



PAM BONDI
ATTORNEY GENERAL
STATE OF FLORIDA

OFFICE OF THE ATTORNEY GENERAL
Administrative Law

Michele Bass
Paralegal Specialist
PL-01 The Capitol
Tallahassee, FL 32399-1050
Phone (850) 414-3766
Fax (850) 922-6425
michele.bass@myfloridalegal.com

MEMORANDUM

TO: Tammy Collins, Acting Executive Director
Board of Pharmacy

FROM: Michele Bass, Paralegal Specialist 

RE: Rule 64B16-28.301

DATE: January 26, 2014

We are pleased to inform you that the above-referenced rule was filed for adoption on January 21, 2014, and will become effective February 10, 2014. Attached is a copy of the rule for your records.

Enclosure

cc: Jennifer Tschetter, General Counsel

CERTIFICATION OF
BOARD OF PHARMACY ADMINISTRATIVE RULES
FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and;

(a) Are filed not more than 90 days after the notice; or

(b) Are filed not more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after the subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

FILED
2014 JAN 1 10 2:59
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

[] (g) Are filed not more than 90 days after the notice, not including the days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

[] (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

[] (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business regulatory advisory committee.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No(s).

64B16-28.301

Under the provision of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(Month) (Day) (Year)



Signature, Person Authorized
To Certify Rules

Executive Director

Title

Number of Pages Certified

DEPARTMENT OF HEALTH

BOARD OF PHARMACY

ADDITIONAL STATEMENT TO THE SECRETARY OF STATE

RULE NO.:
64B16-28.301

RULE TITLE:
Destruction of Controlled Substances
-Institutional Pharmacies.

SUMMARY: The board proposes the rule amendment to update and clarify the procedure for the destruction of controlled substances by Institutional Class I Pharmacies (Nursing Homes) and to amend the rule title.

SUMMARY OF THE HEARING ON THE RULE:

No timely request for a hearing was received and no hearing was held.

STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING RULE PROPOSAL:

The proposed rule amendments are necessary to amend the rule title and to update and clarify the procedure for the destruction of controlled substances by Institutional Class I Pharmacies (Nursing Homes).

64B16-28.301 Destruction of Controlled Substances – Institutional Class I Pharmacies (Nursing Homes).

(1) No Change.

(2) A document must be completed showing the name and quantity of the drug, strength and dosage form, patient's name, prescription number and name of the institution. This documentation, at the time of destruction, shall be witnessed and signed by the consultant pharmacist, director of nursing, and the administrator or his/her designee, which may include a licensed physician, ~~pharmacists~~, mid-level practitioner, ~~or nurse~~, another pharmacist, or a sworn law enforcement officer.

Rulemaking Authority 465.005, 465.022 FS. Law Implemented 465.022, 465.019 FS. History—New 4-21-87, Formerly 21S-19.001, Amended 7-31-91, Formerly 21S-28.301, 61F10-28.301, Amended 1-30-96, Formerly 59X-28.301, Amended 7-21-09, _____.