

Committee Substitute for
Committee Substitute for Senate Bill No. 1360

An act relating to pharmacy technicians; amending s. 465.0075, F.S.; revising licensure requirements; amending s. 465.014, F.S.; requiring the Board of Pharmacy to adopt rules; providing for the registration of pharmacy technicians; deleting obsolete provisions governing adoption of rules; requiring that a registered pharmacy technician be under the direct supervision of a licensed pharmacist; requiring the board to set fees for the registration of pharmacy technicians; providing qualification requirements; providing a limitation; exempting pharmacy technician students and licensed pharmacy interns from registration requirements; providing continuing education requirements for registration renewal; requiring the board to adopt rules regarding the display of a registration; providing grounds for denial, suspension, or revocation of registration or other disciplinary action; authorizing the board to impose certain penalties; requiring completion of a pharmacy technician training program in order to register as a pharmacy technician by a specified date; providing an exception to the requirement to complete a training program; amending s. 465.015, F.S.; prohibiting a person who is not registered as a pharmacy technician from performing certain functions or holding himself or herself out to others as a registered pharmacy technician; amending ss. 465.019, 465.0196, and 465.0197, F.S., relating to institutional pharmacies, special pharmacy permits, and Internet pharmacy permits; conforming provisions; providing effective dates.

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

Section 1. Subsection (1) of section 465.0075, Florida Statutes, is amended to read:

465.0075 Licensure by endorsement; requirements; fee.—

(1) The department shall issue a license by endorsement to any applicant who applies to the department and remits a nonrefundable fee of not more than \$100, as set by the board, and whom the board certifies:

(a) Has met the qualifications for licensure in s. 465.007(1)(b) and (c);

(b) Has obtained a passing score, as established by rule of the board, on the licensure examination of the National Association of Boards of Pharmacy or a similar nationally recognized examination, if the board certifies that the applicant has taken the required examination ~~not more than 12 years prior to application;~~

(c)1. Has submitted evidence of the active licensed practice of pharmacy, including practice in community or public health by persons employed by a governmental entity, in another jurisdiction for at least 2 of the immediately

preceding 5 years or evidence of successful completion of board-approved postgraduate training or a board-approved clinical competency examination within the year immediately preceding application for licensure; or

2. Has completed an internship meeting the requirements of s. 465.007(1)(c) within the 2 years immediately preceding application; and

(d) Has obtained a passing score on the pharmacy jurisprudence portions of the licensure examination, as required by board rule.

Section 2. Section 465.014, Florida Statutes, is amended to read:

465.014 Pharmacy technician.—No person other than a licensed pharmacist or pharmacy intern may engage in the practice of the profession of pharmacy, except that a licensed pharmacist may delegate to nonlicensed pharmacy technicians those duties, tasks, and functions which do not fall within the purview of s. 465.003(13). All such delegated acts shall be performed under the direct supervision of a licensed pharmacist who shall be responsible for all such acts performed by persons under his or her supervision. A 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. No licensed pharmacist shall supervise more than one 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 but not more than three pharmacy technicians. The board shall adopt rules for the registration application process and registration systems administration process established under this section and ss. 465.015, 465.019, 465.0196, and 465.0197, as amended by this act, so that such rules governing such processes can be in place upon full implementation of this act. The board may adopt other rules as necessary to administer this act.

Section 3. Effective January 1, 2010, section 465.014, Florida Statutes, as amended by this act, is amended to read:

465.014 Pharmacy technician.—

(1) A ~~No~~ 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 ~~nonlicensed~~ pharmacy technicians who are registered pursuant to this section those duties, tasks, and functions that which do not fall within the purview of s. 465.003(13). All such delegated acts shall be performed under the direct supervision of a licensed pharmacist who shall be responsible for all such acts performed by persons under his or her supervision. A 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 refill authorization requests. A ~~No~~ licensed pharmacist may not ~~shall~~ 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 but not

~~more than three pharmacy technicians. The board shall adopt rules for the registration application process and registration systems administration process established under this section and ss. 465.015, 465.019, 465.0196, and 465.0197, as amended by this act, so that such rules governing such processes can be in place upon full implementation of this act. The board may adopt other rules as necessary to administer this act.~~

(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; and is at least 17 years of age.

(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.

Section 4. Effective January 1, 2011, subsection (2) of section 465.014, Florida Statutes, as amended by this act, is amended to read:

(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; and 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 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.

Section 5. Effective January 1, 2010, paragraph (d) is added to subsection (3) of section 465.015, Florida Statutes, to read:

465.015 Violations and penalties.—

(3)

(d) It is unlawful for a person who is not registered as a pharmacy technician under this chapter or who is not otherwise exempt from the requirement to register as a pharmacy technician, to perform the functions of a registered pharmacy technician, or hold himself or herself out to others as a person who is registered to perform the functions of a registered pharmacy technician in this state.

Section 6. Effective January 1, 2010, subsection (5) of section 465.019, Florida Statutes, is amended to read:

465.019 Institutional pharmacies; permits.—

(5) All institutional pharmacies shall be under the professional supervision of a consultant pharmacist, and the compounding and dispensing of medicinal drugs shall be done only by a licensed pharmacist. Every institutional pharmacy that employs or otherwise uses registered utilizes pharmacy technicians shall have a written policy and procedures manual specifying those duties, tasks, and functions that which a registered pharmacy technician is allowed to perform.

Section 7. Effective January 1, 2010, section 465.0196, Florida Statutes, is amended to read:

465.0196 Special pharmacy permits.—Any person desiring a permit to operate a special pharmacy shall apply to the department for a special pharmacy permit. If the board certifies that the application complies with the applicable laws and rules of the board governing the practice of the

profession of pharmacy, the department shall issue the permit. A ~~No~~ permit may not ~~shall~~ be issued unless a licensed pharmacist is designated to undertake the professional supervision of the compounding and dispensing of all drugs dispensed by the pharmacy. The licensed pharmacist shall be responsible for maintaining all drug records and for providing for the security of the area in the facility in which the compounding, storing, and dispensing of medicinal drugs occurs. The permittee shall notify the department within 10 days after ~~of~~ any change of the licensed pharmacist responsible for such duties. Each ~~Every~~ permittee that employs or otherwise uses ~~utilizes~~ pharmacy technicians shall have a written policy and procedures manual specifying those duties, tasks, and functions that ~~which~~ a registered pharmacy technician is allowed to perform.

Section 8. Subsection (1) of section 465.0197, Florida Statutes, is amended to read:

465.0197 Internet pharmacy permits.—

(1) Any person desiring a permit to operate an Internet pharmacy shall apply to the department for an Internet pharmacy permit. If the board certifies that the application complies with the applicable laws and rules of the board governing the practice of the profession of pharmacy, the department shall issue the permit. A ~~No~~ permit may not ~~shall~~ be issued unless a licensed pharmacist is designated as the prescription department manager for dispensing medicinal drugs to persons in this state. The licensed pharmacist shall be responsible for maintaining all drug records and for providing for the security of the area in the facility in which the compounding, storing, and dispensing of medicinal drugs to persons in this state occurs. The permittee shall notify the department within 30 days after ~~of~~ any change of the licensed pharmacist responsible for such duties. A ~~Every~~ permittee that employs or otherwise uses ~~utilizes~~ pharmacy technicians shall have a written policy and procedures manual specifying those duties, tasks, and functions that ~~which~~ a registered pharmacy technician is allowed to perform.

Section 9. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

Approved by the Governor June 23, 2008.

Filed in Office Secretary of State June 23, 2008.