

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

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25 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Subsections (1) through (22) of section 401.23, Florida Statutes, are renumbered as subsections (2) through (23), respectively, present subsection (19) is amended, and a new subsection (1) is added to that section, to read:

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

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

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

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

401.272 Emergency medical services community health care.—

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

(c) Paramedics may provide basic life support services and

51 advanced life support services to patients receiving acute
52 hospital care at home as specified in the paramedic's
53 supervisory relationship with a physician or standing orders as
54 described in s. 401.265, s. 458.348, or s. 459.025. A physician
55 who supervises or provides medical direction to a paramedic who
56 provides basic life support services or advanced life support
57 services to patients receiving acute hospital care at home
58 pursuant to a formal supervisory relationship or standing orders
59 is liable for any act or omission of the paramedic acting under
60 the physician's supervision or medical direction when providing
61 such services. The department may adopt and enforce rules
62 necessary to implement this paragraph.

63 Section 3. Section 465.003, Florida Statutes, is amended
64 to read:

65 465.003 Definitions.—As used in this chapter, the term:

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

71 (2)-(1) "Administration" means the obtaining and giving of
72 a single dose of medicinal drugs by a legally authorized person
73 to a patient for her or his consumption.

74 (3)-(17) "Automated pharmacy system" means a mechanical
75 system that delivers prescription drugs received from a Florida

76 licensed pharmacy and maintains related transaction information.

77 (4)~~(2)~~ "Board" means the Board of Pharmacy.

78 (5)~~(21)~~ "Central distribution facility" means a facility
 79 under common control with a hospital holding a Class III
 80 institutional pharmacy permit that may dispense, distribute,
 81 compound, or fill prescriptions for medicinal drugs; prepare
 82 prepackaged drug products; and conduct other pharmaceutical
 83 services.

84 (6)~~(16)~~ "Centralized prescription filling" means the
 85 filling of a prescription by one pharmacy upon request by
 86 another pharmacy to fill or refill the prescription. The term
 87 includes the performance by one pharmacy for another pharmacy of
 88 other pharmacy duties such as drug utilization review,
 89 therapeutic drug utilization review, claims adjudication, and
 90 the obtaining of refill authorizations.

91 (7)~~(22)~~ "Common control" means the power to direct or
 92 cause the direction of the management and policies of a person
 93 or an organization, whether by ownership of stock, voting
 94 rights, contract, or otherwise.

95 (8)~~(20)~~ "Compounded sterile product" means a drug that is
 96 intended for parenteral administration, an ophthalmic or oral
 97 inhalation drug in aqueous format, or a drug or product that is
 98 required to be sterile under federal or state law or rule, which
 99 is produced through compounding, but is not approved by the
 100 United States Food and Drug Administration.

101 ~~(9)-(18)~~ "Compounding" means combining, mixing, or altering
102 the ingredients of one or more drugs or products to create
103 another drug or product.

104 ~~(10)-(3)~~ "Consultant pharmacist" means a pharmacist
105 licensed by the department and certified as a consultant
106 pharmacist pursuant to s. 465.0125.

107 ~~(11)-(4)~~ "Data communication device" means an electronic
108 device that receives electronic information from one source and
109 transmits or routes it to another, including, but not limited
110 to, any such bridge, router, switch, or gateway.

111 ~~(12)-(5)~~ "Department" means the Department of Health.

112 ~~(13)-(6)~~ "Dispense" means the transfer of possession of one
113 or more doses of a medicinal drug by a pharmacist to the
114 ultimate consumer or her or his agent. As an element of
115 dispensing, the pharmacist shall, prior to the actual physical
116 transfer, interpret and assess the prescription order for
117 potential adverse reactions, interactions, and dosage regimen
118 she or he deems appropriate in the exercise of her or his
119 professional judgment, and the pharmacist shall certify that the
120 medicinal drug called for by the prescription is ready for
121 transfer. The pharmacist shall also provide counseling on proper
122 drug usage, either orally or in writing, if in the exercise of
123 her or his professional judgment counseling is necessary. The
124 actual sales transaction and delivery of such drug shall not be
125 considered dispensing. The administration shall not be

126 considered dispensing.

127 (14)~~(7)~~ "Institutional formulary system" means a method
128 whereby the medical staff evaluates, appraises, and selects
129 those medicinal drugs or proprietary preparations which in the
130 medical staff's clinical judgment are most useful in patient
131 care, and which are available for dispensing by a practicing
132 pharmacist in a Class II or Class III institutional pharmacy.

