



480872

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

Senator Harrell moved the following:

1 **Senate Amendment to House Amendment (489627) to Senate**
2 **Amendment (with title amendment)**

3
4 Delete lines 8 - 103

5 and insert:

6 (4) (a) Medicinal drugs shall be dispensed in an
7 institutional pharmacy to outpatients only when that institution
8 has secured a community pharmacy permit from the department.

9 However, ~~an individual licensed to prescribe medicinal drugs in~~
10 ~~this state may be dispensed by dispense up to a 24-hour supply~~
11 ~~of a medicinal drug to any patient of an emergency department of~~



480872

12 a hospital that operates a Class II or Class III institutional
13 pharmacy to a patient of the hospital's emergency department or
14 a hospital inpatient upon discharge, if a prescriber provided
15 ~~that the physician treating the patient in such hospital~~
16 ~~hospital's emergency department~~ determines that the medicinal
17 drug is warranted and that community pharmacy services are not
18 readily accessible, geographically or otherwise, to the patient.
19 Such prescribing and dispensing from the emergency department
20 ~~must be in accordance with the procedures of the hospital. For~~
21 ~~any such patient for whom a medicinal drug is warranted for a~~
22 ~~period to exceed 24 hours, an individual licensed to prescribe~~
23 ~~such drug~~ must be for the greater of dispense a 24-hour supply
24 of such drug or a supply of such drug which must last the
25 patient until the next business day, to the patient and the
26 prescriber must provide the patient with a prescription for such
27 drug for use after such ~~the~~ initial ~~24-hour~~ period.

28 (b) Notwithstanding paragraph (a), if a state of emergency
29 has been declared for an area of the state pursuant to s.
30 252.36, an individual licensed to prescribe medicinal drugs in
31 this state may dispense up to a 72-hour supply of a medicinal
32 drug to any patient of, or patient discharged from, an emergency
33 department of a hospital located in that area which operates a
34 Class II or Class III institutional pharmacy, provided that the
35 physician who is treating the patient in such hospital's
36 emergency department, or who is treating the discharged patient,
37 determines that the medicinal drug is warranted and that
38 community pharmacy services are not readily accessible,
39 geographically or otherwise, to the patient. Such dispensing
40 from the emergency department to any patient, including a



480872

41 discharged patient, must be in accordance with the procedures of
42 the hospital. For any such patient for whom a medicinal drug is
43 warranted for a period to exceed 72 hours, an individual
44 licensed to prescribe such drug shall dispense a 72-hour supply
45 of such drug to the patient and shall provide the patient with a
46 prescription for such drug for use after the initial 72-hour
47 period.

48 (c) The board may adopt rules necessary to implement carry
49 out the provisions of this subsection.

50 Section 2. Section 465.0235, Florida Statutes, is amended
51 to read:

52 465.0235 Automated pharmacy systems used by long-term care
53 facilities, hospices, or state correctional institutions or for
54 outpatient dispensing.-

55 (1) A pharmacy may provide pharmacy services to a long-term
56 care facility or hospice licensed under chapter 400 or chapter
57 429 or a state correctional institution operated under chapter
58 944 through the use of an automated pharmacy system that need
59 not be located at the same location as the pharmacy.

60 (2) A community pharmacy, as defined in s. 465.003 and
61 licensed in this state, may provide pharmacy services for
62 outpatient dispensing through the use of an automated pharmacy
63 system that need not be located at the same location as the
64 community pharmacy if:

65 (a) The automated pharmacy system is under the supervision
66 and control of the community pharmacy;

67 (b) The community pharmacy providing services through the
68 automated pharmacy system notifies the board of the location of
69 the automated pharmacy system and any changes in such location;



480872

70 (c) The automated pharmacy system is under the supervision
71 and control of a pharmacist, as defined in s. 465.003 and
72 licensed in this state, who is available and accessible for
73 patient counseling before the dispensing of any medicinal drug;

74 (d) The automated pharmacy system does not contain or
75 dispense any controlled substances listed in Schedule II,
76 Schedule III, Schedule IV, or Schedule V of s. 893.03 or 21
77 U.S.C. s. 812;

78 (e) Any prescription drug dispensed through the automated
79 pharmacy system must be dispensed for the refill of a
80 prescription that was initially filled through an in-person
81 encounter with a pharmacist or other person authorized under
82 this chapter to dispense the drug in the community pharmacy;

83 (f) The community pharmacy maintains a record of the
84 medicinal drugs dispensed, including the identity of the
85 pharmacist responsible for verifying the accuracy of the dosage
86 and directions and providing patient counseling; and

87 (g) The automated pharmacy system ensures the
88 confidentiality of personal health information.

89 (3)(2) Medicinal drugs stored in bulk or unit of use in an
90 automated pharmacy system servicing a long-term care facility,
91 hospice, or correctional institution, or for outpatient
92 dispensing, are part of the inventory of the pharmacy providing
93 pharmacy services to that facility, hospice, or institution, or
94 for outpatient dispensing, and medicinal drugs delivered by the
95 automated pharmacy system are considered to have been dispensed
96 by that pharmacy.

97 (4)(3) The operation of an automated pharmacy system must
98 be under the supervision of a Florida-licensed pharmacist



480872

99 licensed in this state. To qualify as a supervisor for an
100 automated pharmacy system, the pharmacist need not be physically
101 present at the site of the automated pharmacy system and may
102 supervise the system electronically. The ~~Florida-licensed~~
103 pharmacist shall be required to develop and implement policies
104 and procedures designed to verify that the medicinal drugs
105 delivered by the automated dispensing system are accurate and
106 valid and that the machine is properly restocked.

107 (5)~~(4)~~ The Legislature does not intend this section to
108 limit the current practice of pharmacy in this state. This
109 section is intended to allow automated pharmacy systems to
110 enhance the ability of a pharmacist to provide pharmacy services
111 in locations that do not employ a full-time pharmacist. This
112 section does not limit or replace the use of a consultant
113 pharmacist.

114 (6)~~(5)~~ The board shall adopt rules governing the use of ~~an~~
115 automated pharmacy systems ~~system by January 1, 2005~~, which must
116 include ~~specify~~:

117 (a) Recordkeeping requirements;
118 (b) Security requirements; and
119 (c) Labeling requirements that permit the use of unit-dose
120 medications if the facility, hospice, or institution maintains
121 medication-administration records that include directions for
122 use of the medication and the automated pharmacy system
123 identifies:

- 124 1. The dispensing pharmacy;
- 125 2. The prescription number;
- 126 3. The name of the patient; and

127



480872

128 ===== T I T L E A M E N D M E N T =====

129 And the title is amended as follows:

130 Delete line 392

131 and insert:

132 a hospital under certain circumstances; authorizing
133 such individuals to dispense a 72-hour supply of such
134 drugs if a state of emergency has been declared in the
135 area; authorizing such individuals to provide
136 prescriptions for an additional supply of such drugs
137 under certain circumstances; amending s.