



26 pharmacist is present; requiring prescription  
 27 department managers to visit remote-site pharmacies,  
 28 based on a certain schedule, to perform specified  
 29 tasks; prohibiting remote-site pharmacies from being  
 30 open when the supervising pharmacy is closed unless a  
 31 certain pharmacist is present or providing remote  
 32 supervision at the remote-site pharmacy; prohibiting  
 33 registered pharmacists from serving as prescription  
 34 department managers for more than three remote-site  
 35 pharmacies under certain circumstances; authorizing  
 36 the Board of Pharmacy to adopt specified rules;  
 37 amending s. 465.022, F.S.; exempting registered  
 38 pharmacists serving as prescription department  
 39 managers for remote-site pharmacies from certain  
 40 practice limitations; providing an effective date.

41

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

43

44 Section 1. Subsections (13) and (20) of section 465.003,  
 45 Florida Statutes, are amended to read:

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

47 (13) "Dispense" means the transfer of possession of one or  
 48 more doses of a medicinal drug by a pharmacist, or by a  
 49 registered pharmacy technician who is remotely supervised by an  
 50 offsite pharmacist, to the ultimate consumer or her or his

51 agent. As an element of dispensing, the pharmacist shall, prior  
52 to the actual physical transfer, interpret and assess the  
53 prescription order for potential adverse reactions,  
54 interactions, and dosage regimen she or he deems appropriate in  
55 the exercise of her or his professional judgment, and the  
56 pharmacist shall certify that the medicinal drug called for by  
57 the prescription is ready for transfer. The pharmacist shall  
58 also provide counseling on proper drug usage, either orally or  
59 in writing, if in the exercise of her or his professional  
60 judgment counseling is necessary. The actual sales transaction  
61 and delivery of such drug shall not be considered dispensing.  
62 The administration shall not be considered dispensing.

63 (20) (a) "Pharmacy" includes a community pharmacy, an  
64 institutional pharmacy, a nuclear pharmacy, a special pharmacy,  
65 ~~and an Internet pharmacy, and a remote-site pharmacy.~~

66 1. The term "community pharmacy" includes every location  
67 where medicinal drugs are compounded, dispensed, stored, or sold  
68 or where prescriptions are filled or dispensed on an outpatient  
69 basis.

70 2. The term "institutional pharmacy" includes every  
71 location in a hospital, clinic, nursing home, dispensary,  
72 sanitarium, extended care facility, or other facility,  
73 hereinafter referred to as "health care institutions," where  
74 medicinal drugs are compounded, dispensed, stored, or sold.

75 3. The term "nuclear pharmacy" includes every location

76 | where radioactive drugs and chemicals within the classification  
 77 | of medicinal drugs are compounded, dispensed, stored, or sold.  
 78 | The term "nuclear pharmacy" does not include hospitals licensed  
 79 | under chapter 395 or the nuclear medicine facilities of such  
 80 | hospitals.

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

84 |         5. The term "Internet pharmacy" includes locations not  
 85 | otherwise licensed or issued a permit under this chapter, within  
 86 | or outside this state, which use the Internet to communicate  
 87 | with or obtain information from consumers in this state and use  
 88 | such communication or information to fill or refill  
 89 | prescriptions or to dispense, distribute, or otherwise engage in  
 90 | the practice of pharmacy in this state. Any act described in  
 91 | this definition constitutes the practice of the profession of  
 92 | pharmacy.

93 |         6. The term "remote-site pharmacy" includes every location  
 94 | where medicinal drugs are dispensed by a registered pharmacy  
 95 | technician who is remotely supervised by an offsite pharmacist  
 96 | acting in the capacity of a prescription department manager.

97 |         (b) The pharmacy department of any permittee is ~~shall be~~  
 98 | considered closed whenever a Florida licensed pharmacist is not  
 99 | present and on duty. The term "not present and on duty" may  
 100 | ~~shall~~ not be construed to prevent any of the following:

101        1. A pharmacist from exiting the prescription department  
 102 for the purposes of consulting or responding to inquiries or  
 103 providing assistance to patients or customers.