133 (15)~~(8)~~ "Medicinal drugs" or "drugs" means those
134 substances or preparations commonly known as "prescription" or
135 "legend" drugs which are required by federal or state law to be
136 dispensed only on a prescription, but shall not include patents
137 or proprietary preparations as hereafter defined.

138 (16)~~(15)~~ "Nuclear pharmacist" means a pharmacist licensed
139 by the department and certified as a nuclear pharmacist pursuant
140 to s. 465.0126.

141 (17)~~(19)~~ "Outsourcing facility" means a single physical
142 location registered as an outsourcing facility under the federal
143 Drug Quality and Security Act, Pub. L. No. 113-54, at which
144 sterile compounding of a drug or product is conducted.

145 (18)~~(9)~~ "Patent or proprietary preparation" means a
146 medicine in its unbroken, original package which is sold to the
147 public by, or under the authority of, the manufacturer or
148 primary distributor thereof and which is not misbranded under
149 the provisions of the Florida Drug and Cosmetic Act.

150 (19)~~(10)~~ "Pharmacist" means any person licensed pursuant

151 to this chapter to practice the profession of pharmacy.

152 (20)~~(11)~~(a) "Pharmacy" includes a community pharmacy, an
153 institutional pharmacy, a nuclear pharmacy, a special pharmacy,
154 and an Internet pharmacy.

155 1. The term "community pharmacy" includes every location
156 where medicinal drugs are compounded, dispensed, stored, or sold
157 or where prescriptions are filled or dispensed on an outpatient
158 basis.

159 2. The term "institutional pharmacy" includes every
160 location in a hospital, clinic, nursing home, dispensary,
161 sanitarium, extended care facility, or other facility,
162 hereinafter referred to as "health care institutions," where
163 medicinal drugs are compounded, dispensed, stored, or sold.

164 3. The term "nuclear pharmacy" includes every location
165 where radioactive drugs and chemicals within the classification
166 of medicinal drugs are compounded, dispensed, stored, or sold.
167 The term "nuclear pharmacy" does not include hospitals licensed
168 under chapter 395 or the nuclear medicine facilities of such
169 hospitals.

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

173 5. The term "Internet pharmacy" includes locations not
174 otherwise licensed or issued a permit under this chapter, within
175 or outside this state, which use the Internet to communicate

176 with or obtain information from consumers in this state and use
177 such communication or information to fill or refill
178 prescriptions or to dispense, distribute, or otherwise engage in
179 the practice of pharmacy in this state. Any act described in
180 this definition constitutes the practice of the profession of
181 pharmacy ~~as defined in subsection (13)~~.

182 (21)~~(12)~~ "Pharmacy intern" means a person who is currently
183 registered in, and attending, a duly accredited college or
184 school of pharmacy, or who is a graduate of such a school or
185 college of pharmacy, and who is duly and properly registered
186 with the department as provided for under its rules.

187 (22)~~(13)~~ "Practice of the profession of pharmacy" includes
188 compounding, dispensing, and consulting concerning contents,
189 therapeutic values, and uses of any medicinal drug; consulting
190 concerning therapeutic values and interactions of patent or
191 proprietary preparations, whether pursuant to prescriptions or
192 in the absence and entirely independent of such prescriptions or
193 orders; and conducting other pharmaceutical services. For
194 purposes of this subsection, the term "other pharmaceutical
195 services" means monitoring the patient's drug therapy and
196 assisting the patient in the management of his or her drug
197 therapy, and includes reviewing, and making recommendations
198 regarding, the patient's drug therapy and health care status in
199 communication with the patient's prescribing health care
200 provider as licensed under chapter 458, chapter 459, chapter

