



ENROLLED

CS/HB 323, Engrossed 3

2014 Legislature

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An act relating to pharmacy; amending s. 465.004, F.S.; revising the composition of the Board of Pharmacy; amending s. 465.014, F.S.; increasing the number of registered pharmacy technicians which a licensed pharmacist may supervise; amending s. 465.189, F.S.; authorizing pharmacists to administer meningococcal and shingles vaccines under certain circumstances; amending ss. 456.42 and 893.04, F.S.; requiring written prescriptions for specified controlled substances to be legibly dated in a specified format; providing an effective date.

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

Section 1. Subsection (2) of section 465.004, Florida Statutes, is amended to read:

465.004 Board of Pharmacy.—

(2) Seven members of the board must be licensed pharmacists who are residents of this state and who have been engaged in the practice of the profession of pharmacy in this state for at least 4 years and, to the extent practicable, represent the various pharmacy practice settings. Of the pharmacist members, two ~~one~~ must be currently engaged in the practice of pharmacy in a community pharmacy, two ~~one~~ must be currently engaged in the practice of pharmacy in a Class II



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27 institutional pharmacy or a Modified Class II institutional  
 28 pharmacy, and three must ~~five shall~~ be pharmacists licensed in  
 29 this state irrespective of practice setting. The remaining two  
 30 members must be residents of the state who have never been  
 31 licensed as pharmacists and who are in no way connected with the  
 32 practice of the profession of pharmacy. No person may be  
 33 appointed as a consumer member who is in any way connected with  
 34 a drug manufacturer or wholesaler. At least one member of the  
 35 board must be 60 years of age or older. The Governor shall  
 36 appoint members to the board in accordance with this subsection  
 37 as members' terms expire or as a vacancy occurs until the  
 38 composition of the board complies with the requirements of this  
 39 subsection.

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

42 465.014 Pharmacy technician.—

43 (1) A person other than a licensed pharmacist or pharmacy  
 44 intern may not engage in the practice of the profession of  
 45 pharmacy, except that a licensed pharmacist may delegate to  
 46 pharmacy technicians who are registered pursuant to this section  
 47 those duties, tasks, and functions that do not fall within the  
 48 purview of s. 465.003(13). All such delegated acts must ~~shall~~ be  
 49 performed under the direct supervision of a licensed pharmacist  
 50 who is ~~shall be~~ responsible for all such acts performed by  
 51 persons under his or her supervision. A ~~pharmacy~~ registered  
 52 pharmacy technician, under the supervision of a pharmacist, may



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53 initiate or receive communications with a practitioner or his or  
54 her agent, on behalf of a patient, regarding refill  
55 authorization requests. A licensed pharmacist may not supervise  
56 more than one registered pharmacy technician unless otherwise  
57 permitted by the guidelines adopted by the board. The board  
58 shall establish guidelines to be followed by licensees or  
59 permittees in determining the circumstances under which a  
60 licensed pharmacist may supervise more than one ~~but not more~~  
61 ~~than three~~ pharmacy technician technicians.

62 Section 3. Subsections (1) and (2) of section 465.189,  
63 Florida Statutes, are amended to read:

64 465.189 Administration of vaccines and epinephrine  
65 autoinjection.—

66 (1) In accordance with guidelines of the Centers for  
67 Disease Control and Prevention for each recommended immunization  
68 or vaccine, a pharmacist may administer the following vaccines  
69 to an adult within the framework of an established protocol  
70 under a supervising physician licensed under chapter 458 or  
71 chapter 459:

- 72 (a) Influenza vaccine.
- 73 (b) Pneumococcal vaccine.
- 74 (c) Meningococcal vaccine.
- 75 (d) Shingles vaccine.

76 ~~(2) In accordance with guidelines of the Centers for~~  
77 ~~Disease Control and Prevention, a pharmacist may administer the~~  
78 ~~shingles vaccine within the framework of an established protocol~~



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79 ~~and pursuant to a written or electronic prescription issued to~~  
 80 ~~the patient by a physician licensed under chapter 458 or chapter~~  
 81 ~~459.~~

82 Section 4. Subsection (2) of section 456.42, Florida  
 83 Statutes, is amended to read:

84 456.42 Written prescriptions for medicinal drugs.—

85 (2) A written prescription for a controlled substance  
 86 listed in chapter 893 must have the quantity of the drug  
 87 prescribed in both textual and numerical formats, must be dated  
 88 in numerical, month/day/year format, or with the abbreviated  
 89 month written out, or the month written out in whole ~~on the face~~  
 90 ~~of the prescription~~, and must be either written on a  
 91 standardized counterfeit-proof prescription pad produced by a  
 92 vendor approved by the department or electronically prescribed  
 93 as that term is used in s. 408.0611. As a condition of being an  
 94 approved vendor, a prescription pad vendor must submit a monthly  
 95 report to the department that ~~which~~, at a minimum, documents the  
 96 number of prescription pads sold and identifies the purchasers.  
 97 The department may, by rule, require the reporting of additional  
 98 information.

99 Section 5. Paragraph (d) of subsection (2) of section  
 100 893.04, Florida Statutes, is amended to read:

101 893.04 Pharmacist and practitioner.—

102 (2)

103 (d) Each written prescription prescribed by a practitioner  
 104 in this state for a controlled substance listed in Schedule II,



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105 | Schedule III, or Schedule IV must include both a written and a  
106 | numerical notation of the quantity of the controlled substance  
107 | prescribed ~~on the face of the prescription~~ and a notation of the  
108 | date in numerical, month/day/year format, or, with the  
109 | abbreviated month written out, or the month written out in whole  
110 | ~~on the face of the prescription~~. A pharmacist may, upon  
111 | verification by the prescriber, document any information  
112 | required by this paragraph. If the prescriber is not available  
113 | to verify a prescription, the pharmacist may dispense the  
114 | controlled substance but may insist that the person to whom the  
115 | controlled substance is dispensed provide valid photographic  
116 | identification. If a prescription includes a numerical notation  
117 | of the quantity of the controlled substance or date, but does  
118 | not include the quantity or date written out in textual format,  
119 | the pharmacist may dispense the controlled substance without  
120 | verification by the prescriber of the quantity or date if the  
121 | pharmacy previously dispensed another prescription for the  
122 | person to whom the prescription was written.

123 |       Section 6. This act shall take effect July 1, 2014.