



## AGENDA

### Florida Board of Pharmacy Legislative Committee Meeting December 11, 2017 – 3:00 p.m.

Rosen Plaza Hotel \* 9700 International Drive \* Orlando, FL 32819 \* (407)996-9700

#### Committee Members:

Jeenu Philip, BPharm – Chair  
David Bisallion

#### Board Staff

C. Erica White, MBA, JD - Executive Director  
Irene Lake, Program Operations Administrator

#### Board Counsel:

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

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

1. **Section 465.0075, F.S. - Licensure by endorsement.**
  - Basis: We have seen multiple cases where a suspension should not warrant licensure by endorsement. Occasionally other states will temporarily suspend licenses pending the outcome of an investigation. The board should have some discretion to approve or deny licenses based on the circumstances.
2. **Section 465.009, F.S. - Continuing professional pharmaceutical education.—**
  - Basis: No longer necessary to continue to perform immunization CE's. Instead, CE's should transition to the next phase – pharmacists prescribing, either through CPA or through statutory authority.
3. **Section 465.014, F.S. - Pharmacy technician**
  - Basis: To permit electronic forms of supervision. As technology advances, supervision and work product can be supervised remotely.
  - Concept of looking at creating a higher standard of technician who can perform more advanced functions. As the pharmacy profession continues to advance, the need for more advanced duties performed by technicians will remove time obstacles for pharmacists to perform cognitive services.
  - Permit certified technicians with experience to transfer to Florida without having to jump through a ton of hoops to become registered.
4. **Section 465.026, F.S. - Filling of certain prescriptions.**
  - Basis: Permitting Certified technicians to perform transfers of prescriptions from another pharmacy.
  - Eliminate unnecessary language. Professional judgement for refill calls already occurs without statutory authority and there is no need to incorporate it into statute. Very much unnecessary.

5. **Bills filed for the 2018 Legislative Session (spreadsheet)**
6. **Old Business / New Business**
7. **Public Comment**
8. **Adjourn**

**465.0075 Licensure by endorsement; requirements; fee.—**

(4) The department may not issue a license by endorsement to any applicant whose license to practice pharmacy has been ~~suspended or~~ revoked in another state or who is currently the subject of any disciplinary proceeding in another state.

**Commented [JP1]:** We have seen multiple cases where a suspension should not warrant licensure by endorsement. Occasionally other states will temporarily suspend licenses pending the outcome of an investigation. The board should have some discretion to approve or deny licenses based on the circumstances.

**465.009 Continuing professional pharmaceutical education.—**

(a) Each pharmacist ~~certified to administer a vaccine or epinephrine autoinjection under s. 465.189~~ must complete a 3-hour continuing education course, which shall be offered by a statewide professional association of physicians in this state accredited to provide educational activities designated for the American Medical Association Physician's Recognition Award (AMA PRA) Category I credit, on prescribing, ordering and interpreting laboratory tests, and patient assessments ~~the safe and effective administration of vaccines and epinephrine autoinjection~~ as part of biennial relicensure or recertification. This course may be offered in a distance-learning format and must be included in the 30 hours of continuing professional pharmaceutical education specified in subsection (1).

**Commented [JP2]:** No longer necessary to continue to perform immunization CE's. Instead it should transition to the next phase – pharmacists prescribing, either through CPA or through statutory authority.

**465.014 Pharmacy technician.—**

(1) A person other than a licensed pharmacist or pharmacy intern may not engage in the practice of the profession of pharmacy, except that a licensed pharmacist may delegate to pharmacy technicians who are registered pursuant to this section those duties, tasks, and functions that do not fall within the purview of s. 465.003(13). All such delegated acts must be performed under the direct ~~or indirect~~ supervision of a licensed pharmacist who is responsible for all such acts performed by persons under his or her supervision. A registered pharmacy technician, under the supervision of a pharmacist, may initiate or receive communications with a practitioner or his or her agent, on behalf of a patient, regarding refill authorization requests. ~~A certified pharmacy registered technician, under the supervision of a pharmacist, may initiate or receive communications with a practitioner or his or her agent, on behalf of a patient, regarding new or refill authorization requests. A certified pharmacy registered technician, under the supervision of a pharmacist, may participate in the transfer of prescriptions pursuant to 465.026.~~ A licensed pharmacist may not supervise more than one registered pharmacy technician unless otherwise permitted by the guidelines adopted by the board. The board shall establish guidelines to be followed by licensees or permittees in determining the circumstances under which a licensed pharmacist may supervise more than one pharmacy technician.