201 461, or chapter 466, or a similar statutory provision in another
 202 jurisdiction, or such provider's agent or such other persons as
 203 specifically authorized by the patient; and initiating,
 204 modifying, or discontinuing drug therapy for a chronic health
 205 condition under a collaborative pharmacy practice agreement.
 206 This subsection may not be interpreted to permit an alteration
 207 of a prescriber's directions, the diagnosis or treatment of any
 208 disease, the initiation of any drug therapy, the practice of
 209 medicine, or the practice of osteopathic medicine, unless
 210 otherwise permitted by law or specifically authorized by s.
 211 465.1865 or s. 465.1895. The term "practice of the profession of
 212 pharmacy" also includes any other act, service, operation,
 213 research, or transaction incidental to, or forming a part of,
 214 any of the foregoing acts, requiring, involving, or employing
 215 the science or art of any branch of the pharmaceutical
 216 profession, study, or training, and shall expressly permit a
 217 pharmacist to transmit information from persons authorized to
 218 prescribe medicinal drugs to their patients. The practice of the
 219 profession of pharmacy also includes the administration of
 220 vaccines to adults pursuant to s. 465.189, the testing or
 221 screening for and treatment of minor, nonchronic health
 222 conditions pursuant to s. 465.1895, and the preparation of
 223 prepackaged drug products in facilities holding Class III
 224 institutional pharmacy permits. The term also includes the
 225 ordering and evaluating of any laboratory or clinical testing;

226 conducting patient assessments; and modifying, discontinuing, or
227 administering medicinal drugs pursuant to s. 465.0125 by a
228 consultant pharmacist.

229 (23)~~(14)~~ "Prescription" includes any order for drugs or
230 medicinal supplies written or transmitted by any means of
231 communication by a duly licensed practitioner authorized by the
232 laws of the state to prescribe such drugs or medicinal supplies
233 and intended to be dispensed by a pharmacist. The term also
234 includes an orally transmitted order by the lawfully designated
235 agent of such practitioner. The term also includes an order
236 written or transmitted by a practitioner licensed to practice in
237 a jurisdiction other than this state, but only if the pharmacist
238 called upon to dispense such order determines, in the exercise
239 of her or his professional judgment, that the order is valid and
240 necessary for the treatment of a chronic or recurrent illness.
241 The term "prescription" also includes a pharmacist's order for a
242 product selected from the formulary created pursuant to s.
243 465.186. Prescriptions may be retained in written form or the
244 pharmacist may cause them to be recorded in a data processing
245 system, provided that such order can be produced in printed form
246 upon lawful request.

247 Section 4. Paragraph (d) of subsection (2) and paragraph
248 (a) of subsection (4) of section 465.019, Florida Statutes, are
249 amended to read:

250 465.019 Institutional pharmacies; permits.—

251 (2) The following classes of institutional pharmacies are
 252 established:

253 (d)1. "Class III institutional pharmacies" are those
 254 institutional pharmacies, including central distribution
 255 facilities, affiliated with a hospital which ~~that~~ provide the
 256 same services that are authorized by a Class II institutional
 257 pharmacy permit. Class III institutional pharmacies may also:

258 a. Dispense, distribute, compound, and fill prescriptions
 259 for medicinal drugs for inpatient treatment or for patients
 260 receiving acute hospital care at home.

261 b. Prepare prepackaged drug products.

262 c. Conduct other pharmaceutical services for the
 263 affiliated hospital and for entities under common control that
 264 are each permitted under this chapter to possess medicinal
 265 drugs.

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

269 2. A Class III institutional pharmacy shall maintain
 270 policies and procedures addressing:

271 a. The consultant pharmacist responsible for
 272 pharmaceutical services.

273 b. Safe practices for the preparation, dispensing,
 274 prepackaging, distribution, and transportation of medicinal
 275 drugs and prepackaged drug products.

276 c. Recordkeeping to monitor the movement, distribution,
 277 and transportation of medicinal drugs and prepackaged drug
 278 products.

279 d. Recordkeeping of pharmacy staff responsible for each
 280 step in the preparation, dispensing, prepackaging,
 281 transportation, and distribution of medicinal drugs and
 282 prepackaged drug products.

283 e. Medicinal drugs and prepackaged drug products that may
 284 not be safely distributed among Class III institutional
 285 pharmacies.

