

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Healthcare Regulation
 2 Subcommittee

3 Representative Roach offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (20) of section 465.003, Florida
 8 Statutes, is amended to read:

9 465.003 Definitions.—As used in this chapter, the term:

10 (20) (a) "Pharmacy" includes a community pharmacy, an
 11 institutional pharmacy, a nuclear pharmacy, a special pharmacy,
 12 ~~and~~ and an Internet pharmacy, and a remote-site pharmacy.

13 1. The term "community pharmacy" includes every location
 14 where medicinal drugs are compounded, dispensed, stored, or sold
 15 or where prescriptions are filled or dispensed on an outpatient
 16 basis.

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17 2. The term "institutional pharmacy" includes every
18 location in a hospital, clinic, nursing home, dispensary,
19 sanitarium, extended care facility, or other facility,
20 hereinafter referred to as "health care institutions," where
21 medicinal drugs are compounded, dispensed, stored, or sold.

22 3. The term "nuclear pharmacy" includes every location
23 where radioactive drugs and chemicals within the classification
24 of medicinal drugs are compounded, dispensed, stored, or sold.
25 The term "nuclear pharmacy" does not include hospitals licensed
26 under chapter 395 or the nuclear medicine facilities of such
27 hospitals.

28 4. The term "special pharmacy" includes every location
29 where medicinal drugs are compounded, dispensed, stored, or sold
30 if such locations are not otherwise defined in this subsection.

31 5. The term "Internet pharmacy" includes locations not
32 otherwise licensed or issued a permit under this chapter, within
33 or outside this state, which use the Internet to communicate
34 with or obtain information from consumers in this state and use
35 such communication or information to fill or refill
36 prescriptions or to dispense, distribute, or otherwise engage in
37 the practice of pharmacy in this state. Any act described in
38 this definition constitutes the practice of the profession of
39 pharmacy.

40 6. The term "remote-site pharmacy" means a location where
41 medicinal drugs are dispensed by a supervising pharmacist as
42 defined in s. 465.0198 who is acting in the capacity of a

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43 prescription department manager and remotely supervising a
44 registered pharmacy technician handling the sales transactions
45 and delivery of the drugs.

46 (b) The pharmacy department of any permittee ~~is shall be~~
47 considered closed whenever a Florida licensed pharmacist is not
48 present and on duty. The term "not present and on duty" may
49 ~~shall~~ not be construed to prevent any of the following:

50 1. A pharmacist from exiting the prescription department
51 for the purposes of consulting or responding to inquiries or
52 providing assistance to patients or customers.

53 2. A pharmacist from, attending to personal hygiene needs.

54 3. A pharmacist from, ~~or~~ performing any other function for
55 which the pharmacist is responsible, provided that such
56 activities are conducted in a manner consistent with the
57 pharmacist's responsibility to provide pharmacy services.

58 4. A supervising pharmacist as defined in s. 465.0198,
59 acting in the capacity of a prescription department manager,
60 from remotely supervising a registered pharmacy technician at a
61 remote-site pharmacy.

62 Section 2. Subsection (1) of section 465.014, Florida
63 Statutes, is amended to read, and Subsection (10) of section
64 465.014, Florida Statutes, is created to read:

65 465.014 Pharmacy technician.—

66 (1) A person other than a licensed pharmacist or pharmacy
67 intern may not engage in the practice of the profession of
68 pharmacy as defined in s. 465.003, except that a licensed

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69 pharmacist may delegate to pharmacy technicians who are
70 registered pursuant to this section those duties, tasks, and
71 functions that do not fall within the purview of s. 465.003.
72 Except as otherwise provided in this section, aAll such
73 delegated acts must be performed under the direct supervision of
74 a licensed pharmacist who is responsible for all such acts
75 performed by persons under his or her supervision. A registered
76 pharmacy technician, under the supervision of a pharmacist, may
77 initiate or receive communications with a practitioner or his or
78 her agent, on behalf of a patient, regarding refill
79 authorization requests. A licensed pharmacist may not supervise
80 more than one registered pharmacy technician or unless otherwise
81 permitted by the guidelines adopted by the board. The board
82 shall establish guidelines to be followed by licensees or
83 permittees in determining the circumstances under which a
84 licensed pharmacist may supervise more than one pharmacy
85 technician.

86 (10) A pharmacy technician may perform the delegated acts
87 authorized by this section at a remote-site pharmacy under the
88 remote supervision of a licensed supervising pharmacist as
89 defined in s. 465.0198. A licensed supervising pharmacist may
90 not remotely supervise more than six registered pharmacy
91 technicians.

92 Section 3. Section 465.0198, Florida Statutes, is created
93 to read:

94 465.0198 Remote-site pharmacy permits.-

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95 (1) As used in this section, the term:

96 (a) "Supervising pharmacist" means a pharmacist licensed in
97 this state employed by or under contract with a pharmacy
98 licensed in this state who remotely supervises registered
99 pharmacy technicians at a remote-site pharmacy.

100 (b) "Supervising pharmacy" means a pharmacy licensed in
101 this state which employs or contracts with a pharmacist licensed
102 in this state to serve as the supervising pharmacist for a
103 remote-site pharmacy that is jointly owned by or operated under
104 a contract with the pharmacy.