(2) Any person who wishes to work as a pharmacy technician in this state must register by filing an application with the board on a form adopted by rule of the board. The board shall register each applicant who has remitted a registration fee set by the board, not to exceed \$50 biennially; has completed the application form and remitted a nonrefundable application fee set by the board, not to exceed \$50; is at least 17 years of age; and has completed a pharmacy technician training program approved by the Board of Pharmacy. Notwithstanding any requirements in this subsection, any registered pharmacy technician ~~registered pursuant to this section before January 1, 2011,~~ who has worked as a pharmacy technician for a minimum of 1,500 hours under the supervision of a licensed pharmacist ~~or~~ and received certification as a pharmacy technician by certification program accredited by the National Commission for Certifying Agencies is exempt from the requirement to complete an initial training program for purposes of registration as required by this subsection.

**Commented [JP3]:** To permit electronic forms of supervision. As technology advances, supervision and work product can be supervised remotely.

**Commented [JP4]:** Looking at creating a higher standard of technician who can perform more advanced functions. As the pharmacy profession continues to advance, the need for more advanced duties performed by technicians will remove time obstacles for pharmacists to perform cognitive services.

**Commented [JP5]:** Will permit certified technicians with experience to transfer to Florida without having to jump through a ton of hoops to become registered.

(3) A person whose license to practice pharmacy has been denied, suspended, or restricted for disciplinary purposes is not eligible to register as a pharmacy technician.

(4) Notwithstanding the requirements of this section or any other provision of law, a pharmacy technician student who is enrolled in a pharmacy technician training program that is approved by the board may be placed in a pharmacy for the purpose of obtaining practical training. A pharmacy technician student shall wear identification that indicates his or her student status when performing the functions of a pharmacy technician, and registration under this section is not required.

(5) Notwithstanding the requirements of this section or any other provision of law, a person who is licensed by the state as a pharmacy intern may be employed as a registered pharmacy technician without paying a registration fee or filing an application with the board to register as a pharmacy technician.

(6) As a condition of registration renewal, a registered pharmacy technician shall complete 20 hours biennially of continuing education courses approved by the board or the Accreditation Council for Pharmacy Education, of which 4 hours must be via live presentation and 2 hours must be related to the prevention of medication errors and pharmacy law.

(7) The board shall adopt rules that require each registration issued by the board under this section to be displayed in such a manner as to make it available to the public and to facilitate inspection by the department. The board may adopt other rules as necessary to administer this section.

(8) If the board finds that an applicant for registration as a pharmacy technician or that a registered pharmacy technician has committed an act that constitutes grounds for discipline as set forth in s. [456.072\(1\)](#) or has committed an act that constitutes grounds for denial of a license or disciplinary action as set forth in this chapter, including an act that constitutes a substantial violation of s. [456.072\(1\)](#) or a violation of this chapter which occurred before the applicant or registrant was registered as a pharmacy technician, the board may enter an order imposing any of the penalties specified in s. [456.072\(2\)](#) against the applicant or registrant.

**465.026 Filling of certain prescriptions.**—Nothing contained in this chapter shall be construed to prohibit a pharmacist licensed in this state from filling or refilling a valid prescription which is on file in a pharmacy located in this state or in another state and has been transferred from one pharmacy to another by any means, including any electronic means, under the following conditions:

(1) Prior to dispensing any transferred prescription, the dispensing pharmacist **or certified technician under the supervision of a pharmacist** must, either verbally or by any electronic means, do all of the following:

(a) Advise the patient that the prescription on file at the other pharmacy must be canceled before it may be filled or refilled.

(b) Determine that the prescription is valid and on file at the other pharmacy and that the prescription may be filled or refilled, as requested, in accordance with the prescriber's intent expressed on the prescription.

(c) Notify the pharmacist or pharmacy where the prescription is on file that the prescription must be canceled.

(d) Record in writing, or by any electronic means, the prescription order, the name of the pharmacy at which the prescription was on file, the prescription number, the name of the drug and the original amount dispensed, the date of original dispensing, and the number of remaining authorized refills.

~~(e) Obtain the consent of the prescriber to the refilling of the prescription when the prescription, in the dispensing pharmacist's professional judgment, so requires. Any interference with the professional judgment of the dispensing pharmacist by any pharmacist or pharmacy permittee, or its agents or employees, shall be grounds for discipline.~~

(2) Upon receipt of a prescription transfer request, if the pharmacist **or certified pharmacy technician** is satisfied in her or his professional judgment that the request is valid, or if the request has been validated by any electronic means, the pharmacist or pharmacy must do all of the following:

(a) Transfer the information required by paragraph (1)(d) accurately and completely.

(b) Record on the prescription, or by any electronic means, the requesting pharmacy and pharmacist and the date of request.