104        2. A pharmacist from, attending to personal hygiene needs.

105        3. A pharmacist from, ~~or~~ performing any other function for  
 106 which the pharmacist is responsible, provided that such  
 107 activities are conducted in a manner consistent with the  
 108 pharmacist's responsibility to provide pharmacy services.

109        4. An offsite pharmacist, acting in the capacity of a  
 110 prescription department manager, from remotely supervising a  
 111 registered pharmacy technician at a remote-site pharmacy.

112        Section 2. Subsection (1) of section 465.014, Florida  
 113 Statutes, is amended to read:

114        465.014 Pharmacy technician.—

115        (1) A person other than a licensed pharmacist or pharmacy  
 116 intern may not engage in the practice of the profession of  
 117 pharmacy, except that a licensed pharmacist may delegate to  
 118 pharmacy technicians who are registered pursuant to this section  
 119 those duties, tasks, and functions that do not fall within the  
 120 purview of s. 465.003, and a registered pharmacy technician  
 121 operating under remote supervision of an offsite pharmacist  
 122 under s. 465.0198 may dispense medicinal drugs under such  
 123 supervision. All such delegated acts must be performed under the  
 124 direct supervision of a licensed pharmacist who is responsible  
 125 for all such acts performed by persons under his or her

126 supervision. A registered pharmacy technician, under the  
 127 supervision of a pharmacist, may initiate or receive  
 128 communications with a practitioner or his or her agent, on  
 129 behalf of a patient, regarding refill authorization requests. A  
 130 licensed pharmacist may not supervise more than one registered  
 131 pharmacy technician, except as provided in s. 465.0198 or unless  
 132 otherwise permitted by the guidelines adopted by the board. The  
 133 board shall establish guidelines to be followed by licensees or  
 134 permittees in determining the circumstances under which a  
 135 licensed pharmacist may supervise more than one pharmacy  
 136 technician.

137 Section 3. Paragraph (b) of subsection (1) and paragraph  
 138 (b) of subsection (2) of section 465.015, Florida Statutes, are  
 139 amended to read:

140 465.015 Violations and penalties.—

141 (1) It is unlawful for any person to own, operate,  
 142 maintain, open, establish, conduct, or have charge of, either  
 143 alone or with another person or persons, a pharmacy:

144 (b) In which a person not licensed as a pharmacist in this  
 145 state or not registered as an intern in this state or in which  
 146 an intern who is not acting under the direct and immediate  
 147 personal supervision of a licensed pharmacist fills, compounds,  
 148 or dispenses any prescription or dispenses medicinal drugs. This  
 149 paragraph does not apply to any person who owns, operates,  
 150 maintains, opens, establishes, conducts, or has charge of a

151 remote-site pharmacy under s. 465.0198.

152 (2) It is unlawful for any person:

153 (b) To fill, compound, or dispense prescriptions or to  
 154 dispense medicinal drugs if such person does not hold an active  
 155 license as a pharmacist in this state, is not registered as an  
 156 intern in this state, ~~or~~ is an intern not acting under the  
 157 direct and immediate personal supervision of a licensed  
 158 pharmacist, or is not a registered pharmacy technician at a  
 159 remote-site pharmacy who is acting under remote supervision of a  
 160 licensed pharmacist pursuant to s. 465.0198.

161 Section 4. Section 465.0198, Florida Statutes, is created  
 162 to read:

163 465.0198 Remote-site pharmacy permits.—

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

165 (a) "Supervising pharmacy" means a pharmacy licensed in  
 166 this state which employs or contracts with a pharmacist licensed  
 167 in this state who remotely supervises a registered pharmacy  
 168 technician at a remote-site pharmacy at a ratio of one  
 169 pharmacist to up to six registered pharmacy technicians.

