

1 A bill to be entitled
2 An act relating to advanced birth centers; amending s.
3 383.30, F.S.; revising the short title; amending s.
4 383.301, F.S.; providing applicability of licensure
5 requirements under pt. II of ch. 408, F.S., to
6 advanced birth centers; amending s. 383.302, F.S.;
7 defining the term "advanced birth center"; revising
8 definitions; amending s. 383.305, F.S.; providing
9 applicability of licensure fee requirements to
10 advanced birth centers; amending s. 383.307, F.S.;
11 providing for administration of advance birth centers;
12 creating s. 383.3081, F.S.; providing requirements for
13 advanced birth center facilities and equipment;
14 amending s. 383.309, F.S.; requiring certain staffing
15 ratios; specifying credentials required of personnel
16 attending patients; authorizing the Agency for Health
17 Care Administration to enforce specified provisions of
18 the Florida Building Code and the Florida Fire
19 Prevention Code; amending s. 383.31, F.S.; providing
20 criteria for admission of patients; requiring informed
21 consent; amending s. 383.3105, F.S.; providing
22 applicability of adoption protocols for staff of an
23 advanced birth center; amending s. 383.311, F.S.;
24 providing for the education and orientation of
25 advanced birth center clients and their families;

26 | amending s. 383.312, F.S.; providing for an advanced
27 | birth center to offer prenatal care; amending s.
28 | 383.313, F.S.; providing for laboratory and surgical
29 | services at a birth center; s. 383.3131, F.S.;
30 | providing requirements for laboratory and surgical
31 | services at an advanced birth center; providing
32 | conditions for administration of anesthesia;
33 | authorizing the intrapartum use of chemical agents;
34 | amending s. 383.315, F.S.; requiring an advanced birth
35 | center to employ or maintain an agreement with an
36 | obstetric provider under certain circumstances;
37 | amending s. 383.316, F.S.; requiring an advanced birth
38 | center to provide for transport of emergency patients
39 | to a hospital; amending s. 383.318, F.S.; providing
40 | protocols for postpartum care of clients and infants;
41 | providing requirements for followup care; amending s.
42 | 383.324, F.S.; requiring an advanced birth center to
43 | pay an inspection fee to the agency; amending s.
44 | 383.327, F.S.; requiring an advanced birth center to
45 | provide reports of all births and deaths occurring at
46 | the center; requiring reports to the agency; amending
47 | s. 383.33, F.S.; providing for fines, administrative
48 | penalties, and moratoriums; amending s. 383.332, F.S.;
49 | providing a criminal penalty for operating an
50 | unlicensed advanced birth center; amending s. 465.003,

51 F.S.; revising the definition of the term
 52 "institutional pharmacy" to include pharmacies located
 53 in advanced birth centers; amending s. 465.019, F.S.;
 54 revising the definition of the term "modified Class II
 55 institutional pharmacies" to include pharmacies
 56 located in advanced birth centers; providing an
 57 effective date.
 58

59 Be It Enacted by the Legislature of the State of Florida:
 60

61 Section 1. Section 383.30, Florida Statutes, is amended to
 62 read:

63 383.30 Birth Center and Advanced Birth Center Licensure
 64 Act; short title.—Sections 383.30–383.335 shall be known and may
 65 be cited as the "Birth Center and Advanced Birth Center
 66 Licensure Act."

67 Section 2. Section 383.301, Florida Statutes, is amended
 68 to read:

69 383.301 Licensure and regulation of birth centers;
 70 legislative intent.—It is the intent of the Legislature to
 71 provide for the protection of public health and safety in the
 72 establishment, maintenance, and operation of birth centers and
 73 advanced birth centers by providing for licensure of birth
 74 centers and advanced birth centers and for the development,
 75 establishment, and enforcement of minimum standards with respect

76 to birth centers and advanced birth centers. The requirements of
77 part II of chapter 408 shall apply to the provision of services
78 that require licensure pursuant to ss. 383.30-383.335 and part
79 II of chapter 408 and to entities licensed by or applying for
80 such licensure from the Agency for Health Care Administration
81 pursuant to ss. 383.30-383.335. A license issued by the agency
82 is required in order to operate a birth center or an advanced
83 birth center in this state.

