

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

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

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40 Section 1. Subsection (20) of section 465.003, Florida
 41 Statutes, is amended to read:

42 465.003 Definitions.—As used in this chapter, the term:

43 (20) (a) "Pharmacy" includes a community pharmacy, an
 44 institutional pharmacy, a nuclear pharmacy, a special pharmacy,
 45 ~~and~~ an Internet pharmacy, and a remote-site pharmacy.

46 1. The term "community pharmacy" includes every location
 47 where medicinal drugs are compounded, dispensed, stored, or sold
 48 or where prescriptions are filled or dispensed on an outpatient
 49 basis.

50 2. The term "institutional pharmacy" includes every

51 location in a hospital, clinic, nursing home, dispensary,
52 sanitarium, extended care facility, or other facility,
53 hereinafter referred to as "health care institutions," where
54 medicinal drugs are compounded, dispensed, stored, or sold.

55 3. The term "nuclear pharmacy" includes every location
56 where radioactive drugs and chemicals within the classification
57 of medicinal drugs are compounded, dispensed, stored, or sold.
58 The term "nuclear pharmacy" does not include hospitals licensed
59 under chapter 395 or the nuclear medicine facilities of such
60 hospitals.

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

64 5. The term "Internet pharmacy" includes locations not
65 otherwise licensed or issued a permit under this chapter, within
66 or outside this state, which use the Internet to communicate
67 with or obtain information from consumers in this state and use
68 such communication or information to fill or refill
69 prescriptions or to dispense, distribute, or otherwise engage in
70 the practice of pharmacy in this state. Any act described in
71 this definition constitutes the practice of the profession of
72 pharmacy.

73 6. The term "remote-site pharmacy" means a location where
74 medicinal drugs are dispensed by a supervising pharmacist as
75 defined in s. 465.0198(1) who is acting in the capacity of a

76 prescription department manager and remotely supervising a
 77 registered pharmacy technician handling the sales transactions
 78 and delivery of the drugs.

79 (b) The pharmacy department of any permittee is ~~shall be~~
 80 considered closed whenever a Florida licensed pharmacist is not
 81 present and on duty. The term "not present and on duty" may
 82 ~~shall~~ not be construed to prevent any of the following:

83 1. A pharmacist from exiting the prescription department
 84 for the purposes of consulting or responding to inquiries or
 85 providing assistance to patients or customers.

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

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

91 4. A supervising pharmacist as defined in s. 465.0198(1)
 92 who is acting in the capacity of a prescription department
 93 manager from remotely supervising a registered pharmacy
 94 technician at a remote-site pharmacy.

95 Section 2. Subsection (1) of section 465.014, Florida
 96 Statutes, is amended, and subsection (10) is added to that
 97 section, to read:

98 465.014 Pharmacy technician.—

99 (1) A person other than a licensed pharmacist or pharmacy
 100 intern may not engage in the practice of the profession of

101 pharmacy as defined in s. 465.003, except that a licensed
102 pharmacist may delegate to pharmacy technicians who are
103 registered pursuant to this section those duties, tasks, and
104 functions that do not fall within the purview of s. 465.003.
105 Except as otherwise provided in this section, all such delegated
106 acts must be performed under the direct supervision of a
107 licensed pharmacist who is responsible for all such acts
108 performed by persons under his or her supervision. A registered
109 pharmacy technician, under the supervision of a pharmacist, may
110 initiate or receive communications with a practitioner or his or
111 her agent, on behalf of a patient, regarding refill
112 authorization requests. A licensed pharmacist may not supervise
113 more than one registered pharmacy technician unless otherwise
114 permitted by the guidelines adopted by the board. The board
115 shall establish guidelines to be followed by licensees or
116 permittees in determining the circumstances under which a
117 licensed pharmacist may supervise more than one pharmacy
118 technician.

119 (10) A registered pharmacy technician may perform the
120 delegated acts authorized by this section at a remote-site
121 pharmacy under the remote supervision of a supervising
122 pharmacist as defined in s. 465.0198(1). A supervising
123 pharmacist may not remotely supervise more than six registered
124 pharmacy technicians.

125 Section 3. Section 465.0198, Florida Statutes, is created

126 to read:

127 465.0198 Remote-site pharmacy permits.—

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

129 (a) "Supervising pharmacist" means a pharmacist licensed
 130 in this state employed by or under contract with a pharmacy
 131 licensed in this state who remotely supervises registered
 132 pharmacy technicians at a remote-site pharmacy.

133 (b) "Supervising pharmacy" means a pharmacy licensed in
 134 this state which employs or contracts with a pharmacist licensed
 135 in this state to serve as the supervising pharmacist for a
 136 remote-site pharmacy that is jointly owned by or operated under
 137 a contract with the pharmacy.

138 (2) Any person desiring a permit to operate a remote-site
 139 pharmacy must apply to the department. If the board certifies
 140 that the application complies with the laws and rules of the
 141 board, the department must issue the permit. A permit may not be
 142 issued unless a licensed pharmacist or consultant pharmacist is
 143 designated as the prescription department manager responsible
 144 for the oversight of the remote-site pharmacy. The permittee
 145 must notify the department within 10 days after any change of
 146 the prescription department manager.

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

149 (a) Be jointly owned by or operated under a contract with
 150 a supervising pharmacy.

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

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

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

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

162 2. The procedures for supervising the remote-site pharmacy
 163 and counseling its patients.

164 3. The procedures for reviewing the prescription drug
 165 inventory and drug records maintained by the remote-site
 166 pharmacy.

167 4. The policies and procedures for providing security
 168 adequate to protect the confidentiality and integrity of patient
 169 information.

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

173 6. The procedures for use of the state prescription drug
 174 monitoring program by the prescription department manager before
 175 he or she may authorize the dispensing of any controlled

176 substance.

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

179 8. The specific duties, tasks, and functions that
180 registered pharmacy technicians are authorized to perform at the
181 remote-site pharmacy.

182 (4) A remote-site pharmacy may store, hold, or dispense
183 any medicinal drug, including proprietary drugs and controlled
184 substances. However, a remote-site pharmacy may not dispense
185 Schedule II controlled substances listed in s. 893.03 unless a
186 pharmacist is present at the remote-site pharmacy.

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

191 (6) A remote-site pharmacy may not be open when the
192 supervising pharmacy is closed, unless a supervising pharmacist
193 is present at the remote-site pharmacy or is providing remote
194 supervision as required under this section.

195 (7) The board may adopt rules as necessary to specify
196 additional criteria for a remote-site pharmacy related to:

197 (a) Application requirements.

198 (b) Structural and equipment requirements.

199 (c) Training requirements.

200 (d) Inventory recordkeeping and storage requirements.

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201 Section 4. Paragraph (c) of subsection (11) of section
202 465.022, Florida Statutes, is amended to read:

203 465.022 Pharmacies; general requirements; fees.—

204 (11) A permittee must notify the department of the
205 identity of the prescription department manager within 10 days
206 after employment. The prescription department manager must
207 comply with the following requirements:

208 (c) A registered pharmacist may not serve as the
209 prescription department manager in more than one location,
210 except as authorized under s. 465.0198, unless approved by the
211 board.

212 Section 5. This act shall take effect July 1, 2024.