

By the Committees on Judiciary; and Health Policy; and Senators  
Bean and Gibson

590-02781-22

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1                   A bill to be entitled  
2           An act relating to acute and post-acute hospital care  
3           at home; amending s. 401.23, F.S.; defining the term  
4           "acute and post-acute hospital care at home"; amending  
5           s. 401.272, F.S.; authorizing paramedics to perform  
6           certain life support services to patients receiving  
7           acute and post-acute hospital care at home under  
8           certain circumstances; providing that a physician or  
9           medical director who supervises or directs the  
10          provision of such services by a paramedic is liable  
11          for any act or omission during the provision of such  
12          services; authorizing the Department of Health to  
13          adopt and enforce rules; amending s. 465.003, F.S.;  
14          defining the term "acute and post-acute hospital care  
15          at home"; amending s. 465.019, F.S.; specifying that  
16          Class III institutional pharmacies may dispense,  
17          distribute, compound, and fill prescriptions for  
18          medicinal drugs for inpatient treatment and patients  
19          receiving acute and post-acute hospital care at home;  
20          amending ss. 14.33, 125.01045, 166.0446, 252.515,  
21          395.1027, 400.143, 401.245, 401.27, 409.9201, 458.331,  
22          459.015, 465.014, 465.015, 465.0156, 465.016,  
23          465.0197, 465.022, 465.023, 465.1901, 465.1902,  
24          499.003, and 893.02, F.S.; conforming cross-  
25          references; providing an effective date.

26  
27   Be It Enacted by the Legislature of the State of Florida:

28  
29          Section 1. Present subsections (1) through (22) of section

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30 401.23, Florida Statutes, are redesignated as subsections (2)  
31 through (23), respectively, a new subsection (1) is added to  
32 that section, and present subsection (19) of that section is  
33 amended, to read:

34 401.23 Definitions.—As used in this part, the term:

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

41 (20)~~(19)~~ "Physician" means a practitioner who is licensed  
42 under the provisions of chapter 458 or chapter 459. For the  
43 purpose of providing medical direction ~~"medical direction"~~ as  
44 ~~defined in~~ subsection (14) for the treatment of patients  
45 immediately before ~~prior to~~ or during transportation to a United  
46 States Department of Veterans Affairs medical facility,  
47 "physician" also means a practitioner employed by the United  
48 States Department of Veterans Affairs.

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

51 401.272 Emergency medical services community health care.—

52 (2) Notwithstanding any other provision of law to the  
53 contrary:

54 (c) Paramedics may provide basic life support services and  
55 advanced life support services to patients receiving acute and  
56 post-acute hospital care at home as specified in the paramedic's  
57 supervisory relationship with a physician or standing orders as  
58 described in s. 401.265, s. 458.348, or s. 459.025. A physician

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59 who supervises or provides medical direction to a paramedic who  
60 provides basic life support services or advanced life support  
61 services to patients receiving acute and post-acute hospital  
62 care at home pursuant to a formal supervisory relationship or  
63 standing orders is liable for any act or omission of the  
64 paramedic acting under the physician's supervision or medical  
65 direction when providing such services. The department may adopt  
66 and enforce rules necessary to implement this paragraph.

67 Section 3. Section 465.003, Florida Statutes, is reordered  
68 and amended to read:

69 465.003 Definitions.—As used in this chapter, the term:

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

76 (2)~~(1)~~ "Administration" means the obtaining and giving of a  
77 single dose of medicinal drugs by a legally authorized person to  
78 a patient for her or his consumption.

79 (4)~~(2)~~ "Board" means the Board of Pharmacy.

80 (10)~~(3)~~ "Consultant pharmacist" means a pharmacist licensed  
81 by the department and certified as a consultant pharmacist  
82 pursuant to s. 465.0125.

83 (11)~~(4)~~ "Data communication device" means an electronic  
84 device that receives electronic information from one source and  
85 transmits or routes it to another, including, but not limited  
86 to, any such bridge, router, switch, or gateway.

87 (12)~~(5)~~ "Department" means the Department of Health.