84 Section 3. Subsections (1) through (10) of section
85 383.302, Florida Statutes, are renumbered as subsections (2)
86 through (11), respectively, present subsections (3), (4), (5),
87 and (8) are amended, and a new subsection (1) is added to that
88 section, to read:

89 383.302 Definitions of terms used in ss. 383.30-383.335.—
90 As used in ss. 383.30-383.335, the term:

91 (1) "Advanced birth center" means a birth center that is
92 authorized and equipped to accept patients who plan to have a
93 vaginal delivery of a fetus with a gestational age of 37 through
94 41 weeks or who have had or plan to have a caesarean delivery.

95 (4)(3) "Clinical staff" means individuals employed full
96 time or part time by a birth center or an advanced birth center
97 who are licensed or certified to provide care at childbirth.

98 (5)(4) "Consultant" means a physician licensed pursuant to
99 chapter 458 or chapter 459 who agrees to provide advice and
100 services to a birth center or an advanced birth center and who

101 either:

102 (a) Is certified or eligible for certification by the
103 American Board of Obstetrics and Gynecology, or

104 (b) Has hospital obstetrical privileges.

105 (6)~~(5)~~ "Governing body" means any individual, group,
106 corporation, or institution which is responsible for the overall
107 operation and maintenance of a birth center or an advanced birth
108 center.

109 (9)~~(8)~~ "Low-risk pregnancy" means a pregnancy which is
110 expected to result in an uncomplicated birth, as determined
111 through risk criteria developed by rule of the department, and
112 which is accompanied by adequate prenatal care, as defined by
113 the agency.

114 Section 4. Section 383.305, Florida Statutes, is amended
115 to read:

116 383.305 Licensure; fees.—

117 (1) In accordance with s. 408.805, an applicant for
118 licensure as a birth center or an advanced birth center or a
119 licensee shall pay a fee for each license application submitted
120 under ss. 383.30-383.335 and part II of chapter 408. The amount
121 of the fee shall be established by rule.

122 (2) Each applicant for licensure and each licensee must
123 comply with the requirements of this chapter and part II of
124 chapter 408.

125 Section 5. Section 383.307, Florida Statutes, is amended

126 to read:

127 383.307 Administration of birth center and advanced birth
128 center.-

129 (1) Each birth center and advanced birth center shall have
130 a governing body which is responsible for ~~the~~ overall operation
131 and maintenance ~~of the birth center~~.

132 (a) The governing body shall develop and display a table
133 of organization which shows the structure of the birth center or
134 advanced birth center and identifies the governing body, the
135 ~~birth center~~ director, the clinical director, the clinical
136 staff, and the medical consultant.

137 (b) The governing body shall develop and make available to
138 staff, clinicians, consultants, and licensing authorities a
139 manual which documents policies, procedures, and protocols,
140 including the roles and responsibilities of all personnel.

141 (2) There shall be an adequate number of licensed
142 personnel to provide clinical services needed by mothers and
143 newborns and a sufficient number of qualified personnel to
144 provide services for families and to maintain the birth center
145 or the advanced birth center.

146 (3) All clinical staff members and consultants shall hold
147 current licenses from this state to practice their respective
148 disciplines.

149 (4) Clinical staff members and consultants shall adopt
150 bylaws which are subject to the approval of the governing body

151 and which shall include recommendations for clinical staff or
152 consultation appointments, delineation of clinical privileges,
153 and the organization of the clinical staff.

154 Section 6. Section 383.3081, Florida Statutes, is created
155 to read:

156 383.3081 Advanced birth center facility and equipment;
157 requirements.—

158 (1) An advanced birth center shall meet all of the
159 requirements of s. 383.308.

160 (2) An advanced birth center shall be operated and staffed
161 24 hours per day, 7 days per week.

162 (3) Each advanced birth center shall have at least one
163 properly equipped, dedicated surgical suite for the performance
164 of cesarean deliveries.

165 (4) Food service shall be provided directly by the
166 advanced birth center or through a contract with a third-party
167 vendor and shall be provided pursuant to rules adopted under
168 chapter 381.

169 Section 7. Section 383.309, Florida Statutes, is amended
170 to read:

171 383.309 Minimum standards for birth centers and advanced
172 birth centers; rules and enforcement.—

173 (1) The agency shall adopt and enforce rules to administer
174 ss. 383.30–383.335 and part II of chapter 408, which rules shall
175 include, but are not limited to, reasonable and fair minimum

176 standards for ensuring that:

177 (a) Sufficient numbers and qualified types of personnel
178 and occupational disciplines are available at all times to
179 provide necessary and adequate patient care and safety. An
180 advanced birth center must have at least one registered nurse or
181 advanced registered nurse practitioner present in the facility
182 for every two patients in labor and at least one registered
183 nurse or advanced registered nurse practitioner present in the
184 facility for every four newborn infants.