286 (4) (a) Medicinal drugs shall be dispensed by ~~in~~ an
 287 institutional pharmacy to outpatients only when that institution
 288 has secured a community pharmacy permit from the department.
 289 However, medicinal drugs may be dispensed by a hospital that
 290 operates a Class II or Class III institutional pharmacy to a
 291 patient of the hospital's emergency department or a hospital
 292 inpatient upon discharge if a prescriber, as defined in s.
 293 465.025(1), treating the patient in such hospital determines
 294 that the medicinal drug is warranted and that community pharmacy
 295 services are not readily accessible, geographically or
 296 otherwise, to the patient. Such prescribing and dispensing must
 297 be for a supply of the drug that will last for the greater of
 298 the following:

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

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

303 14.33 Medal of Heroism.—

304 (1) The Governor may award a Medal of Heroism of
 305 appropriate design, with ribbons and appurtenances, to a law
 306 enforcement, correctional, or correctional probation officer, as
 307 defined in s. 943.10(14); a firefighter, as defined in s.
 308 112.191(1)(b); an emergency medical technician, as defined in s.
 309 401.23 ~~s. 401.23(11)~~; or a paramedic, as defined in s. 401.23 ~~s.~~
 310 ~~401.23(17)~~. A recipient must have distinguished himself or
 311 herself conspicuously by gallantry and intrepidity, must have
 312 risked his or her life deliberately above and beyond the call of
 313 duty while performing duty in his or her respective position,
 314 and must have engaged in hazardous or perilous activities to
 315 preserve lives with the knowledge that such activities might
 316 result in great personal harm.

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

319 125.01045 Prohibition of fees for first responder
 320 services.—

321 (1) A county may not impose a fee or seek reimbursement
 322 for any costs or expenses that may be incurred for services
 323 provided by a first responder, including costs or expenses
 324 related to personnel, supplies, motor vehicles, or equipment in
 325 response to a motor vehicle accident, except for costs to

326 contain or clean up hazardous materials in quantities reportable
 327 to the Florida State Warning Point at the Division of Emergency
 328 Management, and costs for transportation and treatment provided
 329 by ambulance services licensed pursuant to s. 401.23 ~~s.~~
 330 ~~401.23(4) and (5)~~.

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

333 166.0446 Prohibition of fees for first responder
 334 services.—

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

345 Section 8. Paragraph (a) of subsection (3) of section
 346 252.515, Florida Statutes, is amended to read:

347 252.515 Postdisaster Relief Assistance Act; immunity from
 348 civil liability.—

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

350 (a) "Emergency first responder" means:

- 351 1. A physician licensed under chapter 458.
- 352 2. An osteopathic physician licensed under chapter 459.
- 353 3. A chiropractic physician licensed under chapter 460.
- 354 4. A podiatric physician licensed under chapter 461.
- 355 5. A dentist licensed under chapter 466.
- 356 6. An advanced practice registered nurse licensed under s.
- 357 464.012.
- 358 7. A physician assistant licensed under s. 458.347 or s.
- 359 459.022.
- 360 8. A worker employed by a public or private hospital in
- 361 the state.
- 362 9. A paramedic as defined in s. 401.23 ~~s. 401.23(17)~~.
- 363 10. An emergency medical technician as defined in s.
- 364 401.23 ~~s. 401.23(11)~~.
- 365 11. A firefighter as defined in s. 633.102.
- 366 12. A law enforcement officer as defined in s. 943.10.
- 367 13. A member of the Florida National Guard.
- 368 14. Any other personnel designated as emergency personnel
- 369 by the Governor pursuant to a declared emergency.
- 370 Section 9. Subsection (5) of section 395.1027, Florida
- 371 Statutes, is amended to read:
- 372 395.1027 Regional poison control centers.—
- 373 (5) By October 1, 1999, each regional poison control
- 374 center shall develop a prehospital emergency dispatch protocol
- 375 with each licensee as defined in s. 401.23 ~~by s. 401.23(13)~~ in

376 the geographic area covered by the regional poison control
 377 center. The prehospital emergency dispatch protocol shall be
 378 developed by each licensee's medical director in conjunction
 379 with the designated regional poison control center responsible
 380 for the geographic area in which the licensee operates. The
 381 protocol shall define toxic substances and describe the
 382 procedure by which the designated regional poison control center
 383 may be consulted by the licensee. If a call is transferred to
 384 the designated regional poison control center in accordance with
 385 the protocol established under this section and s. 401.268, the
 386 designated regional poison control center shall assume
 387 responsibility and liability for the call.