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88        (13)~~(6)~~ "Dispense" means the transfer of possession of one  
89 or more doses of a medicinal drug by a pharmacist to the  
90 ultimate consumer or her or his agent. As an element of  
91 dispensing, the pharmacist shall, prior to the actual physical  
92 transfer, interpret and assess the prescription order for  
93 potential adverse reactions, interactions, and dosage regimen  
94 she or he deems appropriate in the exercise of her or his  
95 professional judgment, and the pharmacist shall certify that the  
96 medicinal drug called for by the prescription is ready for  
97 transfer. The pharmacist shall also provide counseling on proper  
98 drug usage, either orally or in writing, if in the exercise of  
99 her or his professional judgment counseling is necessary. The  
100 actual sales transaction and delivery of such drug shall not be  
101 considered dispensing. The administration shall not be  
102 considered dispensing.

103        (14)~~(7)~~ "Institutional formulary system" means a method  
104 whereby the medical staff evaluates, appraises, and selects  
105 those medicinal drugs or proprietary preparations which in the  
106 medical staff's clinical judgment are most useful in patient  
107 care, and which are available for dispensing by a practicing  
108 pharmacist in a Class II or Class III institutional pharmacy.

109        (15)~~(8)~~ "Medicinal drugs" or "drugs" means those substances  
110 or preparations commonly known as "prescription" or "legend"  
111 drugs which are required by federal or state law to be dispensed  
112 only on a prescription, but shall not include patents or  
113 proprietary preparations as hereafter defined.

114        (18)~~(9)~~ "Patent or proprietary preparation" means a  
115 medicine in its unbroken, original package which is sold to the  
116 public by, or under the authority of, the manufacturer or

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117 primary distributor thereof and which is not misbranded under  
118 the provisions of the Florida Drug and Cosmetic Act.

119 (19)~~(10)~~ "Pharmacist" means any person licensed pursuant to  
120 this chapter to practice the profession of pharmacy.

121 (20) (a)~~(11) (a)~~ "Pharmacy" includes a community pharmacy, an  
122 institutional pharmacy, a nuclear pharmacy, a special pharmacy,  
123 and an Internet pharmacy.

124 1. The term "community pharmacy" includes every location  
125 where medicinal drugs are compounded, dispensed, stored, or sold  
126 or where prescriptions are filled or dispensed on an outpatient  
127 basis.

128 2. The term "institutional pharmacy" includes every  
129 location in a hospital, clinic, nursing home, dispensary,  
130 sanitarium, extended care facility, or other facility,  
131 hereinafter referred to as "health care institutions," where  
132 medicinal drugs are compounded, dispensed, stored, or sold.

133 3. The term "nuclear pharmacy" includes every location  
134 where radioactive drugs and chemicals within the classification  
135 of medicinal drugs are compounded, dispensed, stored, or sold.  
136 The term "nuclear pharmacy" does not include hospitals licensed  
137 under chapter 395 or the nuclear medicine facilities of such  
138 hospitals.

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

142 5. The term "Internet pharmacy" includes locations not  
143 otherwise licensed or issued a permit under this chapter, within  
144 or outside this state, which use the Internet to communicate  
145 with or obtain information from consumers in this state and use

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146 such communication or information to fill or refill  
147 prescriptions or to dispense, distribute, or otherwise engage in  
148 the practice of pharmacy in this state. Any act described in  
149 this definition constitutes the practice of the profession of  
150 pharmacy ~~as defined in subsection (13)~~.

151 (b) The pharmacy department of any permittee shall be  
152 considered closed whenever a Florida licensed pharmacist is not  
153 present and on duty. The term "not present and on duty" shall  
154 not be construed to prevent a pharmacist from exiting the  
155 prescription department for the purposes of consulting or  
156 responding to inquiries or providing assistance to patients or  
157 customers, attending to personal hygiene needs, or performing  
158 any other function for which the pharmacist is responsible,  
159 provided that such activities are conducted in a manner  
160 consistent with the pharmacist's responsibility to provide  
161 pharmacy services.

162 (21)~~(12)~~ "Pharmacy intern" means a person who is currently  
163 registered in, and attending, a duly accredited college or  
164 school of pharmacy, or who is a graduate of such a school or  
165 college of pharmacy, and who is duly and properly registered  
166 with the department as provided for under its rules.

