 designated by the registered pharmacy as the prescription  
561 department manager or the equivalent must be licensed in the  
562 state of location in order to dispense into this state.



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563 Section 19. Paragraph (s) of subsection (1) of section  
564 465.016, Florida Statutes, is amended to read:

565 465.016 Disciplinary actions.—

566 (1) The following acts constitute grounds for denial of a  
567 license or disciplinary action, as specified in s. 456.072(2):

568 (s) Dispensing any medicinal drug based upon a  
569 communication that purports to be a prescription as defined in  
570 s. 465.003 ~~by s. 465.003(14)~~ or s. 893.02 when the pharmacist  
571 knows or has reason to believe that the purported prescription  
572 is not based upon a valid practitioner-patient relationship.

573 Section 20. Subsection (4) of section 465.0197, Florida  
574 Statutes, is amended to read:

575 465.0197 Internet pharmacy permits.—

576 (4) Notwithstanding s. 465.003 ~~s. 465.003(10)~~, for purposes  
577 of this section, the Internet pharmacy and the pharmacist  
578 designated by the Internet pharmacy as the prescription  
579 department manager or the equivalent must be licensed in the  
580 state of location in order to dispense into this state.

581 Section 21. Paragraph (j) of subsection (5) of section  
582 465.022, Florida Statutes, is amended to read:

583 465.022 Pharmacies; general requirements; fees.—

584 (5) The department or board shall deny an application for a  
585 pharmacy permit if the applicant or an affiliated person,  
586 partner, officer, director, or prescription department manager  
587 or consultant pharmacist of record of the applicant:

588 (j) Has dispensed any medicinal drug based upon a  
589 communication that purports to be a prescription as defined in  
590 s. 465.003 ~~by s. 465.003(14)~~ or s. 893.02 when the pharmacist  
591 knows or has reason to believe that the purported prescription



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592 is not based upon a valid practitioner-patient relationship that  
593 includes a documented patient evaluation, including history and  
594 a physical examination adequate to establish the diagnosis for  
595 which any drug is prescribed and any other requirement  
596 established by board rule under chapter 458, chapter 459,  
597 chapter 461, chapter 463, chapter 464, or chapter 466.

598

599 For felonies in which the defendant entered a plea of guilty or  
600 nolo contendere in an agreement with the court to enter a  
601 pretrial intervention or drug diversion program, the department  
602 shall deny the application if upon final resolution of the case  
603 the licensee has failed to successfully complete the program.

604 Section 22. Paragraph (h) of subsection (1) of section  
605 465.023, Florida Statutes, is amended to read:

606 465.023 Pharmacy permittee; disciplinary action.—

607 (1) The department or the board may revoke or suspend the  
608 permit of any pharmacy permittee, and may fine, place on  
609 probation, or otherwise discipline any pharmacy permittee if the  
610 permittee, or any affiliated person, partner, officer, director,  
611 or agent of the permittee, including a person fingerprinted  
612 under s. 465.022(3), has:

613 (h) Dispensed any medicinal drug based upon a communication  
614 that purports to be a prescription as defined in s. 465.003 ~~by~~  
615 ~~s. 465.003(14)~~ or s. 893.02 when the pharmacist knows or has  
616 reason to believe that the purported prescription is not based  
617 upon a valid practitioner-patient relationship that includes a  
618 documented patient evaluation, including history and a physical  
619 examination adequate to establish the diagnosis for which any  
620 drug is prescribed and any other requirement established by



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621 board rule under chapter 458, chapter 459, chapter 461, chapter  
622 463, chapter 464, or chapter 466.

623 Section 23. Section 465.1901, Florida Statutes, is amended  
624 to read:

625 465.1901 Practice of orthotics and pedorthics.—The  
626 provisions of chapter 468 relating to orthotics or pedorthics do  
627 not apply to any licensed pharmacist or to any person acting  
628 under the supervision of a licensed pharmacist. The practice of  
629 orthotics or pedorthics by a pharmacist or any of the  
630 pharmacist's employees acting under the supervision of a  
631 pharmacist shall be construed to be within the meaning of the  
632 term "practice of the profession of pharmacy" as defined ~~set~~  
633 ~~forth~~ in s. 465.003 ~~s. 465.003(13)~~, and shall be subject to  
634 regulation in the same manner as any other pharmacy practice.  
635 The Board of Pharmacy shall develop rules regarding the practice  
636 of orthotics and pedorthics by a pharmacist. Any pharmacist or  
637 person under the supervision of a pharmacist engaged in the  
638 practice of orthotics or pedorthics is not precluded from  
639 continuing that practice pending adoption of these rules.

