

CHAPTER 2014-113

Committee Substitute for House Bill No. 323

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

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

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

465.004 Board of Pharmacy.—

(2) Seven members of the board must be licensed pharmacists who are residents of this state and who have been engaged in the practice of the profession of pharmacy in this state for at least 4 years and, to the extent practicable, represent the various pharmacy practice settings. Of the pharmacist members, ~~two~~ one must be currently engaged in the practice of pharmacy in a community pharmacy, ~~two~~ one must be currently engaged in the practice of pharmacy in a Class II institutional pharmacy or a Modified Class II institutional pharmacy, and ~~three~~ must ~~five~~ shall be pharmacists licensed in this state irrespective of practice setting. The remaining two members must be residents of the state who have never been licensed as pharmacists and who are in no way connected with the practice of the profession of pharmacy. No person may be appointed as a consumer member who is in any way connected with a drug manufacturer or wholesaler. At least one member of the board must be 60 years of age or older. The Governor shall appoint members to the board in accordance with this subsection as members' terms expire or as a vacancy occurs until the composition of the board complies with the requirements of this subsection.

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

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 ~~shall~~ be performed under the direct supervision of a licensed pharmacist who

~~is~~ shall be responsible for all such acts performed by persons under his or her supervision. A ~~pharmaey~~ 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 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 ~~but not more than~~ three pharmacy technician technicians.

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

465.189 Administration of vaccines and epinephrine autoinjection.—

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

- (a) Influenza vaccine.
- (b) Pneumococcal vaccine.
- (c) Meningococcal vaccine.
- (d) Shingles vaccine.

~~(2) In accordance with guidelines of the Centers for Disease Control and Prevention, a pharmacist may administer the shingles vaccine within the framework of an established protocol and pursuant to a written or electronic prescription issued to the patient by a physician licensed under chapter 458 or chapter 459.~~

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

456.42 Written prescriptions for medicinal drugs.—

(2) 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, must be dated in numerical, month/day/year format, or with the abbreviated month written out, ~~or the month written out in whole on the face of the prescription,~~ and must be either written on a standardized counterfeit-proof prescription pad produced by a vendor approved by the department or electronically prescribed as that term is used in s. 408.0611. As a condition of being an approved vendor, a prescription pad vendor must submit a monthly report to the department ~~that~~ which, at a minimum, documents the number

of prescription pads sold and identifies the purchasers. The department may, by rule, require the reporting of additional information.

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 in numerical, month/day/year format, or, with the abbreviated month written out, or the month written out in whole ~~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, 2014.

Approved by the Governor June 13, 2014.

Filed in Office Secretary of State June 13, 2014.