185 (b) Infection control, housekeeping, sanitary conditions,
186 disaster plan, and medical record procedures that will
187 adequately protect patient care and provide safety are
188 established and implemented.

189 (c) Licensed facilities are established, organized, and
190 operated consistent with established programmatic standards.

191 (2) The agency may not establish any rule governing the
192 design, construction, erection, alteration, modification,
193 repair, or demolition of birth centers or advanced birth
194 centers. It is the intent of the Legislature to preempt that
195 function to the Florida Building Commission and the State Fire
196 Marshal through adoption and maintenance of the Florida Building
197 Code and the Florida Fire Prevention Code. However, the agency
198 shall provide technical assistance to the commission and the
199 State Fire Marshal in updating the construction standards of the
200 Florida Building Code and the Florida Fire Prevention Code which

201 govern birth centers and advanced birth centers. In addition,
202 the agency may enforce the special-occupancy provisions of the
203 Florida Building Code and the Florida Fire Prevention Code which
204 apply to birth centers or advanced birth centers in conducting
205 any inspection authorized under this chapter or part II of
206 chapter 408. However, a delivery or surgical suite in an
207 advanced birth center shall meet the same design and
208 construction standards applicable to similar suites in
209 ambulatory surgical centers licensed under chapter 395 and the
210 agency may enforce such standards.

211 Section 8. Section 383.31, Florida Statutes, is amended to
212 read:

213 383.31 Selection of clients; informed consent.-

214 (1) (a) A birth center may accept only those patients who
215 are expected to have normal pregnancies, labors, and deliveries.

216 (b) The criteria for the selection of clients and the
217 establishment of risk status shall be defined by rule of the
218 agency.

219 (2) An advanced birth center may accept any patient who
220 meets the criteria of subsection (1) and also may accept a
221 patient who has:

222 (a) Been screened and qualifies for trial of labor after
223 cesarean delivery.

224 (b) A planned low-risk cesarean delivery.

225 (c) An anticipated vaginal delivery of a fetus with a

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226 gestational age of 37 through 41 weeks.

227 (3)~~(2)~~(a) A patient may not be accepted for care until the
228 patient has signed a client informed-consent form.

229 (b) The agency shall develop a client informed-consent
230 form to be used by the center to inform the client of the
231 benefits and risks related to childbirth outside a hospital.

232 Section 9. Section 383.3105, Florida Statutes, is amended
233 to read:

234 383.3105 Patients consenting to adoptions; protocols.—

235 (1) Each licensed birth center and advanced birth center
236 ~~facility~~ shall adopt a protocol that at a minimum provides for
237 birth center and advanced birth center ~~facility~~ staff to be
238 knowledgeable of the waiting periods, revocation and the
239 contents of the consent to adoption as contained in s.
240 63.082(4), and describes the supportive and unbiased manner in
241 which ~~facility~~ staff will interact with birth parents and
242 prospective adoptive parents regarding the adoption, in
243 particular during the waiting period required in s. 63.082(4)(b)
244 before consenting to an adoption.

245 (2) The protocol shall be in writing and be provided upon
246 request to any birth parent or prospective adoptive parent of a
247 child born in the birth center and advanced birth center
248 ~~facility~~.

249 Section 10. Section 383.311, Florida Statutes, is amended
250 to read:

251 383.311 Education and orientation for birth center and
252 advanced birth center clients and their families.—

253 (1) The clients and their families shall be fully informed
254 of the policies and procedures of the birth center or advanced
255 birth center, including, but not limited to, policies and
256 procedures on:

257 (a) The selection of clients.

258 (b) The expectation of self-help and family/client
259 relationships.

260 (c) The qualifications of the clinical staff.

261 (d) The transfer to secondary or tertiary care.

262 (e) The philosophy of childbirth care and the scope of
263 services.

264 (f) The customary length of stay after delivery.

265 (2) The clients shall be prepared for childbirth and
266 childbearing by education in:

267 (a) The course of pregnancy and normal changes occurring
268 during pregnancy.

269 (b) The need for prenatal care.

270 (c) Nutrition, including encouragement of breastfeeding.

271 (d) The effects of smoking and substance abuse.

272 (e) Labor and delivery.