167 (22)~~(13)~~ "Practice of the profession of pharmacy" includes  
168 compounding, dispensing, and consulting concerning contents,  
169 therapeutic values, and uses of any medicinal drug; consulting  
170 concerning therapeutic values and interactions of patent or  
171 proprietary preparations, whether pursuant to prescriptions or  
172 in the absence and entirely independent of such prescriptions or  
173 orders; and conducting other pharmaceutical services. For  
174 purposes of this subsection, the term "other pharmaceutical

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175 services" means monitoring the patient's drug therapy and  
176 assisting the patient in the management of his or her drug  
177 therapy, and includes reviewing, and making recommendations  
178 regarding, the patient's drug therapy and health care status in  
179 communication with the patient's prescribing health care  
180 provider as licensed under chapter 458, chapter 459, chapter  
181 461, or chapter 466, or a similar statutory provision in another  
182 jurisdiction, or such provider's agent or such other persons as  
183 specifically authorized by the patient; and initiating,  
184 modifying, or discontinuing drug therapy for a chronic health  
185 condition under a collaborative pharmacy practice agreement.  
186 This subsection may not be interpreted to permit an alteration  
187 of a prescriber's directions, the diagnosis or treatment of any  
188 disease, the initiation of any drug therapy, the practice of  
189 medicine, or the practice of osteopathic medicine, unless  
190 otherwise permitted by law or specifically authorized by s.  
191 465.1865 or s. 465.1895. The term "practice of the profession of  
192 pharmacy" also includes any other act, service, operation,  
193 research, or transaction incidental to, or forming a part of,  
194 any of the foregoing acts, requiring, involving, or employing  
195 the science or art of any branch of the pharmaceutical  
196 profession, study, or training, and shall expressly permit a  
197 pharmacist to transmit information from persons authorized to  
198 prescribe medicinal drugs to their patients. The practice of the  
199 profession of pharmacy also includes the administration of  
200 vaccines to adults pursuant to s. 465.189, the testing or  
201 screening for and treatment of minor, nonchronic health  
202 conditions pursuant to s. 465.1895, and the preparation of  
203 prepackaged drug products in facilities holding Class III

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204 institutional pharmacy permits. The term also includes the  
205 ordering and evaluating of any laboratory or clinical testing;  
206 conducting patient assessments; and modifying, discontinuing, or  
207 administering medicinal drugs pursuant to s. 465.0125 by a  
208 consultant pharmacist.

209 (23)~~(14)~~ "Prescription" includes any order for drugs or  
210 medicinal supplies written or transmitted by any means of  
211 communication by a duly licensed practitioner authorized by the  
212 laws of the state to prescribe such drugs or medicinal supplies  
213 and intended to be dispensed by a pharmacist. The term also  
214 includes an orally transmitted order by the lawfully designated  
215 agent of such practitioner. The term also includes an order  
216 written or transmitted by a practitioner licensed to practice in  
217 a jurisdiction other than this state, but only if the pharmacist  
218 called upon to dispense such order determines, in the exercise  
219 of her or his professional judgment, that the order is valid and  
220 necessary for the treatment of a chronic or recurrent illness.  
221 The term "prescription" also includes a pharmacist's order for a  
222 product selected from the formulary created pursuant to s.  
223 465.186. Prescriptions may be retained in written form or the  
224 pharmacist may cause them to be recorded in a data processing  
225 system, provided that such order can be produced in printed form  
226 upon lawful request.

227 (16)~~(15)~~ "Nuclear pharmacist" means a pharmacist licensed  
228 by the department and certified as a nuclear pharmacist pursuant  
229 to s. 465.0126.

230 (6)~~(16)~~ "Centralized prescription filling" means the  
231 filling of a prescription by one pharmacy upon request by  
232 another pharmacy to fill or refill the prescription. The term



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233 includes the performance by one pharmacy for another pharmacy of  
234 other pharmacy duties such as drug utilization review,  
235 therapeutic drug utilization review, claims adjudication, and  
236 the obtaining of refill authorizations.

237 (3)~~(17)~~ "Automated pharmacy system" means a mechanical  
238 system that delivers prescription drugs received from a Florida  
239 licensed pharmacy and maintains related transaction information.

240 (9)~~(18)~~ "Compounding" means combining, mixing, or altering  
241 the ingredients of one or more drugs or products to create  
242 another drug or product.

243 (17)~~(19)~~ "Outsourcing facility" means a single physical  
244 location registered as an outsourcing facility under the federal  
245 Drug Quality and Security Act, Pub. L. No. 113-54, at which  
246 sterile compounding of a drug or product is conducted.

