



Committee on Health Quality

**Tuesday, January 8, 2008
9:00 AM - 10:30 AM
306 HOB**

**Marco Rubio
Speaker**

**Gayle Harrell
Chair**



House of Representatives

Committee on Health Quality

AGENDA

January 8, 2008
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306 HOB

- I. Opening Remarks by Chair Harrell
- II. Workshop on the following:
 - HB 243 by Rep. Anderson -- Automated External Defibrillators
 - HB 275 by Rep. R. Garcia -- Pharmacy
- III. Update on the 2008 committee interim projects
- IV. Closing Remarks by Chair Harrell
- V. Adjournment

House Bill 243
Relating to Automated External Defibrillators
By Rep. Tom Anderson

- An automated external defibrillator (AED) is a small, lightweight device used to assess a person's heart rhythm. Built-in computers assess the person's heart rhythm, judge whether defibrillation is needed, and then administer an appropriate level of shock to restore a normal heart rhythm to victims of cardiac arrest. Audible or visual prompts guide the user through the process.

House Bill 243:

- Removes provisions requiring a person who uses an AED to obtain proper training and demonstrate proficiency in the use of an AED and requires any "person or entity in possession" of an AED to properly maintain and test the device and provide training to anyone who is expected to be a potential user of the AED.
- Encourages persons who possess an AED to notify, rather than register with, the local emergency medical services director of the location of the device.
- Removes provisions which specify instances when a person is not immune from civil liability for any harm resulting from the use of an AED. Removal of these provisions broadens the scope of available immunity. However, additional limitations still exist in current law and are unchanged by this bill.
- Provides an effective date of July 1, 2008.

Fiscal Note:

- According to the Department of Health, there is no fiscal impact to the public sector.

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A bill to be entitled
 An act relating to automated external defibrillators;
 amending s. 401.2915, F.S.; revising provisions relating
 to maintenance and training requirements and notice to the
 local emergency medical services medical director;
 amending s. 768.1325, F.S.; revising requirements for
 civil immunity for use or attempted use of a defibrillator
 on a victim of a perceived medical emergency; providing an
 effective date.

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

Section 1. Paragraphs (a) and (b) of subsection (2) of
 section 401.2915, Florida Statutes, are amended to read:

401.2915 Automated external defibrillators.--It is the
 intent of the Legislature that an automated external
 defibrillator may be used by any person for the purpose of
 saving the life of another person in cardiac arrest. In order to
 achieve that goal, the Legislature intends to encourage training
 in lifesaving first aid and set standards for and encourage the
 use of automated external defibrillators.

(2) In order to ensure public health and safety:

(a) Any person or entity in possession of an automated
 external defibrillator shall:

1. Properly maintain and test the device.

2. Provide training in cardiopulmonary resuscitation and
 automated external defibrillator proficiency from the American
 Heart Association or the American Red Cross, or a substantially

29 similar program from another provider, to any of its employees
 30 or agents who are reasonably expected to be potential users of
 31 the defibrillator. ~~All persons who use an automated external~~
 32 ~~defibrillator must obtain appropriate training, to include~~
 33 ~~completion of a course in cardiopulmonary resuscitation or~~
 34 ~~successful completion of a basic first aid course that includes~~
 35 ~~cardiopulmonary resuscitation training, and demonstrated~~
 36 ~~proficiency in the use of an automated external defibrillator.~~

37 (b) Any person or entity in possession of an automated
 38 external defibrillator is encouraged to notify ~~register~~ with the
 39 local emergency medical services medical director of the
 40 ~~existence and~~ location of the automated external defibrillator.

41 Section 2. Subsection (3) of section 768.1325, Florida
 42 Statutes, is amended to read:

43 768.1325 Cardiac Arrest Survival Act; immunity from civil
 44 liability.--

45 (3) Notwithstanding any other provision of law to the
 46 contrary, and except as provided in subsection (4), any person
 47 who uses or attempts to use an automated external defibrillator
 48 device on a victim of a perceived medical emergency, ~~without~~
 49 ~~objection of the victim of the perceived medical emergency,~~ is
 50 immune from civil liability for any harm resulting from the use
 51 or attempted use of such device. In addition, any person who
 52 acquired the device, including, but not limited to, a community
 53 association organized under chapter 617, chapter 718, chapter
 54 719, chapter 720, chapter 721, or chapter 723, is immune from
 55 such liability, ~~if the harm was not due to the failure of such~~
 56 ~~acquirer of the device to.~~

57 ~~(a) Notify the local emergency medical services medical~~
 58 ~~director of the most recent placement of the device within a~~
 59 ~~reasonable period of time after the device was placed;~~

60 ~~(b) Properly maintain and test the device; or~~

61 ~~(c) Provide appropriate training in the use of the device~~
 62 ~~to an employee or agent of the acquirer when the employee or~~
 63 ~~agent was the person who used the device on the victim, except~~
 64 ~~that such requirement of training does not apply if:~~