273 (f) The care of the newborn to include safe sleep
274 practices and the possible causes of Sudden Unexpected Infant
275 Death.

276 Section 11. Section 383.312, Florida Statutes, is amended
 277 to read:

278 383.312 Prenatal care of birth center and advanced birth
 279 center clients.-

280 (1) A birth center and an advanced birth center shall
 281 ensure that their ~~its~~ clients have adequate prenatal care, as
 282 defined by the agency, and shall ensure that serological tests
 283 are administered as required by this chapter.

284 (2) Records of prenatal care shall be maintained for each
 285 client and shall be available during labor and delivery.

286 Section 12. Section 383.313, Florida Statutes, is amended
 287 to read:

288 383.313 Birth center performance of laboratory and
 289 surgical services; use of anesthetic and chemical agents.-

290 (1) LABORATORY SERVICES.-A birth center may collect
 291 specimens for those tests that are requested under protocol. A
 292 birth center may perform simple laboratory tests, as defined by
 293 rule of the agency, and is exempt from the requirements of
 294 chapter 483, provided no more than five physicians are employed
 295 by the birth center and testing is conducted exclusively in
 296 connection with the diagnosis and treatment of clients of the
 297 birth center.

298 (2) SURGICAL SERVICES.-Surgical procedures shall be
 299 limited to those normally performed during uncomplicated
 300 childbirths, such as episiotomies and repairs and may ~~shall~~ not

301 include operative obstetrics or caesarean sections.

302 (3) ADMINISTRATION OF ANALGESIA AND ANESTHESIA.—General
303 and conduction anesthesia may not be administered at a birth
304 center. Systemic analgesia may be administered, and local
305 anesthesia for pudendal block and episiotomy repair may be
306 performed if procedures are outlined by the clinical staff and
307 performed by personnel with statutory authority to do so.

308 (4) INTRAPARTAL USE OF CHEMICAL AGENTS.—Labor may not be
309 inhibited, stimulated, or augmented with chemical agents during
310 the first or second stage of labor unless prescribed by
311 personnel with statutory authority to do so and unless in
312 connection with and prior to emergency transport.

313 Section 13. Section 383.3131, Florida Statutes, is created
314 to read:

315 383.3131 Advanced birth center performance of laboratory
316 and surgical services; use of anesthetic and chemical agents.—

317 (1) LABORATORY SERVICES.—A laboratory located in an
318 advanced birth center is subject to the requirements of chapter
319 483.

320 (2) SURGICAL SERVICES.—Surgical procedures shall be
321 limited to uncomplicated cesarean deliveries, surgical
322 management of immediate complications, and procedures normally
323 performed during uncomplicated childbirths, such as episiotomies
324 and repairs of vaginal lacerations. Postpartum sterilization may
325 be performed on a patient who has given birth in the advanced

326 birth center with the consent of the patient. A newborn infant
327 may be circumcised before discharge with the consent of the
328 parent.

329 (3) ADMINISTRATION OF ANESTHESIA.—General, conduction, and
330 local anesthesia may be administered at an advanced birth center
331 if such services are provided in accordance with established
332 protocol required by state law. All general anesthesia shall be
333 administered by an anesthesiologist or a certified registered
334 nurse anesthetist. When general anesthesia is administered, a
335 physician or a certified registered nurse anesthetist shall be
336 present in the advanced birthing center during the anesthesia
337 and postanesthesia recovery period until the patient is fully
338 alert. When anesthesia services are performed by a certified
339 registered nurse anesthetist, a board-certified anesthesiologist
340 shall be on call and available at all times.

341 (4) INTRAPARTAL USE OF CHEMICAL AGENTS.—Labor may be
342 inhibited, stimulated, or augmented with chemical agents during
343 the first or second stage of labor at an advanced birth center
344 if prescribed by personnel with statutory authority to do so.
345 Labor may be electively induced at 39 weeks' gestation or later
346 for a patient with a documented Bishop score of 8 or greater.

347 Section 14. Section 383.315, Florida Statutes, is amended
348 to read:

349 383.315 Agreements with consultants for advice or
350 services; maintenance.—

351 (1) A birth center and an advanced birth center shall
352 maintain in writing a consultation agreement, signed within the
353 current license period, with each consultant who has agreed to
354 provide advice and services to the birth center and advanced
355 birth center as requested.

356 (2) Consultation may be provided onsite or by telephone,
357 as required by clinical and geographic conditions.