388 Section 10. Paragraph (b) of subsection (1) of section
 389 400.143, Florida Statutes, is amended to read:

390 400.143 Institutional formularies established by nursing
 391 home facilities.—

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

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

395 Section 11. Paragraph (b) of subsection (2) of section
 396 401.245, Florida Statutes, is amended to read:

397 401.245 Emergency Medical Services Advisory Council.—

398 (2)

399 (b) Representation on the Emergency Medical Services
 400 Advisory Council shall include ÷ two licensed physicians who are

401 medical directors ~~"medical directors"~~ as defined in s. 401.23 s.
 402 ~~401.23(15)~~ or whose medical practice is closely related to
 403 emergency medical services; two emergency medical service
 404 administrators, one of whom is employed by a fire service; two
 405 certified paramedics, one of whom is employed by a fire service;
 406 two certified emergency medical technicians, one of whom is
 407 employed by a fire service; one emergency medical services
 408 educator; one emergency nurse; one hospital administrator; one
 409 representative of air ambulance services; one representative of
 410 a commercial ambulance operator; and two laypersons who are in
 411 no way connected with emergency medical services, one of whom is
 412 a representative of the elderly. Ex officio members of the
 413 advisory council from state agencies shall include, but are
 414 ~~shall not be~~ limited to, representatives from the Department of
 415 Education, the Department of Management Services, the State Fire
 416 Marshal, the Department of Highway Safety and Motor Vehicles,
 417 the Department of Transportation, and the Division of Emergency
 418 Management.

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

421 401.27 Personnel; standards and certification.—

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

426 (a) For emergency medical technicians, proficiency in
 427 techniques identified in s. 401.23 ~~s. 401.23(7)~~ and in rules of
 428 the department.

429 (b) For paramedics, proficiency in techniques identified
 430 in s. 401.23 ~~s. 401.23(1)~~ and in rules of the department.

431 Section 13. Paragraph (a) of subsection (1) of section
 432 409.9201, Florida Statutes, is amended to read:

433 409.9201 Medicaid fraud.—

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

435 (a) "Prescription drug" means any drug, including, but not
 436 limited to, finished dosage forms or active ingredients that are
 437 subject to, defined in, or described in s. 503(b) of the Federal
 438 Food, Drug, and Cosmetic Act or in s. 465.003 ~~s. 465.003(8)~~, s.
 439 499.003(17), s. 499.007(13), or s. 499.82(10).

440
 441 The value of individual items of the legend drugs or goods or
 442 services involved in distinct transactions committed during a
 443 single scheme or course of conduct, whether involving a single
 444 person or several persons, may be aggregated when determining
 445 the punishment for the offense.

446 Section 14. Paragraph (pp) of subsection (1) of section
 447 458.331, Florida Statutes, is amended to read:

448 458.331 Grounds for disciplinary action; action by the
 449 board and department.—

450 (1) The following acts constitute grounds for denial of a

451 license or disciplinary action, as specified in s. 456.072(2):
452 (pp) Applicable to a licensee who serves as the designated
453 physician of a pain-management clinic as defined in s. 458.3265
454 or s. 459.0137:

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

476 jurisdiction of the courts of this state, of any other state, or
 477 of the United States which relates to the practice of, or the
 478 ability to practice, a licensed health care profession;

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

483 8. Dispensing any medicinal drug based upon a
 484 communication that purports to be a prescription as defined in
 485 s. 465.003 ~~s. 465.003(14)~~ or s. 893.02 if the dispensing
 486 practitioner knows or has reason to believe that the purported
 487 prescription is not based upon a valid practitioner-patient
 488 relationship; or

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

492 Section 15. Paragraph (rr) of subsection (1) of section
 493 459.015, Florida Statutes, is amended to read:

494 459.015 Grounds for disciplinary action; action by the
 495 board and department.—

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

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

- 501 1. Registering a pain-management clinic through
 502 misrepresentation or fraud;
- 503 2. Procuring, or attempting to procure, the registration
 504 of a pain-management clinic for any other person by making or
 505 causing to be made, any false representation;
- 506 3. Failing to comply with any requirement of chapter 499,
 507 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the
 508 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,
 509 the Drug Abuse Prevention and Control Act; or chapter 893, the
 510 Florida Comprehensive Drug Abuse Prevention and Control Act;
- 511 4. Being convicted or found guilty of, regardless of
 512 adjudication to, a felony or any other crime involving moral
 513 turpitude, fraud, dishonesty, or deceit in any jurisdiction of
 514 the courts of this state, of any other state, or of the United
 515 States;
- 516 5. Being convicted of, or disciplined by a regulatory
 517 agency of the Federal Government or a regulatory agency of
 518 another state for, any offense that would constitute a violation
 519 of this chapter;
- 520 6. Being convicted of, or entering a plea of guilty or
 521 nolo contendere to, regardless of adjudication, a crime in any
 522 jurisdiction of the courts of this state, of any other state, or
 523 of the United States which relates to the practice of, or the
 524 ability to practice, a licensed health care profession;
- 525 7. Being convicted of, or entering a plea of guilty or