247 (8)~~(20)~~ "Compounded sterile product" means a drug that is  
248 intended for parenteral administration, an ophthalmic or oral  
249 inhalation drug in aqueous format, or a drug or product that is  
250 required to be sterile under federal or state law or rule, which  
251 is produced through compounding, but is not approved by the  
252 United States Food and Drug Administration.

253 (5)~~(21)~~ "Central distribution facility" means a facility  
254 under common control with a hospital holding a Class III  
255 institutional pharmacy permit that may dispense, distribute,  
256 compound, or fill prescriptions for medicinal drugs; prepare  
257 prepackaged drug products; and conduct other pharmaceutical  
258 services.

259 (7)~~(22)~~ "Common control" means the power to direct or cause  
260 the direction of the management and policies of a person or an  
261 organization, whether by ownership of stock, voting rights,

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262 contract, or otherwise.

263 Section 4. Paragraph (d) of subsection (2) and paragraph  
264 (a) of subsection (4) of section 465.019, Florida Statutes, are  
265 amended to read:

266 465.019 Institutional pharmacies; permits.—

267 (2) The following classes of institutional pharmacies are  
268 established:

269 (d)1. "Class III institutional pharmacies" are those  
270 institutional pharmacies, including central distribution  
271 facilities, affiliated with a hospital which ~~that~~ provide the  
272 same services that are authorized by a Class II institutional  
273 pharmacy permit. Class III institutional pharmacies may also:

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

277 b. Prepare prepackaged drug products.

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

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

284 2. A Class III institutional pharmacy shall maintain  
285 policies and procedures addressing:

286 a. The consultant pharmacist responsible for pharmaceutical  
287 services.

288 b. Safe practices for the preparation, dispensing,  
289 prepackaging, distribution, and transportation of medicinal  
290 drugs and prepackaged drug products.

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

293 d. Recordkeeping of pharmacy staff responsible for each  
294 step in the preparation, dispensing, prepackaging,  
295 transportation, and distribution of medicinal drugs and  
296 prepackaged drug products.

297 e. Medicinal drugs and prepackaged drug products that may  
298 not be safely distributed among Class III institutional  
299 pharmacies.

300 (4) (a) Medicinal drugs shall be dispensed by ~~in~~ an  
301 institutional pharmacy to outpatients only when that institution  
302 has secured a community pharmacy permit from the department.  
303 However, medicinal drugs may be dispensed by a hospital that  
304 operates a Class II or Class III institutional pharmacy to a  
305 patient of the hospital's emergency department or a hospital  
306 inpatient upon discharge if a prescriber, as defined in s.  
307 465.025(1), treating the patient in such hospital determines  
308 that the medicinal drug is warranted and that community pharmacy  
309 services are not readily accessible, geographically or  
310 otherwise, to the patient. Such prescribing and dispensing must  
311 be for a supply of the drug that will last for the greater of  
312 the following:

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

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

317 14.33 Medal of Heroism.—

318 (1) The Governor may award a Medal of Heroism of  
319 appropriate design, with ribbons and appurtenances, to a law

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320 enforcement, correctional, or correctional probation officer, as  
321 defined in s. 943.10(14); a firefighter, as defined in s.  
322 112.191(1)(b); an emergency medical technician, as defined in s.  
323 401.23 ~~s. 401.23(11)~~; or a paramedic, as defined in s. 401.23 ~~s.~~  
324 ~~401.23(17)~~. A recipient must have distinguished himself or  
325 herself conspicuously by gallantry and intrepidity, must have  
326 risked his or her life deliberately above and beyond the call of  
327 duty while performing duty in his or her respective position,  
328 and must have engaged in hazardous or perilous activities to  
329 preserve lives with the knowledge that such activities might  
330 result in great personal harm.

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

333 125.01045 Prohibition of fees for first responder  
334 services.—

335 (1) A county may not impose a fee or seek reimbursement for  
336 any costs or expenses that may be incurred for services provided  
337 by a first responder, including costs or expenses related to  
338 personnel, supplies, motor vehicles, or equipment in response to  
339 a motor vehicle accident, except for costs to contain or clean  
340 up hazardous materials in quantities reportable to the Florida  
341 State Warning Point at the Division of Emergency Management, and  
342 costs for transportation and treatment provided by air ambulance  
343 services or emergency medical services vehicles, as those terms  
344 are defined in s. 401.23 ~~ambulance services licensed pursuant to~~  
345 ~~s. 401.23(4) and (5)~~.