**Commented [JP6]:** Permitting Certified technicians to perform transfers of prescriptions from another pharmacy.

**Commented [JP7]:** Professional judgement for refill calls already occurs without statutory authority and there is no need to incorporate it into statute. Very much unnecessary.

**Commented [JP8]:** Validation in this case is to identify if the party on the other end of the communication is coming from a pharmacy or not. There is no critical decision making that needs to occur.

(c) Cancel the prescription on file by electronic means or by recording the word “void” on the prescription record. No further prescription information shall be given or medication dispensed pursuant to the original prescription.

(3) If a transferred prescription is not dispensed within a reasonable time, the pharmacist shall, by any means, so notify the transferring pharmacy. Such notice shall serve to revalidate the canceled prescription. The pharmacist who has served such notice shall then cancel the prescription in the same manner as set forth in paragraph (2)(c).

(4) In the case of a prescription to be transferred from or to a pharmacy located in another state, it shall be the responsibility of the pharmacist or pharmacy located in the State of Florida to verify, whether by electronic means or otherwise, that the person or entity involved in the transfer is a licensed pharmacist or pharmacy in the other state.

(5) Electronic transfers of prescriptions are permitted regardless of whether the transferor or transferee pharmacy is open for business.

(6) The transfer of a prescription for medicinal drugs listed in Schedules III, IV, and V appearing in chapter 893 for the purpose of refill dispensing is permissible, subject to the requirements of this section and federal law. Compliance with federal law shall be deemed compliance with the requirements of this section.

## Bills filed for the 2018 Session affecting the Board of Pharmacy

[Last Updated: 12/2/2017](#)

<u>Bill Number</u>	<u>Bill Title</u>	<u>Chapters</u>	<u>Summary from Online Sunshine</u>	<u>Notes</u>
<b>SB 8</b>	Controlled Substances	456.0301, F.S. (New) 456.072, F.S. 456.44, F.S. 458.3265, F.S. 458.331, F.S. 459.0137, F.S. 459.015, F.S. 463.0055, F.S. 465.0155, F.S. 465.0276, F.S. 782.04, F.S. 893.03, F.S. 893.055, F.S. 893.0551, F.S. 893.13, F.S. 893.135, F.S. 921.0022, F.S.	Controlled Substances; Authorizing certain boards to require practitioners to complete a specified board-approved continuing education course to obtain authorization to prescribe controlled substances as part of biennial renewal; authorizing disciplinary action against practitioners for violating specified provisions relating to controlled substances; requiring certain pain management clinic owners to register approved exemptions with the department; providing requirements for pharmacists and practitioners for the dispensing of controlled substances to persons not known to them; establishing direct-support organizations for specified purposes; requiring a direct-support organization to operate under written contract with the department, etc.	Creates new statutes if becomes law
<b>HB 21</b>	Controlled Substances	456.0301, F.S. (New) 456.072, F.S. 456.44, F.S. 458.3265, F.S. 459.0137, F.S. 465.0155, F.S. 465.0276, F.S. 893.03, F.S. 893.055, F.S. 893.0551, F.S. 458.331, F.S. 459.015, F.S. 463.0055 F.S. 782.04, F.S. 893.13, F.S. 893.135, F.S. 921.0022, F.S.	Controlled Substances; Requires practitioners to complete specified board-approved continuing education course to prescribe controlled substances; defines "acute pain"; provides for adoption of standards of practice for treatment of acute pain; limits prescribing of opioids for acute pain in certain circumstances; requires pain management clinic owners to register approved exemptions with DOH; provides requirements for pharmacists & practitioners for dispensing of controlled substances to persons not known to them; conforms state controlled substances schedule to federal controlled substances schedule; revises & provides definitions; revises requirements for prescription drug monitoring program.	Creates a new statutes if becomes law
<b>HB 291</b>	Prescription Drug Donation Program	499.029	Renames Cancer Drug Donation Program as Prescription Drug Donation Program; authorizes donation of prescription drugs, including cancer drugs, & supplies to eligible patients; authorizes nursing home facilities to participate in program.	

