

1                                   A bill to be entitled  
 2           An act relating to dispensing medicinal drugs;  
 3           amending s. 465.019, F.S.; authorizing certain  
 4           individuals to prescribe and dispense a limited supply  
 5           of medicinal drugs to any patient of an emergency  
 6           department of a hospital or a patient discharged from  
 7           a hospital under certain circumstances; amending s.  
 8           465.0235, F.S.; authorizing a community pharmacy to  
 9           use an automated pharmacy system under certain  
 10          circumstances; providing that certain medicinal drugs  
 11          stored in such system for outpatient dispensing are  
 12          part of the inventory of the pharmacy providing  
 13          services through such system; requiring the Board of  
 14          Pharmacy to adopt rules; providing an effective date.

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 16 Be It Enacted by the Legislature of the State of Florida:  
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18           Section 1. Subsection (4) of section 465.019, Florida  
 19 Statutes, is amended to read:

20           465.019 Institutional pharmacies; permits.—

21           (4) Medicinal drugs shall be dispensed in an institutional  
 22 pharmacy to outpatients only when that institution has secured a  
 23 community pharmacy permit from the department. However, ~~an~~  
 24 ~~individual licensed to prescribe medicinal drugs in this state~~  
 25 may be dispensed by ~~dispense up to a 24-hour supply of a~~

26 | ~~medicinal drug to any patient of an emergency department of a~~  
 27 | ~~hospital that operates a Class II or Class III institutional~~  
 28 | ~~pharmacy to a patient of the hospital's emergency department or~~  
 29 | ~~a hospital inpatient upon discharge, if a prescriber provided~~  
 30 | ~~that the physician treating the patient in such hospital~~  
 31 | ~~hospital's emergency department determines that the medicinal~~  
 32 | ~~drug is warranted and that community pharmacy services are not~~  
 33 | ~~readily accessible, geographically or otherwise, to the patient.~~  
 34 | ~~Such prescribing and dispensing from the emergency department~~  
 35 | ~~must be in accordance with the procedures of the hospital. For~~  
 36 | ~~any such patient for whom a medicinal drug is warranted for a~~  
 37 | ~~period to exceed 24 hours, an individual licensed to prescribe~~  
 38 | ~~such drug must be for the greater of dispense a 24-hour supply~~  
 39 | ~~of such drug or a supply of such drug which must last the~~  
 40 | ~~patient until the next business day, to the patient and the~~  
 41 | ~~prescriber must provide the patient with a prescription for such~~  
 42 | ~~drug for use after such the initial 24-hour period. The board~~  
 43 | ~~may adopt rules necessary to carry out the provisions of this~~  
 44 | ~~subsection.~~

45 | Section 2. Section 465.0235, Florida Statutes, is amended  
 46 | to read:

47 | 465.0235 Automated pharmacy systems used by long-term care  
 48 | facilities, hospices, or state correctional institutions or for  
 49 | outpatient dispensing.-

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

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

60 (a) The automated pharmacy system is under the supervision  
61 and control of the community pharmacy.

62 (b) The community pharmacy providing services through the  
63 automated pharmacy system notifies the board of the location of  
64 the automated pharmacy system and any changes in such location.

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

69 (d) The automated pharmacy system does not contain or  
70 dispense any controlled substances listed in Schedule II,  
71 Schedule III, Schedule IV, or Schedule V of s. 893.03 or 21  
72 U.S.C. s. 812.

73 (e) The community pharmacy maintains a record of the  
74 medicinal drugs dispensed, including the identity of the

75 pharmacist responsible for verifying the accuracy of the dosage  
 76 and directions and providing patient counseling.

77 (f) The automated pharmacy system ensures the  
 78 confidentiality of personal health information.

79 (3)(2) Medicinal drugs stored in bulk or unit of use in an  
 80 automated pharmacy system servicing a long-term care facility,  
 81 hospice, or correctional institution, or for outpatient  
 82 dispensing, are part of the inventory of the pharmacy providing  
 83 pharmacy services to that facility, hospice, or institution, or  
 84 for outpatient dispensing, and medicinal drugs delivered by the  
 85 automated pharmacy system are considered to have been dispensed  
 86 by that pharmacy.

87 (4)(3) The operation of an automated pharmacy system must  
 88 be under the supervision of a ~~Florida-licensed~~ pharmacist  
 89 licensed in this state. To qualify as a supervisor for an  
 90 automated pharmacy system, the pharmacist need not be physically  
 91 present at the site of the automated pharmacy system and may  
 92 supervise the system electronically. The ~~Florida-licensed~~  
 93 pharmacist shall be required to develop and implement policies  
 94 and procedures designed to verify that the medicinal drugs  
 95 delivered by the automated dispensing system are accurate and  
 96 valid and that the machine is properly restocked.

97 (5)(4) The Legislature does not intend this section to  
 98 limit the current practice of pharmacy in this state. This  
 99 section is intended to allow automated pharmacy systems to

100 enhance the ability of a pharmacist to provide pharmacy services  
101 in locations that do not employ a full-time pharmacist. This  
102 section does not limit or replace the use of a consultant  
103 pharmacist.

104 (6)~~(5)~~ The board shall adopt rules governing the use of ~~an~~  
105 automated pharmacy systems ~~system by January 1, 2005~~, which must  
106 include ~~specify~~:

107 (a) Recordkeeping requirements.~~†~~

108 (b) Security requirements.~~†~~~~and~~

109 (c) Labeling requirements that permit the use of unit-dose  
110 medications if the facility, hospice, or institution maintains  
111 medication-administration records that include directions for  
112 use of the medication and the automated pharmacy system  
113 identifies:

114 1. The dispensing pharmacy.~~†~~

115 2. The prescription number.~~†~~

116 3. The name of the patient.~~†~~~~and~~

117 4. The name of the prescribing practitioner.

118 Section 3. This act shall take effect July 1, 2019.