358 (3) An advanced birth center shall either employ or
359 maintain an agreement with an obstetric provider with privileges
360 to perform and who is available to attend all cesarean
361 deliveries.

362 Section 15. Section 383.316, Florida Statutes, is amended
363 to read:

364 383.316 Transfer and transport of clients to hospitals.—

365 (1) If unforeseen complications arise during labor,
366 delivery, or postpartum the client shall be transferred to a
367 hospital.

368 (2) Each licensed birth center or advanced birth center
369 ~~facility~~ shall make arrangements with a local ambulance service
370 licensed under chapter 401 for the transport of emergency
371 patients to a hospital. Such arrangements shall be documented in
372 the policy and procedures center's manual ~~of the facility~~ if the
373 birth center or advanced birth center does not own or operate a
374 licensed ambulance. The policy and procedures manual shall also
375 contain specific protocols for the transfer of any patient to a

376 licensed hospital.

377 (3) A licensed birth center or advanced birth center
378 ~~facility~~ shall identify neonatal-specific transportation
379 services, including ground and air ambulances; list their
380 particular qualifications; and have the telephone numbers for
381 access to these services clearly listed and immediately
382 available.

383 (4) The birth center or advanced birth center shall assess
384 and document ~~Annual assessments of~~ the transportation services
385 and transfer protocols annually ~~shall be made and documented.~~

386 Section 16. Section 383.318, Florida Statutes, is amended
387 to read:

388 383.318 Postpartum care for birth center and advanced
389 birth center clients and infants.—

390 (1) A mother and her infant shall be dismissed from a ~~the~~
391 birth center within 24 hours after the birth of the infant,
392 except in unusual circumstances as defined by rule of the
393 agency. If a mother or an infant is retained at the birth center
394 for more than 24 hours after the birth, a report shall be filed
395 with the agency within 48 hours of the birth describing the
396 circumstances and the reasons for the decision.

397 (2) (a) A mother and her infant shall be discharged from an
398 advanced birth center within 48 hours after the birth of the
399 infant for a vaginal delivery and within 72 hours when delivery
400 is by cesarean section, except in unusual circumstances defined

401 by rule of the agency.

402 (b) If a mother or an infant is retained at the advanced
403 birth center for more than the time frames set forth in
404 paragraph (a), a report shall be filed with the agency within 48
405 hours after the scheduled discharge time describing the
406 circumstances and the reasons for the decision.

407 ~~(3)~~~~(2)~~ A prophylactic shall be instilled in the eyes of
408 each newborn in accordance with s. 383.04.

409 ~~(4)~~~~(3)~~ Postpartum evaluation and followup care shall be
410 provided, which shall include:

411 (a) Physical examination of the infant.

412 (b) Metabolic screening tests required by s. 383.14.

413 (c) Referral to sources for pediatric care.

414 (d) Maternal postpartum assessment.

415 (e) Instruction in child care, including immunization,
416 breastfeeding, safe sleep practices, and possible causes of
417 Sudden Unexpected Infant Death.

418 (f) Family planning services.

419 (g) Referral to secondary or tertiary care, as indicated.

420 Section 17. Section 383.324, Florida Statutes, is amended
421 to read:

422 383.324 Inspections and investigations; inspection fees.—
423 Each birth center and advanced birth center ~~facility~~ licensed
424 under s. 383.305 shall pay to the agency an inspection fee
425 established by rule of the agency. In addition to the

426 requirements of part II of chapter 408, the agency shall
427 coordinate all periodic inspections for licensure made by the
428 agency to ensure that the cost to the birth center and advanced
429 birth center facility of such inspections and the disruption of
430 services by such inspections is minimized.

431 Section 18. Section 383.327, Florida Statutes, is amended
432 to read:

433 383.327 Birth and death records; reports.—Each licensed
434 birth center and advanced birth center shall:

435 (1) File a completed certificate of birth ~~shall be filed~~
436 with the local registrar within 5 days of each birth in
437 accordance with chapter 382.

438 (2) Immediately report each maternal death, newborn death,
439 and stillbirth ~~shall be reported immediately~~ to the medical
440 examiner.

441 (3) ~~The licensee shall~~ Comply with all requirements of
442 this chapter and rules promulgated hereunder.

443 (4) Annually submit a report ~~shall be submitted annually~~
444 to the agency. The contents of the report shall be prescribed by
445 rule of the agency.