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

348 166.0446 Prohibition of fees for first responder services.—

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349 (1) A municipality may not impose a fee or seek  
350 reimbursement for any costs or expenses that may be incurred for  
351 services provided by a first responder, including costs or  
352 expenses related to personnel, supplies, motor vehicles, or  
353 equipment in response to a motor vehicle accident, except for  
354 costs to contain or clean up hazardous materials in quantities  
355 reportable to the Florida State Warning Point at the Division of  
356 Emergency Management, and costs for transportation and treatment  
357 provided by air ambulance services or emergency medical services  
358 vehicles, as those terms are defined in s. 401.23 ~~ambulance~~  
359 ~~services licensed pursuant to s. 401.23(4) and (5).~~

360 Section 8. Paragraph (a) of subsection (3) of section  
361 252.515, Florida Statutes, is amended to read:

362 252.515 Postdisaster Relief Assistance Act; immunity from  
363 civil liability.—

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

365 (a) "Emergency first responder" means:

- 366 1. A physician licensed under chapter 458.
- 367 2. An osteopathic physician licensed under chapter 459.
- 368 3. A chiropractic physician licensed under chapter 460.
- 369 4. A podiatric physician licensed under chapter 461.
- 370 5. A dentist licensed under chapter 466.
- 371 6. An advanced practice registered nurse licensed under s.  
372 464.012.
- 373 7. A physician assistant licensed under s. 458.347 or s.  
374 459.022.
- 375 8. A worker employed by a public or private hospital in the  
376 state.
- 377 9. A paramedic as defined in s. 401.23 ~~s. 401.23(17)~~.

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378 10. An emergency medical technician as defined in s. 401.23  
379 ~~s. 401.23(11)~~.

380 11. A firefighter as defined in s. 633.102.

381 12. A law enforcement officer as defined in s. 943.10.

382 13. A member of the Florida National Guard.

383 14. Any other personnel designated as emergency personnel  
384 by the Governor pursuant to a declared emergency.

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

387 395.1027 Regional poison control centers.—

388 (5) By October 1, 1999, each regional poison control center  
389 shall develop a prehospital emergency dispatch protocol with  
390 each licensee as defined in s. 401.23 ~~by s. 401.23(13)~~ in the  
391 geographic area covered by the regional poison control center.  
392 The prehospital emergency dispatch protocol shall be developed  
393 by each licensee's medical director in conjunction with the  
394 designated regional poison control center responsible for the  
395 geographic area in which the licensee operates. The protocol  
396 shall define toxic substances and describe the procedure by  
397 which the designated regional poison control center may be  
398 consulted by the licensee. If a call is transferred to the  
399 designated regional poison control center in accordance with the  
400 protocol established under this section and s. 401.268, the  
401 designated regional poison control center shall assume  
402 responsibility and liability for the call.

403 Section 10. Paragraph (b) of subsection (1) of section  
404 400.143, Florida Statutes, is amended to read:

405 400.143 Institutional formularies established by nursing  
406 home facilities.—

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

408 (b) "Medicinal drug" has the same meaning as provided in s.  
409 465.003 ~~s. 465.003(8)~~.

410 Section 11. Paragraph (b) of subsection (2) of section  
411 401.245, Florida Statutes, is amended to read:

412 401.245 Emergency Medical Services Advisory Council.—

413 (2) (b) Representation on the Emergency Medical Services  
414 Advisory Council shall include: two licensed physicians who are  
415 medical directors ~~"medical directors"~~ as defined in s. 401.23 ~~s.~~  
416 ~~401.23(15)~~ or whose medical practice is closely related to  
417 emergency medical services; two emergency medical service  
418 administrators, one of whom is employed by a fire service; two  
419 certified paramedics, one of whom is employed by a fire service;  
420 two certified emergency medical technicians, one of whom is  
421 employed by a fire service; one emergency medical services  
422 educator; one emergency nurse; one hospital administrator; one  
423 representative of air ambulance services; one representative of  
424 a commercial ambulance operator; and two laypersons who are in  
425 no way connected with emergency medical services, one of whom is  
426 a representative of the elderly. Ex officio members of the  
427 advisory council from state agencies shall include, but are  
428 ~~shall~~ not be limited to, representatives from the Department of  
429 Education, the Department of Management Services, the State Fire  
430 Marshal, the Department of Highway Safety and Motor Vehicles,  
431 the Department of Transportation, and the Division of Emergency  
432 Management.

