

CS/CS/HB 937

2022

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

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 (b) The pharmacy department of any permittee shall be  
 183 considered closed whenever a Florida licensed pharmacist is not  
 184 present and on duty. The term "not present and on duty" shall  
 185 not be construed to prevent a pharmacist from exiting the  
 186 prescription department for the purposes of consulting or  
 187 responding to inquiries or providing assistance to patients or  
 188 customers, attending to personal hygiene needs, or performing  
 189 any other function for which the pharmacist is responsible,  
 190 provided that such activities are conducted in a manner  
 191 consistent with the pharmacist's responsibility to provide  
 192 pharmacy services.

193 (21)~~(12)~~ "Pharmacy intern" means a person who is currently  
 194 registered in, and attending, a duly accredited college or  
 195 school of pharmacy, or who is a graduate of such a school or  
 196 college of pharmacy, and who is duly and properly registered  
 197 with the department as provided for under its rules.

198 (22)~~(13)~~ "Practice of the profession of pharmacy" includes  
 199 compounding, dispensing, and consulting concerning contents,  
 200 therapeutic values, and uses of any medicinal drug; consulting



201 concerning therapeutic values and interactions of patent or  
 202 proprietary preparations, whether pursuant to prescriptions or  
 203 in the absence and entirely independent of such prescriptions or  
 204 orders; and conducting other pharmaceutical services. For  
 205 purposes of this subsection, the term "other pharmaceutical  
 206 services" means monitoring the patient's drug therapy and  
 207 assisting the patient in the management of his or her drug  
 208 therapy, and includes reviewing, and making recommendations  
 209 regarding, the patient's drug therapy and health care status in  
 210 communication with the patient's prescribing health care  
 211 provider as licensed under chapter 458, chapter 459, chapter  
 212 461, or chapter 466, or a similar statutory provision in another  
 213 jurisdiction, or such provider's agent or such other persons as  
 214 specifically authorized by the patient; and initiating,  
 215 modifying, or discontinuing drug therapy for a chronic health  
 216 condition under a collaborative pharmacy practice agreement.  
 217 This subsection may not be interpreted to permit an alteration  
 218 of a prescriber's directions, the diagnosis or treatment of any  
 219 disease, the initiation of any drug therapy, the practice of  
 220 medicine, or the practice of osteopathic medicine, unless  
 221 otherwise permitted by law or specifically authorized by s.  
 222 465.1865 or s. 465.1895. The term "practice of the profession of  
 223 pharmacy" also includes any other act, service, operation,  
 224 research, or transaction incidental to, or forming a part of,  
 225 any of the foregoing acts, requiring, involving, or employing

226 | the science or art of any branch of the pharmaceutical  
227 | profession, study, or training, and shall expressly permit a  
228 | pharmacist to transmit information from persons authorized to  
229 | prescribe medicinal drugs to their patients. The practice of the  
230 | profession of pharmacy also includes the administration of  
231 | vaccines to adults pursuant to s. 465.189, the testing or  
232 | screening for and treatment of minor, nonchronic health  
233 | conditions pursuant to s. 465.1895, and the preparation of  
234 | prepackaged drug products in facilities holding Class III  
235 | institutional pharmacy permits. The term also includes the  
236 | ordering and evaluating of any laboratory or clinical testing;  
237 | conducting patient assessments; and modifying, discontinuing, or  
238 | administering medicinal drugs pursuant to s. 465.0125 by a  
239 | consultant pharmacist.

240 |       (23) ~~(14)~~ "Prescription" includes any order for drugs or  
241 | medicinal supplies written or transmitted by any means of  
242 | communication by a duly licensed practitioner authorized by the  
243 | laws of the state to prescribe such drugs or medicinal supplies  
244 | and intended to be dispensed by a pharmacist. The term also  
245 | includes an orally transmitted order by the lawfully designated  
246 | agent of such practitioner. The term also includes an order  
247 | written or transmitted by a practitioner licensed to practice in  
248 | a jurisdiction other than this state, but only if the pharmacist  
249 | called upon to dispense such order determines, in the exercise  
250 | of her or his professional judgment, that the order is valid and

251 necessary for the treatment of a chronic or recurrent illness.  
 252 The term "prescription" also includes a pharmacist's order for a  
 253 product selected from the formulary created pursuant to s.  
 254 465.186. Prescriptions may be retained in written form or the  
 255 pharmacist may cause them to be recorded in a data processing  
 256 system, provided that such order can be produced in printed form  
 257 upon lawful request.