65 ~~1. The employee or agent was not an employee or agent who~~
 66 ~~would have been reasonably expected to use the device; or~~

67 ~~2. The period of time elapsing between the engagement of~~
 68 ~~the person as an employee or agent and the occurrence of the~~
 69 ~~harm, or between the acquisition of the device and the~~
 70 ~~occurrence of the harm in any case in which the device was~~
 71 ~~acquired after engagement of the employee or agent, was not a~~
 72 ~~reasonably sufficient period in which to provide the training.~~

73 Section 3. This act shall take effect July 1, 2008.

House Bill 275
Relating to Pharmacy
By Rep. Rene Garcia

- Removes the requirement that a candidate for licensure as a pharmacist by endorsement pass the licensure examination of the National Association of Boards of Pharmacy within the past 12 years. Instead, a candidate may have taken the required exam at any time in the past.
- Requires pharmacy technicians to register with the Board of Pharmacy, effective January 1, 2010, by filing an application and remitting a registration fee not to exceed \$50 biennially and an application fee not to exceed \$50. Applicants must be at least 16 years of age.
- Specifies that a pharmacist whose license has been denied, suspended, or restricted may not register as a pharmacy technician.
- Exempts pharmacy technician students and pharmacy interns from pharmacy technician registration requirements.
- Increases the number of pharmacy technicians a pharmacist may supervise from three to four. If a pharmacist supervises four pharmacy technicians, one of the pharmacy technicians must be certified by the Pharmacy Technician Certification Board or any other nationally accredited certifying body.
- Requires pharmacy technicians, as a condition of registration renewal, to complete 20 hours biennially of continuing education courses approved by either the Board of Pharmacy or the Accreditation Council for Pharmaceutical Education. Four of the 20 hours must be via live presentation and two hours must be related to the prevention of medication errors and pharmacy law.
- Authorizes the Board of Pharmacy to discipline an applicant for registration or a registered pharmacy technician under certain circumstances.
- Requires the Board of Pharmacy to adopt rules and to maintain and publish on the internet a current directory of registered pharmacy technicians indicating their place of employment.
- Imposes a misdemeanor of the first degree for a person who is performing the functions of a pharmacy technician who is not registered or is not exempt from the requirement to register, punishable by imprisonment not exceeding one year or a fine not to exceed \$1,000.
- Provides that, unless otherwise expressly provided, the bill takes effect upon becoming law.

Fiscal Notes:

- The Department of Health estimates that the maximum number of persons seeking registration as a pharmacy technician is 51,000 persons in the first four years. The cost for initial licensure and renewal is \$50 and will result in total revenue of \$2,550,000 in the first four years. Since pharmacy technicians will be licensed biennially under this bill, the revenue to support regulation will fluctuate from year-to-year.
- The department estimates that they will need eight full-time equivalent (FTE) positions to implement the provisions of this bill. The projected total expenditures are \$2,102,395 in the first four years.
- Depending upon the number of persons seeking registration as a pharmacy technician, the revenue may not cover the cost of the regulatory requirements per s. 216.0236, F.S. To meet the projected expenditures, the minimum number of persons seeking registration as a pharmacy technician must be a total of 42,048 persons in the first four years.

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A bill to be entitled
 An act relating to pharmacy; amending s. 465.0075, F.S.;
 revising provisions governing licensure by endorsement to
 remove the timeframe requirement for passage of a
 nationally recognized examination; amending s. 465.014,
 F.S.; providing for the registration of pharmacy
 technicians; requiring the Board of Pharmacy to set fees
 and rules to register pharmacy technicians; providing
 qualification requirements; providing a limitation;
 exempting pharmacy technician students and licensed
 pharmacy interns from certain registration requirements;
 providing continuing education requirements for
 registration renewal; providing grounds for denial,
 suspension, or revocation of registration or other
 disciplinary action; authorizing the board to impose
 certain penalties; requiring the board to adopt rules;
 requiring the board to maintain a directory of registered
 pharmacy technicians and publish the directory on the
 Internet; 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 pharmacy technician; providing
 penalties; amending s. 465.019, F.S.; conforming
 references relating to use of pharmacy technicians in
 institutional pharmacies; providing effective dates.

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

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

31 465.0075 Licensure by endorsement; requirements; fee.--

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

36 (a) Has met the qualifications for licensure in s.
 37 465.007(1) (b) and (c);

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

44 (c)1. Has submitted evidence of the active licensed
 45 practice of pharmacy, including practice in community or public
 46 health by persons employed by a governmental entity, in another
 47 jurisdiction for at least 2 of the immediately preceding 5 years
 48 or evidence of successful completion of board-approved
 49 postgraduate training or a board-approved clinical competency
 50 examination within the year immediately preceding application
 51 for licensure; or