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

435 401.27 Personnel; standards and certification.—

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

440 (a) For emergency medical technicians, proficiency in basic  
441 life support as defined ~~techniques identified in s. 401.23 s.~~  
442 ~~401.23(7)~~ and in rules of the department.

443 (b) For paramedics, proficiency in advanced life support as  
444 defined ~~techniques identified in s. 401.23 s. 401.23(1)~~ and in  
445 rules of the department.

446 Section 13. Paragraph (a) of subsection (1) of section  
447 409.9201, Florida Statutes, is amended to read:

448 409.9201 Medicaid fraud.—

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

450 (a) "Prescription drug" means any drug, including, but not  
451 limited to, finished dosage forms or active ingredients that are  
452 subject to, defined in, or described in s. 503(b) of the Federal  
453 Food, Drug, and Cosmetic Act or in s. 465.003 ~~s. 465.003(8)~~, s.  
454 499.003(17), s. 499.007(13), or s. 499.82(10).

455  
456 The value of individual items of the legend drugs or goods or  
457 services involved in distinct transactions committed during a  
458 single scheme or course of conduct, whether involving a single  
459 person or several persons, may be aggregated when determining  
460 the punishment for the offense.

461 Section 14. Paragraph (pp) of subsection (1) of section  
462 458.331, Florida Statutes, is amended to read:

463 458.331 Grounds for disciplinary action; action by the  
464 board and department.—



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

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

470 1. Registering a pain-management clinic through  
471 misrepresentation or fraud;

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

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

480 4. Being convicted or found guilty of, regardless of  
481 adjudication to, a felony or any other crime involving moral  
482 turpitude, fraud, dishonesty, or deceit in any jurisdiction of  
483 the courts of this state, of any other state, or of the United  
484 States;

485 5. Being convicted of, or disciplined by a regulatory  
486 agency of the Federal Government or a regulatory agency of  
487 another state for, any offense that would constitute a violation  
488 of this chapter;

489 6. Being convicted of, or entering a plea of guilty or nolo  
490 contendere to, regardless of adjudication, a crime in any  
491 jurisdiction of the courts of this state, of any other state, or  
492 of the United States which relates to the practice of, or the  
493 ability to practice, a licensed health care profession;

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

498 8. Dispensing any medicinal drug based upon a communication  
499 that purports to be a prescription as defined in s. 465.003 ~~s.~~  
500 ~~465.003(14)~~ or s. 893.02 if the dispensing practitioner knows or  
501 has reason to believe that the purported prescription is not  
502 based upon a valid practitioner-patient relationship; or

503 9. Failing to timely notify the board of the date of his or  
504 her termination from a pain-management clinic as required by s.  
505 458.3265(3).

506 Section 15. Paragraph (rr) of subsection (1) of section  
507 459.015, Florida Statutes, is amended to read:

508 459.015 Grounds for disciplinary action; action by the  
509 board and department.—

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

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

515 1. Registering a pain-management clinic through  
516 misrepresentation or fraud;

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

520 3. Failing to comply with any requirement of chapter 499,  
521 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the  
522 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,

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523 the Drug Abuse Prevention and Control Act; or chapter 893, the  
524 Florida Comprehensive Drug Abuse Prevention and Control Act;

525 4. Being convicted or found guilty of, regardless of  
526 adjudication to, a felony or any other crime involving moral  
527 turpitude, fraud, dishonesty, or deceit in any jurisdiction of  
528 the courts of this state, of any other state, or of the United  
529 States;

530 5. Being convicted of, or disciplined by a regulatory  
531 agency of the Federal Government or a regulatory agency of  
532 another state for, any offense that would constitute a violation  
533 of this chapter;

534 6. Being convicted of, or entering a plea of guilty or nolo  
535 contendere to, regardless of adjudication, a crime in any  
536 jurisdiction of the courts of this state, of any other state, or  
537 of the United States which relates to the practice of, or the  
538 ability to practice, a licensed health care profession;

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

543 8. Dispensing any medicinal drug based upon a communication  
544 that purports to be a prescription as defined in s. 465.003 ~~s.~~  
545 ~~465.003(14)~~ or s. 893.02 if the dispensing practitioner knows or  
546 has reason to believe that the purported prescription is not  
547 based upon a valid practitioner-patient relationship; or

548 9. Failing to timely notify the board of the date of his or  
549 her termination from a pain-management clinic as required by s.  
550 459.0137(3).