258 Section 4. Paragraph (d) of subsection (2) and paragraph  
 259 (a) of subsection (4) of section 465.019, Florida Statutes, are  
 260 amended to read:

261 465.019 Institutional pharmacies; permits.—

262 (2) The following classes of institutional pharmacies are  
 263 established:

264 (d)1. "Class III institutional pharmacies" are those  
 265 institutional pharmacies, including central distribution  
 266 facilities, affiliated with a hospital which ~~that~~ provide the  
 267 same services that are authorized by a Class II institutional  
 268 pharmacy permit. Class III institutional pharmacies may also:

269 a. Dispense, distribute, compound, and fill prescriptions  
 270 for medicinal drugs for inpatient treatment or for patients  
 271 receiving acute hospital care at home.

272 b. Prepare prepackaged drug products.

273 c. Conduct other pharmaceutical services for the  
 274 affiliated hospital and for entities under common control that  
 275 are each permitted under this chapter to possess medicinal

276 | drugs.

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

280 |       2. A Class III institutional pharmacy shall maintain  
281 | policies and procedures addressing:

282 |       a. The consultant pharmacist responsible for  
283 | pharmaceutical services.

284 |       b. Safe practices for the preparation, dispensing,  
285 | prepackaging, distribution, and transportation of medicinal  
286 | drugs and prepackaged drug products.

287 |       c. Recordkeeping to monitor the movement, distribution,  
288 | and transportation of medicinal drugs and prepackaged drug  
289 | products.

290 |       d. Recordkeeping of pharmacy staff responsible for each  
291 | step in the preparation, dispensing, prepackaging,  
292 | transportation, and distribution of medicinal drugs and  
293 | prepackaged drug products.

294 |       e. Medicinal drugs and prepackaged drug products that may  
295 | not be safely distributed among Class III institutional  
296 | pharmacies.

297 |       (4)(a) Medicinal drugs shall be dispensed by ~~in~~ an  
298 | institutional pharmacy to outpatients only when that institution  
299 | has secured a community pharmacy permit from the department.  
300 | However, medicinal drugs may be dispensed by a hospital that

301 operates a Class II or Class III institutional pharmacy to a  
 302 patient of the hospital's emergency department or a hospital  
 303 inpatient upon discharge if a prescriber, as defined in s.  
 304 465.025(1), treating the patient in such hospital determines  
 305 that the medicinal drug is warranted and that community pharmacy  
 306 services are not readily accessible, geographically or  
 307 otherwise, to the patient. Such prescribing and dispensing must  
 308 be for a supply of the drug that will last for the greater of  
 309 the following:

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

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

314 14.33 Medal of Heroism.—

315 (1) The Governor may award a Medal of Heroism of  
 316 appropriate design, with ribbons and appurtenances, to a law  
 317 enforcement, correctional, or correctional probation officer, as  
 318 defined in s. 943.10(14); a firefighter, as defined in s.  
 319 112.191(1)(b); an emergency medical technician, as defined in s.  
 320 401.23 ~~s. 401.23(11)~~; or a paramedic, as defined in s. 401.23 ~~s.~~  
 321 ~~401.23(17)~~. A recipient must have distinguished himself or  
 322 herself conspicuously by gallantry and intrepidity, must have  
 323 risked his or her life deliberately above and beyond the call of  
 324 duty while performing duty in his or her respective position,  
 325 and must have engaged in hazardous or perilous activities to

326 | preserve lives with the knowledge that such activities might  
 327 | result in great personal harm.

328 |         Section 6. Subsection (1) of section 125.01045, Florida  
 329 | Statutes, is amended to read:

330 |             125.01045 Prohibition of fees for first responder  
 331 | services.—

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

342 |         Section 7. Subsection (1) of section 166.0446, Florida  
 343 | Statutes, is amended to read:

344 |             166.0446 Prohibition of fees for first responder  
 345 | services.—

346 |         (1) A municipality may not impose a fee or seek  
 347 | reimbursement for any costs or expenses that may be incurred for  
 348 | services provided by a first responder, including costs or  
 349 | expenses related to personnel, supplies, motor vehicles, or  
 350 | equipment in response to a motor vehicle accident, except for

351 costs to contain or clean up hazardous materials in quantities  
 352 reportable to the Florida State Warning Point at the Division of  
 353 Emergency Management, and costs for transportation and treatment  
 354 provided by ambulance services licensed pursuant to s. 401.23 ~~s.~~  
 355 ~~401.23(4) and (5)~~.

356 Section 8. Paragraph (a) of subsection (3) of section  
 357 252.515, Florida Statutes, is amended to read:

358 252.515 Postdisaster Relief Assistance Act; immunity from  
 359 civil liability.—

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

361 (a) "Emergency first responder" means:

- 362 1. A physician licensed under chapter 458.
- 363 2. An osteopathic physician licensed under chapter 459.
- 364 3. A chiropractic physician licensed under chapter 460.
- 365 4. A podiatric physician licensed under chapter 461.
- 366 5. A dentist licensed under chapter 466.
- 367 6. An advanced practice registered nurse licensed under s.
- 368 464.012.
- 369 7. A physician assistant licensed under s. 458.347 or s.
- 370 459.022.
- 371 8. A worker employed by a public or private hospital in
- 372 the state.
- 373 9. A paramedic as defined in s. 401.23 ~~s. 401.23(17)~~.
- 374 10. An emergency medical technician as defined in s.
- 375 401.23 ~~s. 401.23(11)~~.

