

AGENDA
FLORIDA DEPARTMENT OF HEALTH
BOARD OF PHARMACY
RULES COMMITTEE

August 12, 2014

DoubleTree by Hilton
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Deerfield Beach, FL 33441
(800) 624-3603

Committee Members:

Jeffrey Mesaros, PharmD, Orlando, Chair
Debra Glass, BPharm, Tallahassee
Mark Mikhael, PharmD, Orlando
Jeenu Philip, BPharm, Jacksonville
Michele Weizer, PharmD, Boca Raton

Board Staff:

Patrick Kennedy, Executive Director
Tammy Collins, Program Operations Administrator
Jay Cumbie, Regulatory Specialist II

Board Counsel:

David Flynn, Assistant Attorney General
Lawrence Harris, Assistant Attorney General

Participants in this public meeting should be aware that these proceedings are being recorded.

Tuesday, August 12, 2014 - 9:00a.m.

1. Old Business
2. House Bill 323



ENROLLED

CS/HB 323, Engrossed 3

2014 Legislature

1
 2 An act relating to pharmacy; amending s. 465.004,
 3 F.S.; revising the composition of the Board of
 4 Pharmacy; amending s. 465.014, F.S.; increasing the
 5 number of registered pharmacy technicians which a
 6 licensed pharmacist may supervise; amending s.
 7 465.189, F.S.; authorizing pharmacists to administer
 8 meningococcal and shingles vaccines under certain
 9 circumstances; amending ss. 456.42 and 893.04, F.S.;
 10 requiring written prescriptions for specified
 11 controlled substances to be legibly dated in a
 12 specified format; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Subsection (2) of section 465.004, Florida
 17 Statutes, is amended to read:

18 465.004 Board of Pharmacy.—

19 (2) Seven members of the board must be licensed
 20 pharmacists who are residents of this state and who have been
 21 engaged in the practice of the profession of pharmacy in this
 22 state for at least 4 years and, to the extent practicable,
 23 represent the various pharmacy practice settings. Of the
 24 pharmacist members, two ~~one~~ must be currently engaged in the
 25 practice of pharmacy in a community pharmacy, two ~~one~~ must be
 26 currently engaged in the practice of pharmacy in a Class II



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27 institutional pharmacy or a Modified Class II institutional
 28 pharmacy, and three must ~~five shall~~ be pharmacists licensed in
 29 this state irrespective of practice setting. The remaining two
 30 members must be residents of the state who have never been
 31 licensed as pharmacists and who are in no way connected with the
 32 practice of the profession of pharmacy. No person may be
 33 appointed as a consumer member who is in any way connected with
 34 a drug manufacturer or wholesaler. At least one member of the
 35 board must be 60 years of age or older. The Governor shall
 36 appoint members to the board in accordance with this subsection
 37 as members' terms expire or as a vacancy occurs until the
 38 composition of the board complies with the requirements of this
 39 subsection.

40 Section 2. Subsection (1) of section 465.014, Florida
 41 Statutes, is amended to read:

42 465.014 Pharmacy technician.—

43 (1) A person other than a licensed pharmacist or pharmacy
 44 intern may not engage in the practice of the profession of
 45 pharmacy, except that a licensed pharmacist may delegate to
 46 pharmacy technicians who are registered pursuant to this section
 47 those duties, tasks, and functions that do not fall within the
 48 purview of s. 465.003(13). All such delegated acts must ~~shall~~ be
 49 performed under the direct supervision of a licensed pharmacist
 50 who is ~~shall be~~ responsible for all such acts performed by
 51 persons under his or her supervision. A ~~pharmacy~~ registered
 52 pharmacy technician, under the supervision of a pharmacist, may



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53 initiate or receive communications with a practitioner or his or
 54 her agent, on behalf of a patient, regarding refill
 55 authorization requests. A licensed pharmacist may not supervise
 56 more than one registered pharmacy technician unless otherwise
 57 permitted by the guidelines adopted by the board. The board
 58 shall establish guidelines to be followed by licensees or
 59 permittees in determining the circumstances under which a
 60 licensed pharmacist may supervise more than one ~~but not more~~
 61 ~~than three~~ pharmacy technician ~~technicians~~.

62 Section 3. Subsections (1) and (2) of section 465.189,
 63 Florida Statutes, are amended to read:

64 465.189 Administration of vaccines and epinephrine
 65 autoinjection.—

66 (1) In accordance with guidelines of the Centers for
 67 Disease Control and Prevention for each recommended immunization
 68 or vaccine, a pharmacist may administer the following vaccines
 69 to an adult within the framework of an established protocol
 70 under a supervising physician licensed under chapter 458 or
 71 chapter 459:

- 72 (a) Influenza vaccine.
- 73 (b) Pneumococcal vaccine.
- 74 (c) Meningococcal vaccine.
- 75 (d) Shingles vaccine.

76 ~~(2) In accordance with guidelines of the Centers for~~
 77 ~~Disease Control and Prevention, a pharmacist may administer the~~
 78 ~~shingles vaccine within the framework of an established protocol~~

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



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79 ~~and pursuant to a written or electronic prescription issued to~~
 80 ~~the patient by a physician licensed under chapter 458 or chapter~~
 81 ~~459.~~

82 Section 4. Subsection (2) of section 456.42, Florida
 83 Statutes, is amended to read:

84 456.42 Written prescriptions for medicinal drugs.—

85 (2) A written prescription for a controlled substance
 86 listed in chapter 893 must have the quantity of the drug
 87 prescribed in both textual and numerical formats, must be dated
 88 in numerical, month/day/year format, or with the abbreviated
 89 month written out, or the month written out in whole ~~on the face~~
 90 ~~of the prescription~~, and must be either written on a
 91 standardized counterfeit-proof prescription pad produced by a
 92 vendor approved by the department or electronically prescribed
 93 as that term is used in s. 408.0611. As a condition of being an
 94 approved vendor, a prescription pad vendor must submit a monthly
 95 report to the department that ~~which~~, at a minimum, documents the
 96 number of prescription pads sold and identifies the purchasers.
 97 The department may, by rule, require the reporting of additional
 98 information.

99 Section 5. Paragraph (d) of subsection (2) of section
 100 893.04, Florida Statutes, is amended to read:

101 893.04 Pharmacist and practitioner.—

102 (2)

103 (d) Each written prescription prescribed by a practitioner
 104 in this state for a controlled substance listed in Schedule II,



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105 Schedule III, or Schedule IV must include both a written and a
106 numerical notation of the quantity of the controlled substance
107 prescribed ~~on the face of the prescription~~ and a notation of the
108 date in numerical, month/day/year format, or, with the
109 abbreviated month written out, or the month written out in whole
110 ~~on the face of the prescription~~. A pharmacist may, upon
111 verification by the prescriber, document any information
112 required by this paragraph. If the prescriber is not available
113 to verify a prescription, the pharmacist may dispense the
114 controlled substance but may insist that the person to whom the
115 controlled substance is dispensed provide valid photographic
116 identification. If a prescription includes a numerical notation
117 of the quantity of the controlled substance or date, but does
118 not include the quantity or date written out in textual format,
119 the pharmacist may dispense the controlled substance without
120 verification by the prescriber of the quantity or date if the
121 pharmacy previously dispensed another prescription for the
122 person to whom the prescription was written.

123 Section 6. This act shall take effect July 1, 2014.