



268640

LEGISLATIVE ACTION

Senate

.  
. .  
. .  
. .  
. .

House

---

The Committee on Appropriations (Diaz) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

(2) Any practitioner licensed in this state to practice  
medicine, osteopathic medicine, chiropractic medicine,



268640

11 naturopathy, or veterinary medicine; any licensed pharmacist  
12 authorized under a collaborative pharmacy practice agreement, as  
13 defined in s. 465.1865, to perform or order and evaluate  
14 laboratory and clinical tests; any hospital licensed under part  
15 I of chapter 395; or any laboratory appropriately certified by  
16 the Centers for Medicare and Medicaid Services under the federal  
17 Clinical Laboratory Improvement Amendments and the federal rules  
18 adopted thereunder which diagnoses or suspects the existence of  
19 a disease of public health significance shall immediately report  
20 the fact to the Department of Health.

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

23 465.003 Definitions.—As used in this chapter, the term:

24 (13) "Practice of the profession of pharmacy" includes  
25 compounding, dispensing, and consulting concerning contents,  
26 therapeutic values, and uses of any medicinal drug; consulting  
27 concerning therapeutic values and interactions of patent or  
28 proprietary preparations, whether pursuant to prescriptions or  
29 in the absence and entirely independent of such prescriptions or  
30 orders; and conducting other pharmaceutical services. For  
31 purposes of this subsection, the term "other pharmaceutical  
32 services" means ~~the~~ monitoring ~~of~~ the patient's drug therapy and  
33 assisting the patient in the management of his or her drug  
34 therapy; reviewing and making recommendations regarding, ~~and~~  
35 ~~includes review of~~ the patient's drug therapy and health care  
36 status in communication with the patient's prescribing health  
37 care provider as licensed under chapter 458, chapter 459,  
38 chapter 461, or chapter 466, or a similar statutory provision in  
39 another jurisdiction, or such provider's agent or such other



268640

40 persons as specifically authorized by the patient; and  
41 initiating, modifying, or discontinuing drug therapy for a  
42 chronic health condition under a collaborative pharmacy practice  
43 agreement, regarding the drug therapy. However, Nothing in this  
44 subsection may be interpreted to permit an alteration of a  
45 prescriber's directions, the diagnosis or treatment of any  
46 disease, the initiation of any drug therapy, the practice of  
47 medicine, or the practice of osteopathic medicine, unless  
48 otherwise permitted by law or specifically authorized by s.  
49 465.1865. The term "Practice of the profession of pharmacy" also  
50 includes any other act, service, operation, research, or  
51 transaction incidental to, or forming a part of, any of the  
52 foregoing acts, requiring, involving, or employing the science  
53 or art of any branch of the pharmaceutical profession, study, or  
54 training, and shall expressly permit a pharmacist to transmit  
55 information from persons authorized to prescribe medicinal drugs  
56 to their patients. The practice of the profession of pharmacy  
57 also includes the administration of vaccines to adults pursuant  
58 to s. 465.189 and the preparation of prepackaged drug products  
59 in facilities holding Class III institutional pharmacy permits.  
60 The term also includes ordering and evaluating any laboratory or  
61 clinical testing; conducting patient assessments; and modifying,  
62 discontinuing, or administering medicinal drugs pursuant to s.  
63 465.0125 by a consultant pharmacist.

64 Section 3. Section 465.0125, Florida Statutes, is amended  
65 to read:

66 465.0125 Consultant pharmacist license; application,  
67 renewal, fees; responsibilities; rules.—

68 (1) The department shall issue or renew a consultant



268640

69 pharmacist license upon receipt of an initial or renewal  
70 application that ~~which~~ conforms to the requirements for  
71 consultant pharmacist initial licensure or renewal as adopted  
72 ~~promulgated~~ by the board by rule and a fee set by the board not  
73 to exceed \$250. To be licensed as a consultant pharmacist, a  
74 pharmacist must complete additional training as required by the  
75 board.