551 Section 16. Subsection (1) of section 465.014, Florida

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552 Statutes, is amended to read:

553 465.014 Pharmacy technician.—

554 (1) A person other than a licensed pharmacist or pharmacy  
555 intern may not engage in the practice of the profession of  
556 pharmacy, except that a licensed pharmacist may delegate to  
557 pharmacy technicians who are registered pursuant to this section  
558 those duties, tasks, and functions that do not fall within the  
559 purview of s. 465.003 ~~s. 465.003(13)~~. All such delegated acts  
560 must be performed under the direct supervision of a licensed  
561 pharmacist who is responsible for all such acts performed by  
562 persons under his or her supervision. A registered pharmacy  
563 technician, under the supervision of a pharmacist, may initiate  
564 or receive communications with a practitioner or his or her  
565 agent, on behalf of a patient, regarding refill authorization  
566 requests. A licensed pharmacist may not supervise more than one  
567 registered pharmacy technician unless otherwise permitted by the  
568 guidelines adopted by the board. The board shall establish  
569 guidelines to be followed by licensees or permittees in  
570 determining the circumstances under which a licensed pharmacist  
571 may supervise more than one pharmacy technician.

572 Section 17. Paragraph (c) of subsection (2) of section  
573 465.015, Florida Statutes, is amended to read:

574 465.015 Violations and penalties.—

575 (2) It is unlawful for any person:

576 (c) To sell or dispense drugs as defined in s. 465.003 ~~s.~~  
577 ~~465.003(8)~~ without first being furnished with a prescription.

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

580 465.0156 Registration of nonresident pharmacies.—

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581 (9) Notwithstanding s. 465.003 ~~s. 465.003(10)~~, for purposes  
582 of this section, the registered pharmacy and the pharmacist  
583 designated by the registered pharmacy as the prescription  
584 department manager or the equivalent must be licensed in the  
585 state of location in order to dispense into this state.

586 Section 19. Paragraph (s) of subsection (1) of section  
587 465.016, Florida Statutes, is amended to read:

588 465.016 Disciplinary actions.—

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

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

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

598 465.0197 Internet pharmacy permits.—

599 (4) Notwithstanding s. 465.003 ~~s. 465.003(10)~~, for purposes  
600 of this section, the Internet pharmacy and the pharmacist  
601 designated by the Internet pharmacy as the prescription  
602 department manager or the equivalent must be licensed in the  
603 state of location in order to dispense into this state.

604 Section 21. Paragraph (j) of subsection (5) of section  
605 465.022, Florida Statutes, is amended to read:

606 465.022 Pharmacies; general requirements; fees.—

607 (5) The department or board shall deny an application for a  
608 pharmacy permit if the applicant or an affiliated person,  
609 partner, officer, director, or prescription department manager

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610 or consultant pharmacist of record of the applicant:

611 (j) Has dispensed any medicinal drug based upon a  
612 communication that purports to be a prescription as defined in  
613 s. 465.003 ~~by s. 465.003(14)~~ or s. 893.02 when the pharmacist  
614 knows or has reason to believe that the purported prescription  
615 is not based upon a valid practitioner-patient relationship that  
616 includes a documented patient evaluation, including history and  
617 a physical examination adequate to establish the diagnosis for  
618 which any drug is prescribed and any other requirement  
619 established by board rule under chapter 458, chapter 459,  
620 chapter 461, chapter 463, chapter 464, or chapter 466.

621  
622 For felonies in which the defendant entered a plea of guilty or  
623 nolo contendere in an agreement with the court to enter a  
624 pretrial intervention or drug diversion program, the department  
625 shall deny the application if upon final resolution of the case  
626 the licensee has failed to successfully complete the program.

