

1                   A bill to be entitled  
2           An act relating to the practice of pharmacy; amending  
3           s. 381.0031, F.S.; requiring specified licensed  
4           pharmacists to report certain information relating to  
5           public health to the Department of Health; amending s.  
6           465.003, F.S.; revising the definition of the term  
7           "practice of the profession of pharmacy"; creating s.  
8           465.1865, F.S.; providing definitions; providing  
9           requirements for pharmacists to provide services under  
10          a collaborative pharmacy practice agreement; requiring  
11          the terms and conditions of such agreement to be  
12          appropriate to the training of the pharmacist and the  
13          scope of practice of the physician; requiring  
14          notification to the board upon practicing under a  
15          collaborative pharmacy practice agreement; requiring  
16          pharmacists to submit a copy of the signed  
17          collaborative practice agreement to the Board of  
18          Pharmacy; providing for the maintenance of patient  
19          records for a certain period of time; providing for  
20          renewal of such agreement; requiring a pharmacist and  
21          the collaborating physician to maintain on file and  
22          make available the collaborative pharmacy practice  
23          agreement; prohibiting certain actions relating to the  
24          collaborative pharmacy practice agreement; requiring  
25          specified continuing education for a pharmacist who

26 | practices under a collaborative pharmacy practice  
 27 | agreement; requiring the Board of Pharmacy to adopt  
 28 | rules; creating s. 465.1895, F.S.; requiring the board  
 29 | to identify minor, nonchronic health conditions that a  
 30 | pharmacist may test or screen for and treat; providing  
 31 | requirements for a pharmacist to test or screen for  
 32 | and treat minor, nonchronic health conditions;  
 33 | requiring the board to develop a formulary of  
 34 | medicinal drugs that a pharmacist may prescribe;  
 35 | providing requirements for the written protocol  
 36 | between a pharmacist and a supervising physician;  
 37 | prohibiting a pharmacist from providing certain  
 38 | services under certain circumstances; requiring a  
 39 | pharmacist to complete a specified amount of  
 40 | continuing education; providing an effective date.

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

43 |

44 | Section 1. Subsection (2) of section 381.0031, Florida  
 45 | Statutes, is amended to read:

46 | 381.0031 Epidemiological research; report of diseases of  
 47 | public health significance to department.—

48 | (2) Any practitioner licensed in this state to practice  
 49 | medicine, osteopathic medicine, chiropractic medicine,  
 50 | naturopathy, or veterinary medicine; any licensed pharmacist

51 authorized under a protocol with a supervising licensed  
52 physician, under s. 465.1895, or a collaborative pharmacy  
53 practice agreement, as defined in s. 465.1865, to perform or  
54 order and evaluate laboratory and clinical tests; any hospital  
55 licensed under part I of chapter 395; or any laboratory  
56 appropriately certified by the Centers for Medicare and Medicaid  
57 Services under the federal Clinical Laboratory Improvement  
58 Amendments and the federal rules adopted thereunder which  
59 diagnoses or suspects the existence of a disease of public  
60 health significance shall immediately report the fact to the  
61 Department of Health.

62 Section 2. Subsection (13) of section 465.003, Florida  
63 Statutes, is amended to read:

64 465.003 Definitions.—As used in this chapter, the term:

65 (13) "Practice of the profession of pharmacy" includes  
66 compounding, dispensing, and consulting concerning contents,  
67 therapeutic values, and uses of any medicinal drug; consulting  
68 concerning therapeutic values and interactions of patent or  
69 proprietary preparations, whether pursuant to prescriptions or  
70 in the absence and entirely independent of such prescriptions or  
71 orders; and conducting other pharmaceutical services. For  
72 purposes of this subsection, "other pharmaceutical services"  
73 means the monitoring of the patient's drug therapy and assisting  
74 the patient in the management of his or her drug therapy, and  
75 includes review of the patient's drug therapy and communication

76 | with the patient's prescribing health care provider as licensed  
77 | under chapter 458, chapter 459, chapter 461, or chapter 466, or  
78 | similar statutory provision in another jurisdiction, or such  
79 | provider's agent or such other persons as specifically  
80 | authorized by the patient, regarding the drug therapy; and  
81 | initiating, modifying, or discontinuing drug therapy for a  
82 | chronic health condition under a collaborative pharmacy practice  
83 | agreement. ~~However,~~ Nothing in this subsection may be  
84 | interpreted to permit an alteration of a prescriber's  
85 | directions, the diagnosis or treatment of any disease, the  
86 | initiation of any drug therapy, the practice of medicine, or the  
87 | practice of osteopathic medicine, unless otherwise permitted by  
88 | law or specifically authorized by s. 465.1865 or s. 465.1895.  
89 | "Practice of the profession of pharmacy" also includes any other  
90 | act, service, operation, research, or transaction incidental to,  
91 | or forming a part of, any of the foregoing acts, requiring,  
92 | involving, or employing the science or art of any branch of the  
93 | pharmaceutical profession, study, or training, and shall  
94 | expressly permit a pharmacist to transmit information from  
95 | persons authorized to prescribe medicinal drugs to their  
96 | patients. The practice of the profession of pharmacy also  
97 | includes the administration of vaccines to adults pursuant to s.  
98 | 465.189, the testing or screening for and treatment of minor,  
99 | nonchronic health conditions under s. 465.1895, and the

100 preparation of prepackaged drug products in facilities holding  
101 Class III institutional pharmacy permits.