76 (a) A consultant pharmacist may provide medication  
77 management services in a health care facility within the  
78 framework of a written collaborative practice agreement between  
79 the pharmacist and a health care facility medical director or a  
80 physician licensed under chapter 458 or chapter 459, a podiatric  
81 physician licensed under chapter 461, or a dentist licensed  
82 under chapter 466 who is authorized to prescribe medicinal  
83 drugs. A consultant pharmacist may provide medication management  
84 services, conduct patient assessments, and order and evaluate  
85 laboratory or clinical testing only for patients of the health  
86 care practitioner with whom the consultant pharmacist has a  
87 written collaborative practice agreement.

88 (b) A written collaborative practice agreement must outline  
89 the circumstances under which the consultant pharmacist may:

90 1. Order and evaluate any laboratory or clinical tests to  
91 promote and evaluate patient health and wellness, and monitor  
92 drug therapy and treatment outcomes.

93 2. Conduct patient assessments as appropriate to evaluate  
94 and monitor drug therapy.

95 3. Modify or discontinue medicinal drugs as outlined in the  
96 agreed-upon patient-specific order or preapproved treatment  
97 protocol under the direction of a physician. However, a



268640

98 consultant pharmacist may not modify or discontinue medicinal  
99 drugs prescribed by a health care practitioner who does not have  
100 a written collaborative practice agreement with the consultant  
101 pharmacist.

102 4. Administer medicinal drugs.

103 (c) A ~~The~~ consultant pharmacist shall maintain ~~be~~  
104 ~~responsible for maintaining~~ all drug, patient care, and quality  
105 ~~assurance~~ records as required by law and, with the collaborating  
106 ~~practitioner, maintain written collaborative practice agreements~~  
107 ~~that must be available upon request from or upon inspection by~~  
108 ~~the department.~~

109 (d) This subsection does not authorize a consultant  
110 pharmacist to diagnose any disease or condition.

111 (e) For purposes of this subsection, the term "health care  
112 facility" means an ambulatory surgical center or hospital  
113 licensed under chapter 395, an alcohol or chemical dependency  
114 treatment center licensed under chapter 397, an inpatient  
115 hospice licensed under part IV of chapter 400, a nursing home  
116 licensed under part II of chapter 400, an ambulatory care center  
117 as defined in s. 408.07, or a nursing home component licensed  
118 under chapter 400 within a continuing care facility licensed  
119 under chapter 651 ~~for establishing drug handling procedures for~~  
120 ~~the safe handling and storage of drugs. The consultant~~  
121 ~~pharmacist may also be responsible for ordering and evaluating~~  
122 ~~any laboratory or clinical testing when, in the judgment of the~~  
123 ~~consultant pharmacist, such activity is necessary for the proper~~  
124 ~~performance of the consultant pharmacist's responsibilities.~~  
125 ~~Such laboratory or clinical testing may be ordered only with~~  
126 ~~regard to patients residing in a nursing home facility, and then~~



268640

127 ~~only when authorized by the medical director of the nursing home~~  
128 ~~facility. The consultant pharmacist must have completed such~~  
129 ~~additional training and demonstrate such additional~~  
130 ~~qualifications in the practice of institutional pharmacy as~~  
131 ~~shall be required by the board in addition to licensure as a~~  
132 ~~registered pharmacist.~~

133 (2) Notwithstanding ~~the provisions of~~ subsection (1), a  
134 consultant pharmacist or a doctor of pharmacy licensed in this  
135 state may also be responsible for ordering and evaluating any  
136 laboratory or clinical testing for persons under the care of a  
137 licensed home health agency when, in the judgment of the  
138 consultant pharmacist or doctor of pharmacy, such activity is  
139 necessary for the proper performance of his or her  
140 responsibilities and only when authorized by a practitioner  
141 licensed under chapter 458, chapter 459, chapter 461, or chapter  
142 466. In order for the consultant pharmacist or doctor of  
143 pharmacy to qualify and accept this authority, he or she must  
144 receive 3 hours of continuing education relating to laboratory  
145 and clinical testing as established by the board.