170 (b) "Telepharmacy" means the practice of pharmacy by a  
 171 pharmacist located in this state using telecommunications or  
 172 other automations and technologies to provide or supervise the  
 173 provision of pharmacy services to patients and their agents who  
 174 are located at sites other than where the pharmacist is located,  
 175 including dispensing of prescriptions to and counseling of

176 patients.

177 (2) Any person desiring a permit to operate a remote-site  
178 pharmacy must apply to the department. If the board certifies  
179 that the application complies with the laws and rules of the  
180 board, the department must issue the permit. A permit may not be  
181 issued unless a licensed pharmacist or consultant pharmacist is  
182 designated as the prescription department manager responsible  
183 for the oversight of the remote-site pharmacy. The permittee  
184 must notify the department within 10 days after any change of  
185 the prescription department manager.

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

188 (a) Be jointly owned by or operated under a contract with  
189 a supervising pharmacy.

190 (b) Maintain a video surveillance system that records  
191 continuously 24 hours per day and retain video surveillance  
192 recordings for at least 30 days.

193 (c) Display a sign visible to the public indicating that  
194 the location is a remote-site pharmacy and that the facility is  
195 under 24-hour video surveillance.

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

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



201        2. The procedures for supervising the remote-site pharmacy  
202 and counseling its patients.

203        3. The procedures for reviewing the prescription drug  
204 inventory and drug records maintained by the remote-site  
205 pharmacy.

206        4. The policies and procedures for providing security  
207 adequate to protect the confidentiality and integrity of patient  
208 information.

209        5. The written plan for recovery from an event that  
210 interrupts or prevents the prescription department manager from  
211 supervising the remote-site pharmacy's operation.

212        6. The procedures for use of the state prescription drug  
213 monitoring program by the prescription department manager before  
214 he or she may authorize the dispensing of any controlled  
215 substance.

216        7. The procedures for maintaining a perpetual inventory of  
217 the controlled substances listed in Schedule II of s. 893.03.

218        8. The specific duties, tasks, and functions that  
219 registered pharmacy technicians are authorized to perform at the  
220 remote-site pharmacy.

221        (4) A remote-site pharmacy may store, hold, or dispense  
222 any medicinal drug, including proprietary drugs and controlled  
223 substances. However, a remote-site pharmacy may not dispense  
224 Schedule II controlled substances listed in s. 893.03 unless a  
225 pharmacist is present at the remote-site pharmacy.

226        (5) The prescription department manager must visit the  
227 remote-site pharmacy, based on a schedule determined by the  
228 board, to inspect the pharmacy, address personnel matters, and  
229 provide clinical services for patients.

230        (6) A remote-site pharmacy may not be open when the  
231 supervising pharmacy is closed, unless a pharmacist employed by  
232 or under contract with the supervising pharmacy, or a pharmacy  
233 under contract with the supervising pharmacy, is present at the  
234 remote-site pharmacy or is providing remote supervision as  
235 required under this section.

236        (7) A registered pharmacist may not serve as the  
237 prescription department manager for more than three remote-site  
238 pharmacies that are under common control of the same supervising  
239 pharmacy, at a ratio of one pharmacist to up to six registered  
240 pharmacy technicians at each remote-site pharmacy.

241        (8) The board may adopt rules as necessary to specify  
242 additional criteria for a remote-site pharmacy. Any additional  
243 criteria adopted by the board must be limited to rules  
244 concerning one or more of the following:

245            (a) Application requirements.

246            (b) Structural and equipment requirements.

247            (c) Training requirements.

248            (d) Inventory recordkeeping and storage requirements.

249        Section 5. Paragraph (c) of subsection (11) of section  
250 465.022, Florida Statutes, is amended to read:

HB 493

2024

251 465.022 Pharmacies; general requirements; fees.—

252 (11) A permittee must notify the department of the  
253 identity of the prescription department manager within 10 days  
254 after employment. The prescription department manager must  
255 comply with the following requirements:

256 (c) A registered pharmacist may not serve as the  
257 prescription department manager in more than one location,  
258 except as authorized under s. 465.0198, unless approved by the  
259 board.

260 Section 6. This act shall take effect July 1, 2024.