105 (2) Any person desiring a permit to operate a remote-site
106 pharmacy must apply to the department. If the board certifies
107 that the application complies with the laws and rules of the
108 board, the department must issue the permit. A permit may not be
109 issued unless a licensed pharmacist or consultant pharmacist is
110 designated as the prescription department manager responsible
111 for the oversight of the remote-site pharmacy. The permittee
112 must notify the department within 10 days after any change of
113 the prescription department manager.

114 (3) A remote-site pharmacy must comply with all of the
115 following:

116 (a) Be jointly owned by or operated under a contract with a
117 supervising pharmacy.

118 (b) Maintain a video surveillance system that records
119 continuously 24 hours per day and retain video surveillance
120 recordings for at least 30 days.

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121 (c) Display a sign visible to the public indicating that
122 the location is a remote-site pharmacy and that the facility is
123 under 24-hour video surveillance.

124 (d) Maintain a policies and procedures manual, which must
125 be made available to the board or its agent upon request and
126 must include, but need not be limited to, all of the following:

127 1. A description of how the pharmacy will comply with
128 federal and state laws and rules.

129 2. The procedures for supervising the remote-site pharmacy
130 and counseling its patients.

131 3. The procedures for reviewing the prescription drug
132 inventory and drug records maintained by the remote-site
133 pharmacy.

134 4. The policies and procedures for providing security
135 adequate to protect the confidentiality and integrity of patient
136 information.

137 5. The written plan for recovery from an event that
138 interrupts or prevents the prescription department manager from
139 supervising the remote-site pharmacy's operation.

140 6. The procedures for use of the state prescription drug
141 monitoring program by the prescription department manager before
142 he or she may authorize the dispensing of any controlled
143 substance.

144 7. The procedures for maintaining a perpetual inventory of
145 the controlled substances listed in Schedule II of s. 893.03.

146 8. The specific duties, tasks, and functions that

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147 registered pharmacy technicians are authorized to perform at the
148 remote-site pharmacy.

149 (4) A remote-site pharmacy may store, hold, or dispense any
150 medicinal drug, including proprietary drugs and controlled
151 substances. However, a remote-site pharmacy may not dispense
152 Schedule II controlled substances listed in s. 893.03 unless a
153 pharmacist is present at the remote-site pharmacy.

154 (5) The prescription department manager must visit the
155 remote-site pharmacy, based on a schedule determined by the
156 board, to inspect the pharmacy, address personnel matters, and
157 provide clinical services for patients.

158 (6) A remote-site pharmacy may not be open when the
159 supervising pharmacy is closed, unless a supervising pharmacist
160 is present at the remote-site pharmacy or is providing remote
161 supervision as required under this section.

162 (7) The board may adopt rules necessary to specify
163 additional criteria for a remote-site pharmacy related to:

164 (a) Application requirements.

165 (b) Structural and equipment requirements.

166 (c) Training requirements.

167 (d) Inventory recordkeeping and storage requirements.

168 Section 4. Paragraph (c) of subsection (11) of section
169 465.022, Florida Statutes, is amended to read:

170 465.022 Pharmacies; general requirements; fees.—

171 (11) A permittee must notify the department of the
172 identity of the prescription department manager within 10 days

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173 after employment. The prescription department manager must
174 comply with the following requirements:

175 (c) A registered pharmacist may not serve as the
176 prescription department manager in more than one location,
177 except as authorized under s. 465.0198, unless approved by the
178 board.

179 Section 5. This act shall take effect July 1, 2024.
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182 **T I T L E A M E N D M E N T**

183 Remove everything before the enacting clause and insert:
184 An act relating to pharmacy; amending s. 465.003, F.S.; revising
185 the definition of the term "pharmacy" to include remote-site
186 pharmacies; revising construction of the term "not present and
187 on duty"; amending s. 465.014, F.S.; authorizing registered
188 pharmacy technicians to perform delegated tasks at a remote-site
189 pharmacy under remote supervision; establishing the maximum
190 number of registered pharmacy technicians that a pharmacist can
191 remotely supervise; creating s. 465.0198, F.S.; defining the
192 terms "supervising pharmacist" and "supervising pharmacy";
193 providing for the permitting of remote-site pharmacies;
194 requiring a licensed or consultant pharmacist to serve as the
195 prescription department manager of a remote-site pharmacy;
196 requiring remote-site pharmacies to notify the Department of
197 Health of a change in the pharmacy's prescription department

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198 manager within a specified timeframe; providing requirements for
199 remote-site pharmacies; authorizing remote-site pharmacies to
200 store, hold, and dispense medicinal drugs; prohibiting the
201 dispensing of Schedule II medications at remote-site pharmacies
202 unless a pharmacist is present; requiring prescription
203 department managers to visit remote-site pharmacies, based on a
204 certain schedule, to perform specified tasks; prohibiting
205 remote-site pharmacies from being open when the supervising
206 pharmacy is closed unless a certain pharmacist is present or
207 providing remote supervision at the remote-site pharmacy;
208 authorizing the Board of Pharmacy to adopt specified rules;
209 amending s. 465.022, F.S.; exempting registered pharmacists
210 serving as prescription department managers for remote-site
211 pharmacies from certain practice limitations; providing an
212 effective date.