640 Section 24. Paragraph (j) of subsection (2) of section  
641 465.1902, Florida Statutes, is amended to read:

642 465.1902 Prescription Drug Donation Repository Program.—

643 (2) DEFINITIONS.—As used in this section, the term:

644 (j) "Prescription drug" has the same meaning as the term  
645 "medicinal drugs" or "drugs," as those terms are defined in s.  
646 465.003 ~~s. 465.003(8)~~, but does not include controlled  
647 substances, cancer drugs donated under s. 499.029, or drugs with  
648 an approved United States Food and Drug Administration risk  
649 evaluation and mitigation strategy that includes elements to



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650 assure safe use.

651 Section 25. Subsection (40) of section 499.003, Florida  
652 Statutes, is amended to read:

653 499.003 Definitions of terms used in this part.—As used in  
654 this part, the term:

655 (40) "Prescription drug" means a prescription, medicinal,  
656 or legend drug, including, but not limited to, finished dosage  
657 forms or active pharmaceutical ingredients subject to, defined  
658 by, or described by s. 503(b) of the federal act or s. 465.003  
659 ~~s. 465.003(8)~~, s. 499.007(13), subsection (31), or subsection  
660 (47), except that an active pharmaceutical ingredient is a  
661 prescription drug only if substantially all finished dosage  
662 forms in which it may be lawfully dispensed or administered in  
663 this state are also prescription drugs.

664 Section 26. Paragraph (c) of subsection (24) of section  
665 893.02, Florida Statutes, is amended to read:

666 893.02 Definitions.—The following words and phrases as used  
667 in this chapter shall have the following meanings, unless the  
668 context otherwise requires:

669 (24) "Prescription" includes any order for drugs or  
670 medicinal supplies which is written or transmitted by any means  
671 of communication by a licensed practitioner authorized by the  
672 laws of this state to prescribe such drugs or medicinal  
673 supplies, is issued in good faith and in the course of  
674 professional practice, is intended to be dispensed by a person  
675 authorized by the laws of this state to do so, and meets the  
676 requirements of s. 893.04.

677 (c) A prescription for a controlled substance may not be  
678 issued on the same prescription blank with another prescription





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679 for a controlled substance that is named or described in a  
680 different schedule or with another prescription for a medicinal  
681 drug, as defined in s. 465.003 ~~s. 465.003(8)~~, that is not a  
682 controlled substance.

683 Section 27. This act shall take effect July 1, 2022.

684

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

686 And the title is amended as follows:

687 Delete everything before the enacting clause  
688 and insert:

689

A bill to be entitled

690

An act relating to acute and post-acute hospital care  
691 at home; amending s. 401.23, F.S.; defining the term  
692 "acute and post-acute hospital care at home"; amending  
693 s. 401.272, F.S.; authorizing paramedics to perform  
694 certain life support services to patients receiving  
695 acute and post-acute hospital care at home under  
696 certain circumstances; providing that a physician or  
697 medical director who supervises or directs the  
698 provision of such services by a paramedic is liable  
699 for any act or omission during the provision of such  
700 services; authorizing the Department of Health to  
701 adopt and enforce rules; amending s. 465.003, F.S.;  
702 defining the term "acute and post-acute hospital care  
703 at home"; amending s. 465.019, F.S.; specifying that  
704 Class III institutional pharmacies may dispense,  
705 distribute, compound, and fill prescriptions for  
706 medicinal drugs for inpatient treatment and patients  
707 receiving acute and post-acute hospital care at home;



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708 amending ss. 14.33, 125.01045, 166.0446, 252.515,  
709 395.1027, 400.143, 401.245, 401.27, 409.9201, 458.331,  
710 459.015, 465.014, 465.015, 465.0156, 465.016,  
711 465.0197, 465.022, 465.023, 465.1901, 465.1902,  
712 499.003, and 893.02, F.S.; conforming cross-  
713 references; providing an effective date.