446 Section 19. Section 383.33, Florida Statutes, is amended
447 to read:

448 383.33 Administrative penalties; moratorium on
449 admissions.—

450 (1) In addition to the requirements of part II of chapter

451 408, the agency may impose an administrative fine not to exceed
 452 \$500 per violation per day for the violation of any provision of
 453 ss. 383.30-383.335, part II of chapter 408, or applicable rules.

454 (2) In determining the amount of the fine to be levied for
 455 a violation, as provided in this section, the following factors
 456 shall be considered:

457 (a) The severity of the violation, including the
 458 probability that death or serious harm to the health or safety
 459 of any person will result or has resulted; the severity of the
 460 actual or potential harm; and the extent to which the provisions
 461 of ss. 383.30-383.335, part II of chapter 408, or applicable
 462 rules were violated.

463 (b) Actions taken by the licensee to correct the
 464 violations or to remedy complaints.

465 (c) Any previous violations by the licensee.

466 (3) In accordance with part II of chapter 408, the agency
 467 may impose an immediate moratorium on elective admissions to any
 468 licensed birth center or advanced birth center ~~facility~~,
 469 building or portion thereof, or service when the agency
 470 determines that any condition in the center ~~facility~~ presents a
 471 threat to the public health or safety.

472 Section 20. Section 383.332, Florida Statutes, is amended
 473 to read:

474 383.332 Establishing, managing, or operating a birth
 475 center or an advanced birth center without a license; penalty.-

476 Any person who establishes, conducts, manages, or operates any
477 birth center or advanced birth center ~~facility~~ without a license
478 issued under s. 383.305 and part II of chapter 408 commits a
479 misdemeanor and, upon conviction, shall be fined not more than
480 \$100 for the first offense and not more than \$500 for each
481 subsequent offense; and each day of continuing violation after
482 conviction shall be considered a separate offense.

483 Section 21. Subsection (11) of section 465.003, Florida
484 Statutes, is amended to read:

485 465.003 Definitions.—As used in this chapter, the term:

486 (11) (a) "Pharmacy" includes a community pharmacy, an
487 institutional pharmacy, a nuclear pharmacy, a special pharmacy,
488 and an Internet pharmacy.

489 1. The term "community pharmacy" includes every location
490 where medicinal drugs are compounded, dispensed, stored, or sold
491 or where prescriptions are filled or dispensed on an outpatient
492 basis.

493 2. The term "institutional pharmacy" includes every
494 location in a hospital, clinic, advanced birth center, nursing
495 home, dispensary, sanitarium, extended care facility, or other
496 facility, hereinafter referred to as "health care institutions,"
497 where medicinal drugs are compounded, dispensed, stored, or
498 sold.

499 3. The term "nuclear pharmacy" includes every location
500 where radioactive drugs and chemicals within the classification

501 of medicinal drugs are compounded, dispensed, stored, or sold.
502 The term "nuclear pharmacy" does not include hospitals licensed
503 under chapter 395 or the nuclear medicine facilities of such
504 hospitals.

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

508 5. The term "Internet pharmacy" includes locations not
509 otherwise licensed or issued a permit under this chapter, within
510 or outside this state, which use the Internet to communicate
511 with or obtain information from consumers in this state and use
512 such communication or information to fill or refill
513 prescriptions or to dispense, distribute, or otherwise engage in
514 the practice of pharmacy in this state. Any act described in
515 this definition constitutes the practice of pharmacy as defined
516 in subsection (13).

517 (b) The pharmacy department of any permittee shall be
518 considered closed whenever a Florida licensed pharmacist is not
519 present and on duty. The term "not present and on duty" shall
520 not be construed to prevent a pharmacist from exiting the
521 prescription department for the purposes of consulting or
522 responding to inquiries or providing assistance to patients or
523 customers, attending to personal hygiene needs, or performing
524 any other function for which the pharmacist is responsible,
525 provided that such activities are conducted in a manner

526 consistent with the pharmacist's responsibility to provide
527 pharmacy services.

528 Section 22. Paragraph (c) of subsection (2) of section
529 465.019, Florida Statutes, is amended to read:

530 465.019 Institutional pharmacies; permits.—

531 (2) The following classes of institutional pharmacies are
532 established:

533 (c) "Modified Class II institutional pharmacies" are those
534 institutional pharmacies in short-term, primary care treatment
535 centers, including advanced birth centers, that meet all the
536 requirements for a Class II permit, except space and equipment
537 requirements.

538 Section 23. This act shall take effect July 1, 2018.