526 nolo contendere to, regardless of adjudication, a crime in any
 527 jurisdiction of the courts of this state, of any other state, or
 528 of the United States which relates to health care fraud;

529 8. Dispensing any medicinal drug based upon a
 530 communication that purports to be a prescription as defined in
 531 s. 465.003 ~~s. 465.003(14)~~ or s. 893.02 if the dispensing
 532 practitioner knows or has reason to believe that the purported
 533 prescription is not based upon a valid practitioner-patient
 534 relationship; or

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

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

540 465.014 Pharmacy technician.—

541 (1) A person other than a licensed pharmacist or pharmacy
 542 intern may not engage in the practice of the profession of
 543 pharmacy, except that a licensed pharmacist may delegate to
 544 pharmacy technicians who are registered pursuant to this section
 545 those duties, tasks, and functions that do not fall within the
 546 purview of s. 465.003 ~~s. 465.003(13)~~. All such delegated acts
 547 must be performed under the direct supervision of a licensed
 548 pharmacist who is responsible for all such acts performed by
 549 persons under his or her supervision. A registered pharmacy
 550 technician, under the supervision of a pharmacist, may initiate

551 or receive communications with a practitioner or his or her
 552 agent, on behalf of a patient, regarding refill authorization
 553 requests. A licensed pharmacist may not supervise more than one
 554 registered pharmacy technician unless otherwise permitted by the
 555 guidelines adopted by the board. The board shall establish
 556 guidelines to be followed by licensees or permittees in
 557 determining the circumstances under which a licensed pharmacist
 558 may supervise more than one pharmacy technician.

559 Section 17. Paragraph (c) of subsection (2) of section
 560 465.015, Florida Statutes, is amended to read:

561 465.015 Violations and penalties.—

562 (2) It is unlawful for any person:

563 (c) To sell or dispense drugs as defined in s. 465.003 ~~s.~~
 564 ~~465.003(8)~~ without first being furnished with a prescription.

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

567 465.0156 Registration of nonresident pharmacies.—

568 (9) Notwithstanding s. 465.003 ~~s. 465.003(10)~~, for
 569 purposes of this section, the registered pharmacy and the
 570 pharmacist designated by the registered pharmacy as the
 571 prescription department manager or the equivalent must be
 572 licensed in the state of location in order to dispense into this
 573 state.

574 Section 19. Paragraph (s) of subsection (1) of section
 575 465.016, Florida Statutes, is amended to read:

576 465.016 Disciplinary actions.—

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

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

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

586 465.0197 Internet pharmacy permits.—

587 (4) Notwithstanding s. 465.003 ~~s. 465.003(10)~~, for
588 purposes of this section, the Internet pharmacy and the
589 pharmacist designated by the Internet pharmacy as the
590 prescription department manager or the equivalent must be
591 licensed in the state of location in order to dispense into this
592 state.

593 Section 21. Paragraph (j) of subsection (5) of section
594 465.022, Florida Statutes, is amended to read:

595 465.022 Pharmacies; general requirements; fees.—

596 (5) The department or board shall deny an application for
597 a pharmacy permit if the applicant or an affiliated person,
598 partner, officer, director, or prescription department manager
599 or consultant pharmacist of record of the applicant:

600 (j) Has dispensed any medicinal drug based upon a

601 communication that purports to be a prescription as defined in
 602 s. 465.003 ~~by s. 465.003(14)~~ or s. 893.02 when the pharmacist
 603 knows or has reason to believe that the purported prescription
 604 is not based upon a valid practitioner-patient relationship that
 605 includes a documented patient evaluation, including history and
 606 a physical examination adequate to establish the diagnosis for
 607 which any drug is prescribed and any other requirement
 608 established by board rule under chapter 458, chapter 459,
 609 chapter 461, chapter 463, chapter 464, or chapter 466.

610
 611 For felonies in which the defendant entered a plea of guilty or
 612 nolo contendere in an agreement with the court to enter a
 613 pretrial intervention or drug diversion program, the department
 614 shall deny the application if upon final resolution of the case
 615 the licensee has failed to successfully complete the program.