627 Section 22. Paragraph (h) of subsection (1) of section  
628 465.023, Florida Statutes, is amended to read:

629 465.023 Pharmacy permittee; disciplinary action.—

630 (1) The department or the board may revoke or suspend the  
631 permit of any pharmacy permittee, and may fine, place on  
632 probation, or otherwise discipline any pharmacy permittee if the  
633 permittee, or any affiliated person, partner, officer, director,  
634 or agent of the permittee, including a person fingerprinted  
635 under s. 465.022(3), has:

636 (h) Dispensed any medicinal drug based upon a communication  
637 that purports to be a prescription as defined in s. 465.003 ~~by~~  
638 ~~s. 465.003(14)~~ or s. 893.02 when the pharmacist knows or has

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639 reason to believe that the purported prescription is not based  
640 upon a valid practitioner-patient relationship that includes a  
641 documented patient evaluation, including history and a physical  
642 examination adequate to establish the diagnosis for which any  
643 drug is prescribed and any other requirement established by  
644 board rule under chapter 458, chapter 459, chapter 461, chapter  
645 463, chapter 464, or chapter 466.

646 Section 23. Section 465.1901, Florida Statutes, is amended  
647 to read:

648 465.1901 Practice of orthotics and pedorthics.—The  
649 provisions of chapter 468 relating to orthotics or pedorthics do  
650 not apply to any licensed pharmacist or to any person acting  
651 under the supervision of a licensed pharmacist. The practice of  
652 orthotics or pedorthics by a pharmacist or any of the  
653 pharmacist's employees acting under the supervision of a  
654 pharmacist shall be construed to be within the meaning of the  
655 term "practice of the profession of pharmacy" as defined ~~set~~  
656 ~~forth~~ in s. 465.003 ~~s. 465.003(13)~~, and shall be subject to  
657 regulation in the same manner as any other pharmacy practice.  
658 The Board of Pharmacy shall develop rules regarding the practice  
659 of orthotics and pedorthics by a pharmacist. Any pharmacist or  
660 person under the supervision of a pharmacist engaged in the  
661 practice of orthotics or pedorthics is not precluded from  
662 continuing that practice pending adoption of these rules.

663 Section 24. Paragraph (j) of subsection (2) of section  
664 465.1902, Florida Statutes, is amended to read:

665 465.1902 Prescription Drug Donation Repository Program.—

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

667 (j) "Prescription drug" has the same meaning as the term

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668 "medicinal drugs" or "drugs," as those terms are defined in s.  
669 465.003 ~~s. 465.003(8)~~, but does not include controlled  
670 substances, cancer drugs donated under s. 499.029, or drugs with  
671 an approved United States Food and Drug Administration risk  
672 evaluation and mitigation strategy that includes elements to  
673 assure safe use.

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

676 499.003 Definitions of terms used in this part.—As used in  
677 this part, the term:

678 (40) "Prescription drug" means a prescription, medicinal,  
679 or legend drug, including, but not limited to, finished dosage  
680 forms or active pharmaceutical ingredients subject to, defined  
681 by, or described by s. 503(b) of the federal act or s. 465.003  
682 ~~s. 465.003(8)~~, s. 499.007(13), subsection (31), or subsection  
683 (47), except that an active pharmaceutical ingredient is a  
684 prescription drug only if substantially all finished dosage  
685 forms in which it may be lawfully dispensed or administered in  
686 this state are also prescription drugs.

687 Section 26. Paragraph (c) of subsection (24) of section  
688 893.02, Florida Statutes, is amended to read:

689 893.02 Definitions.—The following words and phrases as used  
690 in this chapter shall have the following meanings, unless the  
691 context otherwise requires:

692 (24) "Prescription" includes any order for drugs or  
693 medicinal supplies which is written or transmitted by any means  
694 of communication by a licensed practitioner authorized by the  
695 laws of this state to prescribe such drugs or medicinal  
696 supplies, is issued in good faith and in the course of



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697 professional practice, is intended to be dispensed by a person  
698 authorized by the laws of this state to do so, and meets the  
699 requirements of s. 893.04.

700 (c) A prescription for a controlled substance may not be  
701 issued on the same prescription blank with another prescription  
702 for a controlled substance that is named or described in a  
703 different schedule or with another prescription for a medicinal  
704 drug, as defined in s. 465.003 ~~s. 465.003(8)~~, that is not a  
705 controlled substance.

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