146 (3) The board shall adopt ~~promulgate~~ rules necessary to  
147 implement and administer this section.

148 Section 4. Section 465.1865, Florida Statutes, is created  
149 to read:

150 465.1865 Collaborative pharmacy practice for chronic health  
151 conditions.-

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

153 (a) "Collaborative pharmacy practice agreement" means a  
154 written agreement between a pharmacist who meets the  
155 qualifications of this section and a physician licensed under



268640

156 chapter 458 or chapter 459 in which a collaborating physician  
157 authorizes a pharmacist to provide specified patient care  
158 services to the collaborating physician's patients.

159 (b) "Chronic health condition" means:

160 1. Arthritis;

161 2. Asthma;

162 3. Chronic obstructive pulmonary diseases;

163 4. Type 2 diabetes;

164 5. Human immunodeficiency virus or acquired immune  
165 deficiency syndrome; or

166 6. Obesity.

167 (2) To provide services under a collaborative pharmacy  
168 practice agreement, a pharmacist must be certified according to  
169 rules of the Board of Medicine that he or she:

170 (a) Holds an active and unencumbered license to practice  
171 pharmacy in the state.

172 (b) Has earned a degree of doctor of pharmacy or has  
173 completed 5 years of experience as a licensed pharmacist.

174 (c) Has completed an initial 20-hour course approved by the  
175 Board of Medicine in consultation with the Board of Osteopathic  
176 Medicine and the Board of Pharmacy which includes, at a minimum,  
177 instruction on all of the following:

178 1. Performance of patient assessments.

179 2. Ordering, performing, and interpreting clinical and  
180 laboratory tests related to collaborative pharmacy practice.

181 3. Evaluating and managing diseases and health conditions  
182 in collaboration with other health care practitioners.

183 4. Any other area required by Board of Medicine rule,  
184 adopted in consultation with the Board of Osteopathic Medicine



268640

185 and the Board of Pharmacy.

186 (d) Maintains at least \$250,000 of professional liability  
187 insurance coverage. However, a pharmacist who maintains  
188 professional liability insurance coverage of at least \$250,000  
189 under a written protocol with a supervising physician for the  
190 testing for and treatment of minor nonchronic health conditions  
191 satisfies this requirement.

192 (e) Has established a system to maintain records of all  
193 patients receiving services under a collaborative pharmacy  
194 practice agreement for a period of 5 years.

195 (3) The terms and conditions of the collaborative pharmacy  
196 practice agreement must be appropriate to the pharmacist's  
197 education and training and the services delegated to the  
198 pharmacist must be within the collaborating physician's scope of  
199 practice. A copy of the certification issued under subsection  
200 (2) must be included as an attachment to the collaborative  
201 pharmacy practice agreement.

202 (a) A collaborative pharmacy practice agreement must  
203 include the following:

204 1. Name of the collaborating physician's patient or  
205 patients for whom a pharmacist may provide services.

206 2. Each chronic health condition to be collaboratively  
207 managed.

208 3. Specific medicinal drug or drugs to be managed by the  
209 pharmacist.

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

212 5. Conditions and events upon which the pharmacist must  
213 notify the collaborating physician and the manner and timeframe





268640

214 in which such notification must occur.

215 6. Beginning and ending dates for the collaborative  
216 pharmacy practice agreement and termination procedures,  
217 including procedures for patient notification and medical  
218 records transfers.

219 7. A statement that the collaborative pharmacy practice  
220 agreement may be terminated, in writing, by either party at any  
221 time.

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

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

228 (d) A pharmacist who enters into a collaborative pharmacy  
229 practice agreement must submit a copy of the signed agreement to  
230 the Board of Pharmacy before the agreement may be implemented.