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

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

58 Section 2. Effective January 1, 2010, section 465.014,
 59 Florida Statutes, is amended to read:

60 465.014 Pharmacy technician.--

61 (1) A ~~No~~ person other than a licensed pharmacist or
 62 pharmacy intern may not engage in the practice of the profession
 63 of pharmacy, except that a licensed pharmacist may delegate to
 64 ~~nonlicensed~~ pharmacy technicians registered pursuant to this
 65 section those duties, tasks, and functions which do not fall
 66 within the purview of s. 465.003(13). All such delegated acts
 67 shall be performed under the direct supervision of a licensed
 68 pharmacist who shall be responsible for all such acts performed
 69 by persons under his or her supervision. A registered pharmacy
 70 technician, under the supervision of a pharmacist, may initiate
 71 or receive communications with a practitioner or his or her
 72 agent, on behalf of a patient, regarding refill authorization
 73 requests. A ~~No~~ licensed pharmacist may not ~~shall~~ supervise more
 74 than one registered pharmacy technician unless otherwise
 75 permitted by the guidelines adopted by the board. The board
 76 shall establish guidelines to be followed by licensees or
 77 permittees in determining the circumstances under which a
 78 licensed pharmacist may supervise up to four registered ~~more~~
 79 ~~than one but not more than three~~ pharmacy technicians. When a
 80 pharmacist supervises four registered pharmacy technicians under
 81 the guidelines of the board, at least one of the four must be
 82 certified by the Pharmacy Technician Certification Board or any

83 other nationally accredited certifying body approved by the
 84 board.

85 (2) Any person who wishes to work as a pharmacy technician
 86 in this state must register by filing an application with the
 87 board on a form adopted by rule of the board. The board shall
 88 register each applicant who has remitted a registration fee set
 89 by the board, not to exceed \$50 biennially; has completed the
 90 application form and remitted a nonrefundable application fee
 91 set by the board, not to exceed \$50; and is at least 16 years of
 92 age.

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

96 (4) Notwithstanding the requirements of this section or
 97 any other provision of law, a pharmacy technician student may be
 98 placed in a pharmacy for the purpose of obtaining practical
 99 training required by the body accrediting the pharmacy
 100 technician training program. A pharmacy technician student shall
 101 wear identification that indicates his or her student status
 102 when performing the functions of a pharmacy technician, and
 103 registration under this section is not required.

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

109 (6) As a condition of registration renewal, a pharmacy
 110 technician must complete 20 hours biennially of continuing

111 education courses approved by the board or the Accreditation
 112 Council for Pharmaceutical Education, of which 4 hours must be
 113 via live presentation and 2 hours must be related to the
 114 prevention of medication errors and pharmacy law.

115 (7) If the board finds that an applicant for registration
 116 as a pharmacy technician or that a registered pharmacy
 117 technician has committed an act that constitutes grounds for
 118 discipline as set forth in s. 456.072(1) or has committed an act
 119 that constitutes grounds for denial of a license or disciplinary
 120 action as set forth in this chapter, including an act that
 121 constitutes a substantial violation of s. 456.072(1) or a
 122 violation of this chapter which occurred before the applicant or
 123 registrant was registered as a pharmacy technician, the board
 124 may enter an order imposing any of the penalties specified in s.
 125 456.072(2) against the applicant or registrant.

126 (8) The board shall adopt rules that require each
 127 registration issued by the board under this section to be
 128 displayed in such a manner as to make it available to the public
 129 and to facilitate inspection by the department, rules that
 130 require and specify the manner in which a pharmacy shall notify
 131 the board when a registered pharmacy technician is employed or
 132 ceases employment with the pharmacy, and such other rules as
 133 necessary to administer the provisions of this section.

134 (9) The board shall maintain a current directory of
 135 registered pharmacy technicians indicating their place of
 136 employment and publish the directory on the Internet.

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

140 465.015 Violations and penalties.--

141 (3)

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

149 (4) Any person who violates any provision of subsection
 150 (1) or subsection (3) commits a misdemeanor of the first degree,
 151 punishable as provided in s. 775.082 or s. 775.083. Any person
 152 who violates any provision of subsection (2) commits a felony of
 153 the third degree, punishable as provided in s. 775.082, s.
 154 775.083, or s. 775.084. In any warrant, information, or
 155 indictment, it shall not be necessary to negative any
 156 exceptions, and the burden of any exception shall be upon the
 157 defendant.

158 Section 4. Effective January 1, 2010, subsection (5) of
 159 section 465.019, Florida Statutes, is amended to read:

160 465.019 Institutional pharmacies; permits.--

161 (5) All institutional pharmacies shall be under the
 162 professional supervision of a consultant pharmacist, and the
 163 compounding and dispensing of medicinal drugs shall be done only
 164 by a licensed pharmacist. Every institutional pharmacy that

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165 employs or otherwise utilizes registered pharmacy technicians
 166 shall have a written policy and procedures manual specifying
 167 those duties, tasks, and functions which a registered pharmacy
 168 technician is allowed to perform.

169 Section 5. Except as otherwise expressly provided in this
 170 act, this act shall take effect upon becoming a law.