<u>Bill Number</u>	<u>Bill Title</u>	<u>Chapters</u>	<u>Summary from Online Sunshine</u>	<u>Notes</u>
<b>HB 351</b>	Pharmacy Benefit Managers	409.975, F.S. 465.1863, F.S. (new) 465.1864, F.S. (new) 465.1865, F.S. (new) 465.1866, F.S. (new) 465.1867, F.S. (new) 465.1868, F.S. (new) 465.1869, F.S. (new)	Pharmacy Benefits Managers; Prohibits managed care plan from contracting with pharmacy benefits manager to manage prescription drug coverage under certain conditions; provides requirements relating to pharmacy benefits registration; requires specified duties of pharmacy benefits managers; authorizes pharmacy to dispense specialty drugs under certain conditions.	Creates new statutes if becomes law
<b>HB 431</b>	Testing for and Treatment of Influenza and Streptococcus	465.003, F.S. 465.1895, F.S. (new)	Testing for and Treatment of Influenza and Streptococcus; Authorizes pharmacists to test for & treat influenza & streptococcus; provides requirements with respect thereto; requires that written protocol between pharmacist & supervising physician contain certain information, terms, & conditions; requires that pharmacists authorized to test for & treat influenza & streptococcus provide evidence of current certification by Board of Pharmacy to supervising physician; requires that pharmacists submit their written protocols to board.	Creates new statute if becomes law
<b>HB 513</b>	Distributing Pharmaceutical Drugs and Devices	465.027, F.S.	Distributing Pharmaceutical Drugs and Devices; Revises an exception to pharmacy regulations for certain manufacturers & distributors of dialysis drugs or supplies.	
<b>SB 524</b>	Influenza Virus and Streptococcal Infections	465.003, F.S. 465.1895, F.S. (New)	Influenza Virus and Streptococcal Infections; Requiring a pharmacist testing for and treating the influenza virus and streptococcal infections to maintain patient records using certain standards and for a specified time; requiring a pharmacist seeking to test for and treat the influenza virus and streptococcal infections to obtain certification through a certification program approved by the Board of Pharmacy in consultation with the Board of Medicine and the Board of Osteopathic Medicine, etc.	Creates new statute created if becomes law
<b>HB 534</b>	Regulation of Pharmacy Benefits Managers	465.1862, F.S. 626.88, F.S.	Regulation of Pharmacy Benefits Managers; Redefining the term "administrator" to include pharmacy benefits managers, etc.	
<b>HB 675</b>	Pharmacies	465.003, F.S. 465.004, F.S. 469.019, F.S.	Pharmacies; <b>Revises membership of Board of Pharmacy</b> ; establishes Class III institutional pharmacies; provides requirements for such	

<u>Bill Number</u>	<u>Bill Title</u>	<u>Chapters</u>	<u>Summary from Online Sunshine</u>	<u>Notes</u>
		465.0252, F.S. 499.003, F.S. 499.01, F.S.	pharmacies; revises notice requirements; authorizes distribution of medicinal drugs & prepackaged drug products without specified permit under certain conditions; removes provision exempting certain drug repackagers from specified permit requirements.	
<b>HB 679</b>	Telepharmacy	465.003, F.S. 465.014, F.S. 465.015, F.S. 465.0198, F.S. (new) 465.022, F.S. 465.0265, F.S.	Telepharmacy; Authorizes registered pharmacy technicians to compound & dispense drugs under certain circumstances; provides permit requirements for remote dispensing site pharmacies; provides requirements & prohibitions for remote dispensing site pharmacies; requires the prescription department manager to visit the remote dispensing site pharmacy; authorizes registered pharmacists to be the prescription drug manager at more than one remote dispensing site pharmacy.	Creates new statute created if becomes law
<b>HB 689</b>	Pharmacy	465.003, F.S. (new) 465.0125, F.S. 465.189, F.S.	Pharmacy; Provides licensure requirements for & revising responsibilities of consultant pharmacists; authorizes board-certified pharmacists to perform certain services under specified supervision	Creates new statute created if becomes law
<b>SB 710</b>	Prescription Drug Donation Program	499.029	Renaming the Cancer Drug Donation Program as the Prescription Drug Donation Program; authorizing the donation of prescription drugs, including cancer drugs, and supplies to eligible patients; authorizing nursing home facilities to participate in the program, etc.	
<b>SB 848</b>	Remote Dispensing Site Pharmacies	465.003, F.S. 465.014, F.S. 465.015, F.S. 465.0198, F.S. (new) 465.022, F.S. 465.0265, F.S.	Remote Dispensing Site Pharmacies; Redefining the term "pharmacy" to include remote dispensing site pharmacies; providing that an offsite pharmacist who supervises a registered pharmacy technician at a remote dispensing site is not considered to be not present or off duty; providing permit requirements for remote dispensing site pharmacies, etc.	Creates new statute created if becomes law
<b>SB 914</b>	Practice of Pharmacy	465.003, F.S. 465.0125, F.S. 465.189, F.S.	Practice of Pharmacy; Requiring a pharmacist seeking licensure as a consultant pharmacist to complete additional training as required by the Board of Pharmacy; authorizing a pharmacist who is certified to administer vaccines to adults to perform specified services under certain conditions, etc.	