616 Section 22. Paragraph (h) of subsection (1) of section
 617 465.023, Florida Statutes, is amended to read:

618 465.023 Pharmacy permittee; disciplinary action.—

619 (1) The department or the board may revoke or suspend the
 620 permit of any pharmacy permittee, and may fine, place on
 621 probation, or otherwise discipline any pharmacy permittee if the
 622 permittee, or any affiliated person, partner, officer, director,
 623 or agent of the permittee, including a person fingerprinted
 624 under s. 465.022(3), has:

625 (h) Dispensed any medicinal drug based upon a

626 communication that purports to be a prescription as defined in
627 s. 465.003 ~~by s. 465.003(14)~~ or s. 893.02 when the pharmacist
628 knows or has reason to believe that the purported prescription
629 is not based upon a valid practitioner-patient relationship that
630 includes a documented patient evaluation, including history and
631 a physical examination adequate to establish the diagnosis for
632 which any drug is prescribed and any other requirement
633 established by board rule under chapter 458, chapter 459,
634 chapter 461, chapter 463, chapter 464, or chapter 466.

635 Section 23. Section 465.1901, Florida Statutes, is amended
636 to read:

637 465.1901 Practice of orthotics and pedorthics.—The
638 provisions of chapter 468 relating to orthotics or pedorthics do
639 not apply to any licensed pharmacist or to any person acting
640 under the supervision of a licensed pharmacist. The practice of
641 orthotics or pedorthics by a pharmacist or any of the
642 pharmacist's employees acting under the supervision of a
643 pharmacist shall be construed to be within the meaning of the
644 term "practice of the profession of pharmacy" as defined ~~set~~
645 ~~forth~~ in s. 465.003 ~~s. 465.003(13)~~, and shall be subject to
646 regulation in the same manner as any other pharmacy practice.
647 The Board of Pharmacy shall develop rules regarding the practice
648 of orthotics and pedorthics by a pharmacist. Any pharmacist or
649 person under the supervision of a pharmacist engaged in the
650 practice of orthotics or pedorthics is not precluded from

651 continuing that practice pending adoption of these rules.

652 Section 24. Paragraph (j) of subsection (2) of section
653 465.1902, Florida Statutes, is amended to read:

654 465.1902 Prescription Drug Donation Repository Program.—

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

656 (j) "Prescription drug" has the same meaning as the term
657 "medicinal drugs" or "drugs," as those terms are defined in s.

658 465.003 ~~s. 465.003(8)~~, but does not include controlled

659 substances, cancer drugs donated under s. 499.029, or drugs with

660 an approved United States Food and Drug Administration risk

661 evaluation and mitigation strategy that includes elements to

662 assure safe use.

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

665 499.003 Definitions of terms used in this part.—As used in
666 this part, the term:

667 (40) "Prescription drug" means a prescription, medicinal,

668 or legend drug, including, but not limited to, finished dosage

669 forms or active pharmaceutical ingredients subject to, defined

670 by, or described by s. 503(b) of the federal act or s. 465.003

671 ~~s. 465.003(8)~~, s. 499.007(13), subsection (31), or subsection

672 (47), except that an active pharmaceutical ingredient is a

673 prescription drug only if substantially all finished dosage

674 forms in which it may be lawfully dispensed or administered in

675 this state are also prescription drugs.

676 Section 26. Paragraph (c) of subsection (24) of section
677 893.02, Florida Statutes, is amended to read:

678 893.02 Definitions.—The following words and phrases as
679 used in this chapter shall have the following meanings, unless
680 the context otherwise requires:

681 (24) "Prescription" includes any order for drugs or
682 medicinal supplies which is written or transmitted by any means
683 of communication by a licensed practitioner authorized by the
684 laws of this state to prescribe such drugs or medicinal
685 supplies, is issued in good faith and in the course of
686 professional practice, is intended to be dispensed by a person
687 authorized by the laws of this state to do so, and meets the
688 requirements of s. 893.04.

689 (c) A prescription for a controlled substance may not be
690 issued on the same prescription blank with another prescription
691 for a controlled substance that is named or described in a
692 different schedule or with another prescription for a medicinal
693 drug, as defined in s. 465.003 ~~s. 465.003(8)~~, that is not a
694 controlled substance.

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