102 Section 3. Section 465.1865, Florida Statutes, is created  
103 to read:

104 465.1865 Collaborative pharmacy practice for chronic  
105 health conditions.-

106 (1) For purposes of this section, the term:

107 (a) "Collaborative pharmacy practice agreement" means a  
108 written agreement between a pharmacist who meets the  
109 qualifications of this section and a physician licensed under  
110 chapter 458 or chapter 459 in which a collaborating physician  
111 authorizes a pharmacist to provide specified patient care  
112 services to the collaborating physician's patients.

113 (b) "Chronic health condition" means a condition that  
114 typically lasts more than 1 year and requires ongoing medical  
115 attention, limits activities of daily living, or both. Such  
116 condition may include, but is not limited to:

117 1. Arthritis;

118 2. Asthma;

119 3. Congestive heart failure;

120 4. Chronic obstructive pulmonary diseases;

121 5. Diabetes;

122 6. Emphysema;

123 7. Human immunodeficiency virus or acquired  
124 immunodeficiency syndrome;

- 125        8. Hypertension;
- 126        9. Obesity;
- 127        10. Renal disease; or
- 128        11. Any other chronic condition or comorbidity identified

129 by the collaborating physician.

130        (2) To provide services under a collaborative pharmacy  
 131 practice agreement, a pharmacist must:

132        (a) Hold an active and unencumbered license to practice  
 133 pharmacy in this state.

134        (b) Have earned a degree of doctor of pharmacy or have  
 135 completed 5 years of experience as a licensed pharmacist.

136        (c) Complete an initial 20-hour course approved by the  
 137 board that includes, at a minimum, instruction on the following:

138        1. Performance of patient assessments.

139        2. Ordering, performing, and interpreting clinical and  
 140 laboratory tests related to collaborative pharmacy practice.

141        3. Evaluating and managing diseases and health conditions  
 142 in collaboration with other health care practitioners.

143        4. Any other area required by the board by rule.

144        (d) Maintain at least \$250,000 of professional liability  
 145 insurance coverage. However, a pharmacist who maintains  
 146 professional liability insurance coverage pursuant to s.  
 147 465.1895 satisfies this requirement.

148        (e) Submit a copy of the signed collaborative pharmacy  
149 practice agreement and proof of satisfying the conditions of  
150 this section to the board before commencing practice.

151        (f) Maintain records of all patients receiving services  
152 under a collaborative pharmacy practice agreement for a period  
153 of 5 years.

154        (3) The terms and conditions of the collaborative pharmacy  
155 practice agreement must be appropriate to the pharmacist's  
156 training and the services delegated to the pharmacist must be  
157 within the collaborating physician's scope of practice.

158        (a) A collaborative pharmacy practice agreement must  
159 include the following:

160            1. Name of the patient or patients for whom a pharmacist  
161 may provide services.

162            2. Each chronic disease to be collaboratively managed.

163            3. Specific medicinal drug or drugs to be managed by the  
164 pharmacist.

165            4. Circumstances under which the pharmacist may order or  
166 perform and evaluate laboratory or clinical tests.

167            5. Conditions and events upon which the pharmacist must  
168 notify the collaborating physician and the manner and timeframe  
169 in which such notification must occur.

170            6. Beginning and ending dates for the collaborative  
171 pharmacy practice agreement and termination procedures,

172 including procedures for patient notification and medical  
173 records transfers.

174 7. A statement that the collaborative pharmacy practice  
175 agreement may be terminated, in writing, by either party at any  
176 time.

177 (b) A collaborative pharmacy practice agreement must be  
178 renewed at least every 2 years.

179 (c) The pharmacist, along with the collaborating  
180 physician, must maintain on file the collaborative pharmacy  
181 practice agreement at his or her practice location, and must  
182 make such agreements available upon request or inspection.

183 (4) A pharmacist may not:

184 (a) Modify or discontinue medicinal drugs prescribed by a  
185 health care practitioner with whom he or she does not have a  
186 collaborative practice agreement.

187 (b) Enter into a collaborative pharmacy practice agreement  
188 while acting as an employee without the written approval of the  
189 owner of the pharmacy.

190 (5) A physician may not delegate the authority to initiate  
191 or prescribe a controlled substance as defined in s. 893.03 or  
192 21 U.S.C. s. 812 to a pharmacist.

193 (6) A pharmacist who practices under a collaborative  
194 pharmacy practice agreement must complete an 8-hour continuing  
195 education course approved by the board that addresses issues  
196 related to collaborative pharmacy practice each biennial



197 licensure renewal in addition to the continuing education  
198 requirements under s. 465.009. A pharmacist must submit  
199 confirmation of having completed such course when applying for  
200 licensure renewal. A pharmacist who fails to comply with this  
201 subsection shall be prohibited from practicing under a  
202 collaborative pharmacy practice agreement as authorized in this  
203 section.

