

Committee Substitute for
Committee Substitute for Senate Bill No. 1868

An act relating to the practice of pharmacy; amending s. 627.4239, F.S.; revising the definition of the term “standard reference compendium” for purposes of regulating the insurance coverage of drugs used in the treatment of cancer; amending s. 456.42, F.S.; revising provisions specifying the information required to be included in written prescriptions for medicinal drugs; creating s. 465.1901, F.S.; providing that provisions of ch. 468, F.S., relating to orthotics and pedorthics do not apply to pharmacists; requiring the Board of Pharmacy to develop rules regarding the practice of orthotics and pedorthics by a pharmacist; repealing s. 468.812(3), F.S., relating to the practice of orthotics and pedorthics; amending s. 893.04, F.S.; authorizing a pharmacist to dispense a controlled substance and require photographic identification without documenting certain information; authorizing a pharmacist to dispense a controlled substance without verification of certain information by the prescriber under certain circumstances; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) of section 627.4239, Florida Statutes, is amended to read:

627.4239 Coverage for use of drugs in treatment of cancer.—

(1) DEFINITIONS.—As used in this section, the term:

(b) “Standard reference compendium” means an authoritative compendium identified by the Secretary of the United States Department of Health and Human Services and recognized by the federal Centers for Medicare and Medicaid Services:

1. ~~The United States Pharmacopeia Drug Information;~~
2. ~~The American Medical Association Drug Evaluations; or~~
3. ~~The American Hospital Formulary Service Drug Information.~~

Section 2. Section 456.42, Florida Statutes, is amended to read:

456.42 Written prescriptions for medicinal drugs.—A written prescription for a medicinal drug issued by a health care practitioner licensed by law to prescribe such drug must be legibly printed or typed so as to be capable of being understood by the pharmacist filling the prescription; must contain the name of the prescribing practitioner, the name and strength of the drug prescribed, the quantity of the drug prescribed ~~in both textual and numerical formats,~~ and the directions for use of the drug; must be dated ~~with the month written out in textual letters;~~ and must be signed by the prescribing practitioner on the day when issued. A written prescription for a controlled

substance listed in chapter 893 must have the quantity of the drug prescribed in both textual and numerical formats and must be dated with the abbreviated month written out on the face of the prescription. However, a prescription that is electronically generated and transmitted must contain the name of the prescribing practitioner, the name and strength of the drug prescribed, the quantity of the drug prescribed in numerical format, and the directions for use of the drug and must be dated and signed by the prescribing practitioner only on the day issued, which signature may be in an electronic format as defined in s. 668.003(4).

Section 3. Section 465.1901, Florida Statutes, is created to read:

465.1901 Practice of orthotics and pedorthics.—The provisions of chapter 468 relating to orthotics or pedorthics do not apply to any licensed pharmacist or to any person acting under the supervision of a licensed pharmacist. The practice of orthotics or pedorthics by a pharmacist or any of the pharmacist's employees acting under the supervision of a pharmacist shall be construed to be within the meaning of the term "practice of the profession of pharmacy" as set forth in s. 465.003(13), and shall be subject to regulation in the same manner as any other pharmacy practice. The Board of Pharmacy shall develop rules regarding the practice of orthotics and pedorthics by a pharmacist. Any pharmacist or person under the supervision of a pharmacist engaged in the practice of orthotics or pedorthics is not precluded from continuing that practice pending adoption of these rules.

Section 4. Subsection (3) of section 468.812, Florida Statutes, is repealed.

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

893.04 Pharmacist and practitioner.—

(2)

(d) Each written prescription prescribed by a practitioner in this state for a controlled substance listed in Schedule II, Schedule III, or Schedule IV must include both a written and a numerical notation of the quantity of the controlled substance prescribed on the face of the prescription and a notation of the date, with the abbreviated month written out on the face of the prescription. A pharmacist may, upon verification by the prescriber, document any information required by this paragraph. If the prescriber is not available to verify a prescription, the pharmacist may dispense the controlled substance but may insist that the person to whom the controlled substance is dispensed provide valid photographic identification. If a prescription includes a numerical notation of the quantity of the controlled substance or date, but does not include the quantity or date written out in textual format, the pharmacist may dispense the controlled substance without verification by the prescriber of the quantity or date if the pharmacy previously dispensed another prescription for the person to whom the prescription was written.

Section 6. This act shall take effect July 1, 2009.

Approved by the Governor June 18, 2009.

Filed in Office Secretary of State June 18, 2009.