Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED __ (Y/N)
ADOPTED AS AMENDED __ (Y/N)
ADOPTED W/O OBJECTION __ (Y/N)
FAILED TO ADOPT __ (Y/N)
WITHDRAWN __ (Y/N)
OTHER __

Committee/Subcommittee hearing bill: Health & Human Services Committee
Representative Byrd offered the following:

Amendment (with title amendment)

Remove lines 81-94 and insert:

(5)(a) A prescriber using the institutional formulary must authorize its use for each patient. A nursing home facility must obtain the prescriber’s approval for any subsequent change to a nursing home facility's institutional formulary. A prescriber may opt out of the nursing home facility's institutional formulary with respect to a medicinal drug or class of medicinal drugs for any resident. A nursing home facility may not take adverse action against a prescriber for declining to use the facility's institutional formulary.
(b) A nursing home facility must notify the prescriber prior to each therapeutic substitution using a method of communication designated by the prescriber. A nursing home facility must document the therapeutic substitution in the resident’s medical records.

(c) A prescriber may prevent a therapeutic substitution for a specific prescription by indicating "NO THERAPEUTIC SUBSTITUTION" on the prescription. If the prescription is provided orally, the prescriber must make an overt action to opt out of therapeutic substitution.

(6) The nursing home facility must obtain informed consent from a resident or a resident’s legal representative or designee to the use of the institutional formulary for the resident. The nursing home facility must clearly inform the resident or the resident’s legal representative or designee of the right to refuse to participate to the institutional formulary and may not take any adverse action against the resident refusing to agree to the use of the institutional formulary.

Section 2. Subsection (9) is added to section 465.025, Florida Statutes, to read:

465.025 Substitution of drugs.—

(9) A pharmacist may therapeutically substitute medicinal drugs in accordance with an institutional formulary established under s. 400.143 for the resident of a nursing home facility if the prescriber has agreed to the use of such institutional
formulary for the patient. The pharmacist may not therapeutically substitute a medicinal drug pursuant to the facility's institutional formulary if the prescriber indicates on the prescription "NO THERAPEUTIC SUBSTITUTION" or overtly indicates that therapeutic substitution is prohibited as authorized under s. 400.143(5)(c).

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TITLE AMENDMENT

Remove lines 16-25 and insert:

requiring a prescriber to authorize the use of the institutional formulary for each specific patient; requiring the prescriber to opt into any changes made to the institutional formulary; authorizing a prescriber to opt out of using the institutional formulary or to prevent a therapeutic substitution under certain circumstances; requiring the nursing home facility to notify the prescriber of therapeutic substitutions by a certain method; prohibiting a nursing home facility from taking adverse action against a prescriber for refusing to agree to the use of the institutional formulary; requiring a nursing facility to obtain informed consent from a resident for the use of the institutional formula; requiring a resident be notified of the right to refuse the institutional formulary; prohibiting a nursing home facility from taking adverse action against a
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resident for refusing to participate in the institutional
formulary; amending s. 465.025, F.S.;