Florida Senate - 2006

By the Committee on Health Care; and Senator Haridopolos

587-1908-06

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1	A bill to be entitled
2	An act relating to pharmacy common databases;
3	amending s. 465.026, F.S.; deleting a provision
4	authorizing certain community pharmacies to
5	transfer prescriptions for Schedule II
6	medicinal drugs under certain conditions;
7	creating s. 465.0266, F.S.; authorizing the
8	dispensing or refilling of a prescription
9	without a transferred prescription under
10	specified conditions; providing an effective
11	date.
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13	Be It Enacted by the Legislature of the State of Florida:
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15	Section 1. Subsection (7) of section 465.026, Florida
16	Statutes, is amended to read:
17	465.026 Filling of certain prescriptionsNothing
18	contained in this chapter shall be construed to prohibit a
19	pharmacist licensed in this state from filling or refilling a
20	valid prescription which is on file in a pharmacy located in
21	this state or in another state and has been transferred from
22	one pharmacy to another by any means, including any electronic
23	means, under the following conditions:
24	(7) A community pharmacy licensed under this chapter
25	which only receives and transfers prescriptions for dispensing
26	by another pharmacy may transfer a prescription for a
27	medicinal drug listed in Schedule II under chapter 893. The
28	pharmacy receiving the prescription may ship, mail, or deliver
29	into this state, in any manner, the dispensed Schedule II
30	medicinal drug under the following conditions:
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1 (a) The pharmacy receiving and dispensing the 2 transferred prescription maintains at all times a valid, 3 unexpired license, permit, or registration to operate the 4 pharmacy in compliance with the laws of the state in which the 5 pharmacy is located and from which the medicinal drugs are 6 dispensed; 7 (b) The community pharmacy and the receiving pharmacy 8 owned and operated by the same person and share a are 9 centralized database; and 10 (c) The community pharmacy assures its compliance with the federal laws and subsections (1) (5). 11 12 Section 2. Section 465.0266, Florida Statues, is 13 created to read: 465.0266 Common database. -- The dispensing or refilling 14 of a prescription on file in a pharmacy located in this state 15 or in another state by a pharmacist licensed in this state or 16 17 in another state shall not require the transfer of the 18 prescription if all of the following conditions are present: (1) The participating pharmacies have the same owner 19 and share a common database. 2.0 21 (2) The prescription information is maintained within 2.2 the common database. 23 (3) The common database maintains a record of all persons involved, in any manner, in the dispensing or 2.4 refilling of the prescription. 25 (4) All participating pharmacies are properly licensed 26 27 by their state of residence. 28 (5) The owner of the common database maintains a policy and procedures manual that governs the participating 29 30 pharmacies and pharmacists, which shall be made available to 31

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1 the board upon request. The manual shall include the following 2 information: 3 (a) A best-practices model detailing how each pharmacy 4 and pharmacist accessing the common database will comply with 5 applicable federal and state laws, rules, and regulations; 6 (b) The procedure for maintaining appropriate records 7 for regulatory oversight for tracking the prescription during each stage of the filling and dispensing process, identifying 8 the pharmacists involved in filling and dispensing the 9 10 prescription and counseling the patient, and responding to requests for information made by the board pursuant to s. 11 12 465.0156; 13 (c) The policy and procedures to provide adequate security to protect the confidentiality and integrity of 14 15 patient information; and 16 (d) A quality assurance program designed to 17 objectively and systematically monitor, evaluate, and improve 18 the quality and appropriateness of patient care through the use of the common database. 19 20 Section 3. This act shall take effect July 1, 2006. 21 2.2 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR 23 Senate Bill 1838 2.4 The committee substitute revises conditions that must be met 25 for a pharmacy to dispense or fill a prescription without transferring the prescription. The committee substitute 26 requires the owner of a common database to maintain a policy 27 and procedures manual with specified elements that governs participating pharmacies and pharmacists. 28 29 30 31

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