231 (4) A pharmacist may not:

232 (a) Modify or discontinue medicinal drugs prescribed by a  
233 health care practitioner with whom he or she does not have a  
234 collaborative pharmacy practice agreement.

235 (b) Enter into a collaborative pharmacy practice agreement  
236 while acting as an employee without the written approval of the  
237 owner of the pharmacy.

238 (5) A physician may not delegate to a pharmacist the  
239 authority to initiate or prescribe a controlled substance as  
240 described in s. 893.03 or 21 U.S.C. s. 812.

241 (6) In addition to the continuing education requirements  
242 under s. 465.009, a pharmacist who practices under a



268640

243 collaborative pharmacy practice agreement must, for each  
244 biennial licensure renewal, complete an 8-hour continuing  
245 education course approved by the Board of Medicine in  
246 consultation with the Board of Osteopathic Medicine and the  
247 Board of Pharmacy which addresses issues related to the chronic  
248 conditions to be collaboratively managed. Such pharmacist must  
249 submit confirmation of having completed such course when  
250 applying for licensure renewal. A pharmacist who fails to comply  
251 with this subsection shall be prohibited from practicing under a  
252 collaborative pharmacy practice agreement under this section.

253 (7) The Board of Medicine in consultation with the Board of  
254 Osteopathic Medicine and the Board of Pharmacy shall adopt rules  
255 pursuant to ss. 120.536(1) and 120.54 to implement this section.

256 Section 5. This act shall take effect July 1, 2020.

257  
258 ===== T I T L E A M E N D M E N T =====

259 And the title is amended as follows:

260 Delete everything before the enacting clause  
261 and insert:

262 A bill to be entitled  
263 An act relating to the practice of pharmacy; amending  
264 s. 381.0031, F.S.; requiring specified licensed  
265 pharmacists to report certain information relating to  
266 public health to the Department of Health; amending s.  
267 465.003, F.S.; revising the definition of the term  
268 "practice of the profession of pharmacy"; amending s.  
269 465.0125, F.S.; requiring a pharmacist to complete  
270 additional training to be licensed as a consultant  
271 pharmacist; authorizing a consultant pharmacist to



272 perform specified services under certain conditions;  
273 prohibiting a consultant pharmacist from modifying or  
274 discontinuing medicinal drugs prescribed by a health  
275 care practitioner under certain conditions; revising  
276 the responsibilities of a consultant pharmacist;  
277 requiring a consultant pharmacist and a collaborating  
278 practitioner to maintain collaborative practice  
279 agreements; requiring collaborative practice  
280 agreements to be made available upon request from or  
281 upon inspection by the Department of Health;  
282 prohibiting a consultant pharmacist from diagnosing  
283 any disease or condition; defining the term "health  
284 care facility"; creating s. 465.1865, F.S.; defining  
285 terms; providing requirements for pharmacists to  
286 provide services under a collaborative pharmacy  
287 practice agreement; requiring the terms and conditions  
288 of such agreement to be appropriate to the training of  
289 the pharmacist and the scope of practice of the  
290 physician; requiring notification to the Board of  
291 Pharmacy upon practicing under a collaborative  
292 pharmacy practice agreement; requiring pharmacists to  
293 submit a copy of the signed collaborative pharmacy  
294 practice agreement to the Board of Pharmacy; providing  
295 for the maintenance of patient records for a certain  
296 timeframe; providing for renewal of such agreement;  
297 requiring a pharmacist and the collaborating physician  
298 to maintain on file and make available the  
299 collaborative pharmacy practice agreement; prohibiting  
300 certain actions relating to such agreement; requiring



268640

301 specified continuing education for a pharmacist who  
302 practices under a collaborative pharmacy practice  
303 agreement; requiring the Board of Medicine in  
304 consultation with the Board of Osteopathic Medicine  
305 and the Board of Pharmacy to adopt rules; providing an  
306 effective date.