A bill to be entitled
An act relating to the testing for and treatment of
influenza and streptococcus; amending s. 381.0031,
F.S.; requiring specified licensed pharmacists to
report certain information to the Department of
Health; amending s. 465.003, F.S.; revising the
definition of the term "practice of the profession of
pharmacy"; creating s. 465.1895, F.S.; authorizing
pharmacists to test for and treat influenza and
streptococcus and providing requirements relating
thereto; requiring that the written protocol between a
pharmacist and supervising physician contain certain
information, terms, and conditions; requiring the
Board of Pharmacy to adopt rules within a specified
time period; requiring that a pharmacist notify a
patient's primary care provider within a specified
time period after providing any such testing or
treatment; providing an effective date.

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

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, naturopathy, or veterinary medicine; any licensed pharmacist authorized pursuant to a written protocol to order and evaluate laboratory and clinical tests; any hospital licensed under part I of chapter 395; or any laboratory appropriately certified by the Centers for Medicare and Medicaid Services under the federal Clinical Laboratory Improvement Amendments, and the federal rules adopted thereunder, which diagnoses or suspects the existence of a disease of public health significance shall immediately report the fact to the Department of Health.

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

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

(13) "Practice of the profession of pharmacy" includes compounding, dispensing, and consulting concerning contents, therapeutic values, and uses of any medicinal drug; consulting concerning therapeutic values and interactions of patent or proprietary preparations, whether pursuant to prescriptions or in the absence and entirely independent of such prescriptions or orders; and conducting other pharmaceutical services. For purposes of this subsection, "other pharmaceutical services" means the monitoring of the patient's drug therapy and assisting the patient in the management of his or her drug therapy, and includes review of the patient's drug therapy and communication.
with the patient's prescribing health care provider as licensed
under chapter 458, chapter 459, chapter 461, or chapter 466, or
similar statutory provision in another jurisdiction, or such
provider's agent or such other persons as specifically
authorized by the patient, regarding the drug therapy. However,
nothing in this subsection may be interpreted to permit an
alteration of a prescriber's directions, the diagnosis or
treatment of any disease, the initiation of any drug therapy,
the practice of medicine, or the practice of osteopathic
medicine, unless otherwise permitted by law. "Practice of the
profession of pharmacy" also includes any other act, service,
operation, research, or transaction incidental to, or forming a
part of, any of the foregoing acts, requiring, involving, or
employing the science or art of any branch of the pharmaceutical
profession, study, or training, and shall expressly permit a
pharmacist to transmit information from persons authorized to
prescribe medicinal drugs to their patients. The practice of the
profession of pharmacy also includes the administration of
vaccines to adults pursuant to s. 465.189, the testing for and
treatment of influenza and streptococcus pursuant to s.
465.1895, and the preparation of prepackaged drug products in
facilities holding Class III institutional pharmacy permits.

Section 3. Section 465.1895, Florida Statutes, is created
to read:

465.1895 Testing for and treatment of influenza and

CODING: Words stricken are deletions; words underlined are additions.
(1) A pharmacist may test for and treat influenza and streptococcus if all of the following criteria are met:

(a) The pharmacist has entered into a written protocol with a supervising physician licensed under chapter 458 or chapter 459, and such protocol complies with the requirements in subsection (5) and board rules.

(b) The pharmacist uses an instrument and a waived test, as that term is defined in 42 C.F.R. s. 493.2.

(c) The pharmacist uses a testing system that:
   1. Provides automated readings in order to reduce user subjectivity or interpretation of results.
   2. Is capable of directly or indirectly interfacing with electronic medical records systems.
   3. Is capable of electronically reporting daily deidentified test results to the appropriate agencies.
   4. Uses an instrument that incorporates both internal and external controls and external calibration that show the reagent and assay procedure is performing properly. External controls must be used in accordance with local, state, and federal regulations and accreditation requirements.

(d) The pharmacist is certified to test for and treat influenza and streptococcus pursuant to a certification program approved by the board, in consultation with the Board of Medicine and the Board of Osteopathic Medicine, within 90 days.
after the date upon which this section becomes effective. The certification program must require that the pharmacist attend, on a one-time basis, 8 hours of continuing education courses approved by the board. The continuing education curriculum must be provided by an organization of instruction approved by the Accreditation Council for Pharmacy Education and must include, at a minimum, point-of-care testing for influenza and streptococcus and the safe and effective treatment of influenza and streptococcus.

(2) A pharmacist may not enter into a written protocol under this section unless he or she maintains at least $200,000 of professional liability insurance and is certified as required in paragraph (1)(d).

(3) A pharmacist who tests for and treats influenza and streptococcus shall maintain and make available patient records using the same standards for confidentiality and maintenance of such records as those that are imposed on health care practitioners under s. 456.057. Such records shall be maintained for at least 5 years.

(4) The decision by a supervising physician licensed under chapter 458 or chapter 459 to enter into a written protocol under this section is a professional decision on the part of the physician and a person may not interfere with a physician's decision regarding entering into such a protocol. A pharmacist may not enter into a written protocol that is to be performed.
while acting as an employee without the written approval of the
owner of the pharmacy.

(5) The board shall adopt rules establishing requirements
for the written protocol within 90 days after the date upon
which this section becomes effective. At a minimum, the written
protocol shall include:

(a) The terms and conditions required in s. 465.189(7).

(b) Specific categories of patients for whom the
supervising physician authorizes the pharmacist to test for and
treat influenza and streptococcus.

(c) The supervising physician's instructions for the
treatment of influenza and streptococcus based on the patient's
age, symptoms, and test results, including negative results.

(d) A process and schedule for the supervising physician
to review the pharmacist's actions under the written protocol.

(e) A process and schedule for the pharmacist to notify
the supervising physician of the patient's condition, tests
administered, test results, and course of treatment.

(6) When the patient has a primary care provider, a
pharmacist who provides testing for or treatment of influenza
and streptococcus under this section shall notify the patient's
primary care provider within 2 business days after providing any
such testing or treatment.

Section 4. This act shall take effect upon becoming a law.