204 (7) The board shall adopt rules pursuant to ss. 120.536(1)  
205 and 120.54 to implement this section.

206 Section 4. Section 465.1895, Florida Statutes, is created  
207 to read:

208 465.1895 Testing or screening for and treatment of minor,  
209 nonchronic health conditions.-

210 (1) The board, in consultation with the Board of Medicine  
211 and the Board of Osteopathic Medicine, shall adopt rules  
212 identifying the minor, nonchronic health conditions for which a  
213 pharmacist may test or screen for and treat. For purposes of  
214 this section a minor, nonchronic health condition is typically a  
215 short-term condition that is generally managed with minimal  
216 treatment or self-care, including, but not limited to, the  
217 following:

218 (a) Influenza.

219 (b) Streptococcus.

220 (c) Lice.

221 (d) Skin conditions, such as ringworm and athlete's foot.

222       (e) Minor, uncomplicated infections.  
 223       (2) A pharmacist who tests or screens for and treats  
 224 minor, nonchronic health conditions under this section must:  
 225       (a) Hold an active and unencumbered license to practice  
 226 pharmacy in this state.  
 227       (b) Complete an initial 20-hour education course approved  
 228 by the board. The course, at a minimum, must address patient  
 229 assessments; point-of-care testing procedures; safe and  
 230 effective treatment of minor, nonchronic health conditions; and  
 231 identification of contraindications.  
 232       (c) Maintain at least \$250,000 of liability coverage. A  
 233 pharmacist who maintains liability coverage pursuant to s.  
 234 465.1865 satisfies this requirement.  
 235       (d) Report a diagnosis or suspected existence of a disease  
 236 of public health significance to the department pursuant to s.  
 237 381.0031.  
 238       (e) Upon request of a patient, furnish patient records to  
 239 a health care practitioner designated by the patient.  
 240       (f) Maintain records of all patients receiving services  
 241 under this section for a period of 5 years.  
 242       (3) The board shall adopt, by rule, a formulary of  
 243 medicinal drugs that a pharmacist may prescribe for the minor,  
 244 nonchronic health conditions approved under subsection (1). The  
 245 formulary must include medicinal drugs approved by the United  
 246 States Food and Drug Administration which are indicated for

247 treatment of the minor, nonchronic health condition, including  
248 any over-the-counter medication. The formulary may not include  
249 any controlled substance as defined in s. 893.03 or 21 U.S.C. s.  
250 812.

251 (4) A pharmacist who tests or screens for and treats  
252 minor, nonchronic health conditions under this section may use  
253 any tests that may guide diagnosis or clinical decisionmaking  
254 which the Centers for Medicare and Medicaid Services has  
255 determined qualifies for a waiver under the federal Clinical  
256 Laboratory Improvement Amendments of 1988, or the federal rules  
257 adopted thereunder, or any established screening procedures that  
258 can safely be performed by a pharmacist.

259 (5) A pharmacist who tests for and treats influenza or  
260 streptococcus under this section may only provide such services  
261 within the framework of an established written protocol with a  
262 supervising physician licensed under chapter 458 or chapter 459,  
263 and must submit the protocol to the board.

264 (a) The protocol between a pharmacist and supervising  
265 physician under this subsection must include particular terms  
266 and conditions imposed by the supervising physician relating to  
267 the testing for and treatment of influenza and streptococcus  
268 under this section. The terms and conditions must be appropriate  
269 to the pharmacist's training. At a minimum, the protocol shall  
270 include:

271 1. Specific categories of patients who the pharmacist is  
272 authorized to test for and treat influenza and streptococcus.

273 2. The supervising physician's instructions for the  
274 treatment of influenza and streptococcus based on the patient's  
275 age, symptoms, and test results, including negative results.

276 3. A process and schedule for the supervising physician to  
277 review the pharmacist's actions under the protocol.

278 4. A process and schedule for the pharmacist to notify the  
279 supervising physician of the patient's condition, tests  
280 administered, test results, and course of treatment.

281 5. Other requirements as established by the board in rule.

282 (b) A pharmacist authorized to test for and treat  
283 influenza and streptococcus under the protocol shall provide  
284 evidence of current certification by the board to the  
285 supervising physician. A supervising physician shall review the  
286 pharmacist's actions in accordance with the protocol.

287 (6) A pharmacist providing services under this section may  
288 not perform such services while acting as an employee without  
289 the written approval of the owner of the pharmacy.

290 (7) A pharmacist providing services under this section  
291 must complete a 3-hour continuing education course approved by  
292 the board addressing issues related to minor, nonchronic health  
293 conditions each biennial licensure renewal in addition to the  
294 continuing education requirements under s. 465.009. Each  
295 pharmacist must submit confirmation of having completed the

296 | course when applying for licensure renewal. A pharmacist who  
297 | fails to comply with this subsection may not provide testing,  
298 | screening, or treatment services.

299 |       Section 5. This act shall take effect July 1, 2019.