A bill to be entitled
An act relating to the influenza virus and
streptococcal infections; amending s. 465.003, F.S.;
expanding the definition of the term “practice of the
profession of pharmacy” to include testing for and
treating the influenza virus and streptococcal
infections; creating s. 465.1895, F.S.; authorizing
pharmacists to test for and treat the influenza virus
and streptococcal infections within the framework of
an established written protocol under a supervising
physician under certain conditions; requiring a
pharmacist testing for and treating the influenza
virus and streptococcal infections to maintain patient
records using certain standards and for a specified
time; prohibiting a person from interfering with a
supervising physician’s decision to enter into a
protocol; prohibiting a pharmacist from performing a
protocol while acting as a pharmacy employee without
the written approval of the pharmacy owner; requiring
a pharmacist seeking to test for and treat the
influenza virus and streptococcal infections to obtain
certification through a certification program approved
by the Board of Pharmacy in consultation with the
Board of Medicine and the Board of Osteopathic
Medicine; providing criteria for certification
programs; authorizing the Board of Pharmacy to adopt
rules establishing the requirements for a protocol;
requiring that the protocol be in writing and contain
certain information, terms, and conditions; requiring
that pharmacists authorized to test for and treat the influenza virus and streptococcal infections provide their supervising physician with evidence of current certification by the board; requiring a supervising physician to review the pharmacist’s actions; requiring a pharmacist to submit his or her protocol to the board; providing an effective date.

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

Section 1. Subsection (13) of section 465.003, Florida Statutes, is amended to read:

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

(13) “Practice of the profession of pharmacy” includes compounding, dispensing, and consulting concerning contents, therapeutic values, and uses of any medicinal drug; consulting concerning therapeutic values and interactions of patent or proprietary preparations, whether pursuant to prescriptions or in the absence and entirely independent of such prescriptions or orders; and other pharmaceutical services. For purposes of this subsection, “other pharmaceutical services” means the monitoring of the patient’s drug therapy and assisting the patient in the management of his or her drug therapy, and includes review of the patient’s drug therapy and communication with the patient’s prescribing health care provider as licensed under chapter 458, chapter 459, chapter 461, or chapter 466, or similar statutory provision in another jurisdiction, or such provider’s agent or such other persons as specifically authorized by the patient, regarding the drug therapy. However, nothing in this subsection...
may not be interpreted to permit an alteration of a prescriber’s directions, the diagnosis or treatment of any disease, the initiation of any drug therapy, the practice of medicine, or the practice of osteopathic medicine, unless otherwise permitted by law. The term “Practice of the profession of pharmacy” also includes any other act, service, operation, research, or transaction incidental to, or forming a part of, any of the foregoing acts, requiring, involving, or employing the science or art of any branch of the pharmaceutical profession, study, or training, and shall expressly permit a pharmacist to transmit information from persons authorized to prescribe medicinal drugs to their patients. The practice of the profession of pharmacy also includes the administration of vaccines to adults pursuant to s. 465.189 and testing for and treating the influenza virus and streptococcal infections pursuant to s. 465.1895.

Section 2. Section 465.1895, Florida Statutes, is created to read:

465.1895 Testing for and treating influenza and streptococcal infections.—

(1) A pharmacist may test for and treat the influenza virus and streptococcal infections within the framework of an established written protocol under a supervising physician who is licensed under chapter 458 or chapter 459.

(2) A pharmacist may only enter into a protocol under this section if he or she maintains at least $200,000 of professional liability insurance and has completed the training required by this section.

(3) A pharmacist testing for and treating the influenza virus and streptococcal infections shall maintain and make
available patient records using the same standards for confidentiality and maintenance of such records as required pursuant to s. 456.057. These records must be maintained for a minimum of 5 years.

(4) A supervising physician’s decision to enter into a protocol under this section is a professional decision and a person may not interfere with a supervising physician’s decision to enter into such a protocol. A pharmacist may not perform a protocol while acting as a pharmacy employee without the written approval of the pharmacy owner.

(5) Any pharmacist seeking to test for and treat the influenza virus and streptococcal infections under this section must be certified to do so pursuant to a certification program approved by the board in consultation with the Board of Medicine and the Board of Osteopathic Medicine. The certification program must, at a minimum, require that the pharmacist attend at least 8 hours of continuing education classes approved by the board. The program must have a curriculum of instruction concerning, at a minimum, point-of-care testing for the influenza virus and streptococcal infections and the safe and effective treatment of the influenza virus and streptococcal infections.

(6) The board may adopt rules establishing the requirements for a protocol between a pharmacist and supervising physician. The protocol must be in writing and, at a minimum, must include all of the following:

(a) Any terms and conditions imposed by the supervising physician relating to testing for and treating the influenza virus and streptococcal infections pursuant to this section. The terms and conditions set forth in the protocol must be
appropriate to the pharmacist’s training.

(b) Specific categories of patients for whom the supervising physician authorizes the pharmacist to test for and treat the influenza virus and streptococcal infections.

(c) The supervising physician’s instructions for the treatment of the influenza virus and streptococcal infections based on the patient’s age, symptoms, and test results, including negative results.

(d) A process and schedule for the supervising physician to review the pharmacist’s actions under the protocol.

(e) A process and schedule for the pharmacist to notify the supervising physician of the patient’s condition, tests administered, test results, and course of treatment.

(7) Pharmacists who have been delegated the authority to test for and treat the influenza virus and streptococcal infections by a supervising physician shall provide the supervising physician with evidence of current certification by the board. A supervising physician shall review the pharmacist’s actions pursuant to the protocol in effect, and this review shall take place as outlined in the protocol.

(8) The pharmacist shall submit to the board a copy of his or her protocol to test for and treat the influenza virus and streptococcal infections.

Section 3. This act shall take effect July 1, 2018.