- 376 11. A firefighter as defined in s. 633.102.
- 377 12. A law enforcement officer as defined in s. 943.10.
- 378 13. A member of the Florida National Guard.
- 379 14. Any other personnel designated as emergency personnel
- 380 by the Governor pursuant to a declared emergency.

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

383 395.1027 Regional poison control centers.—

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

399 Section 10. Paragraph (b) of subsection (1) of section  
 400 400.143, Florida Statutes, is amended to read:



401 400.143 Institutional formularies established by nursing  
 402 home facilities.—

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

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

406 Section 11. Paragraph (b) of subsection (2) of section  
 407 401.245, Florida Statutes, is amended to read:

408 401.245 Emergency Medical Services Advisory Council.—

409 (2)

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

426 Education, the Department of Management Services, the State Fire  
 427 Marshal, the Department of Highway Safety and Motor Vehicles,  
 428 the Department of Transportation, and the Division of Emergency  
 429 Management.

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

432 401.27 Personnel; standards and certification.—

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

437 (a) For emergency medical technicians, proficiency in  
 438 techniques identified in s. 401.23 ~~s. 401.23(7)~~ and in rules of  
 439 the department.

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

442 Section 13. Paragraph (a) of subsection (1) of section  
 443 409.9201, Florida Statutes, is amended to read:

444 409.9201 Medicaid fraud.—

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

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

451  
 452 The value of individual items of the legend drugs or goods or  
 453 services involved in distinct transactions committed during a  
 454 single scheme or course of conduct, whether involving a single  
 455 person or several persons, may be aggregated when determining  
 456 the punishment for the offense.

457 Section 14. Paragraph (pp) of subsection (1) of section  
 458 458.331, Florida Statutes, is amended to read:

459 458.331 Grounds for disciplinary action; action by the  
 460 board and department.—

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

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

466 1. Registering a pain-management clinic through  
 467 misrepresentation or fraud;

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

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

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

481           5. Being convicted of, or disciplined by a regulatory  
 482 agency of the Federal Government or a regulatory agency of  
 483 another state for, any offense that would constitute a violation  
 484 of this chapter;

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

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

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

500           9. Failing to timely notify the board of the date of his

501 or her termination from a pain-management clinic as required by  
 502 s. 458.3265(3).

503 Section 15. Paragraph (rr) of subsection (1) of section  
 504 459.015, Florida Statutes, is amended to read:

505 459.015 Grounds for disciplinary action; action by the  
 506 board and department.—

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

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

512 1. Registering a pain-management clinic through  
 513 misrepresentation or fraud;

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

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

522 4. Being convicted or found guilty of, regardless of  
 523 adjudication to, a felony or any other crime involving moral  
 524 turpitude, fraud, dishonesty, or deceit in any jurisdiction of  
 525 the courts of this state, of any other state, or of the United

526 States;

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

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

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

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

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

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

551 465.014 Pharmacy technician.—

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

570 Section 17. Paragraph (c) of subsection (2) of section  
 571 465.015, Florida Statutes, is amended to read:

572 465.015 Violations and penalties.—

573 (2) It is unlawful for any person:

574 (c) To sell or dispense drugs as defined in s. 465.003 ~~s.~~  
 575 ~~465.003(8)~~ without first being furnished with a prescription.

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

578 465.0156 Registration of nonresident pharmacies.—

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

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

587 465.016 Disciplinary actions.—

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

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

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

597 465.0197 Internet pharmacy permits.—

598 (4) Notwithstanding s. 465.003 ~~s. 465.003(10)~~, for  
 599 purposes of this section, the Internet pharmacy and the  
 600 pharmacist designated by the Internet pharmacy as the



601 prescription department manager or the equivalent must be  
 602 licensed in the state of location in order to dispense into this  
 603 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  
 608 a pharmacy permit if the applicant or an affiliated person,  
 609 partner, officer, director, or prescription department manager  
 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  
637 | communication that purports to be a prescription as defined in  
638 | s. 465.003 ~~by s. 465.003(14)~~ or s. 893.02 when the pharmacist  
639 | knows or has reason to believe that the purported prescription  
640 | is not based upon a valid practitioner-patient relationship that  
641 | includes a documented patient evaluation, including history and  
642 | a physical examination adequate to establish the diagnosis for  
643 | which any drug is prescribed and any other requirement  
644 | established by board rule under chapter 458, chapter 459,  
645 | chapter 461, chapter 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  
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  
 690 used in this chapter shall have the following meanings, unless  
 691 the 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  
 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

CS/CS/HB 937

2022

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.