

By the Committee on Health Policy; and Senator Diaz

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1                   A bill to be entitled  
2       An act relating to consultant pharmacists; amending s.  
3       465.003, F.S.; revising the definition of the term  
4       "practice of the profession of pharmacy"; amending s.  
5       465.0125, F.S.; requiring a pharmacist to complete  
6       additional training to be licensed as a consultant  
7       pharmacist; authorizing a consultant pharmacist to  
8       perform specified services under certain conditions;  
9       prohibiting a consultant pharmacist from modifying or  
10      discontinuing medicinal drugs prescribed by a health  
11      care practitioner under certain conditions; revising  
12      the responsibilities of a consultant pharmacist;  
13      requiring a consultant pharmacist and a collaborating  
14      practitioner to maintain collaborative practice  
15      agreements; requiring collaborative practice  
16      agreements to be made available upon request from or  
17      upon inspection by the Department of Health;  
18      prohibiting a consultant pharmacist from diagnosing  
19      any disease or condition; defining the term "health  
20      care facility"; providing an effective date.

21  
22   Be It Enacted by the Legislature of the State of Florida:

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

26       465.003 Definitions.—As used in this chapter, the term:  
27       (13) "Practice of the profession of pharmacy" includes  
28       compounding, dispensing, and consulting concerning contents,  
29       therapeutic values, and uses of any medicinal drug; consulting

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30 concerning therapeutic values and interactions of patent or  
31 proprietary preparations, whether pursuant to prescriptions or  
32 in the absence and entirely independent of such prescriptions or  
33 orders; and conducting other pharmaceutical services. For  
34 purposes of this subsection, the term "other pharmaceutical  
35 services" means ~~the monitoring of~~ the patient's drug therapy and  
36 assisting the patient in the management of his or her drug  
37 therapy, and includes reviewing, and making recommendations  
38 regarding, review of the patient's drug therapy and health care  
39 status in communication with the patient's prescribing health  
40 care provider as licensed under chapter 458, chapter 459,  
41 chapter 461, or chapter 466, or a similar statutory provision in  
42 another jurisdiction, or such provider's agent or such other  
43 persons as specifically authorized by the patient, ~~regarding the~~  
44 ~~drug therapy~~. However, ~~nothing in~~ this subsection may not be  
45 interpreted to permit an alteration of a prescriber's  
46 directions, the diagnosis or treatment of any disease, the  
47 initiation of any drug therapy, the practice of medicine, or the  
48 practice of osteopathic medicine, unless otherwise permitted by  
49 law. 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

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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 2. 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  
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.

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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  
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, shall maintain written collaborative practice  
107 agreements that must be available upon request from or upon  
108 inspection by 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

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117 as defined in s. 408.07, or a nursing home component under  
118 chapter 400 within a continuing care facility licensed under  
119 chapter 651 for establishing drug handling procedures for the  
120 ~~safe handling and storage of drugs. The consultant pharmacist~~  
121 ~~may also be responsible for ordering and evaluating any~~  
122 ~~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~~  
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.

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

148           Section 3. This act shall take effect July 1, 2020.