

1 A bill to be entitled
 2 An act relating to the testing for and treatment of
 3 influenza and streptococcus; amending s. 381.0031,
 4 F.S.; requiring specified licensed pharmacists to
 5 report certain information to the Department of
 6 Health; amending s. 465.003, F.S.; revising the
 7 definition of the term "practice of the profession of
 8 pharmacy"; creating s. 465.1895, F.S.; authorizing
 9 pharmacists to test for and treat influenza and
 10 streptococcus; providing requirements with respect
 11 thereto; requiring that the written protocol between a
 12 pharmacist and supervising physician contain certain
 13 information, terms, and conditions; requiring that
 14 pharmacists provide evidence of current certification
 15 by the Board of Pharmacy to the supervising physician;
 16 requiring that pharmacists submit their written
 17 protocols to the board; providing an effective date.

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

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 21 Section 1. Subsection (2) of section 381.0031, Florida
 22 Statutes, is amended to read:

23 381.0031 Epidemiological research; report of diseases of
 24 public health significance to department.—

25 (2) Any practitioner licensed in this state to practice

26 | medicine, osteopathic medicine, chiropractic medicine,
27 | naturopathy, or veterinary medicine; any licensed pharmacist
28 | authorized pursuant to a protocol to order and evaluate
29 | laboratory and clinical tests; any hospital licensed under part
30 | I of chapter 395; or any laboratory licensed under chapter 483
31 | that diagnoses or suspects the existence of a disease of public
32 | health significance shall immediately report the fact to the
33 | Department of Health.

34 | Section 2. Subsection (13) of section 465.003, Florida
35 | Statutes, is amended to read:

36 | 465.003 Definitions.—As used in this chapter, the term:

37 | (13) "Practice of the profession of pharmacy" includes
38 | compounding, dispensing, and consulting concerning contents,
39 | therapeutic values, and uses of any medicinal drug; consulting
40 | concerning therapeutic values and interactions of patent or
41 | proprietary preparations, whether pursuant to prescriptions or
42 | in the absence and entirely independent of such prescriptions or
43 | orders; and other pharmaceutical services. For purposes of this
44 | subsection, "other pharmaceutical services" means the monitoring
45 | of the patient's drug therapy and assisting the patient in the
46 | management of his or her drug therapy, and includes review of
47 | the patient's drug therapy and communication with the patient's
48 | prescribing health care provider as licensed under chapter 458,
49 | chapter 459, chapter 461, or chapter 466, or similar statutory
50 | provision in another jurisdiction, or such provider's agent or

51 such other persons as specifically authorized by the patient,
52 regarding the drug therapy. However, nothing in this subsection
53 may be interpreted to permit an alteration of a prescriber's
54 directions, the diagnosis or treatment of any disease, the
55 initiation of any drug therapy, the practice of medicine, or the
56 practice of osteopathic medicine, unless otherwise permitted by
57 law. "Practice of the profession of pharmacy" also includes any
58 other act, service, operation, research, or transaction
59 incidental to, or forming a part of, any of the foregoing acts,
60 requiring, involving, or employing the science or art of any
61 branch of the pharmaceutical profession, study, or training, and
62 shall expressly permit a pharmacist to transmit information from
63 persons authorized to prescribe medicinal drugs to their
64 patients. The practice of the profession of pharmacy also
65 includes the administration of vaccines to adults pursuant to s.
66 465.189 and the testing for and treatment of influenza and
67 streptococcus pursuant to s. 465.1895.

68 Section 3. Section 465.1895, Florida Statutes, is created
69 to read:

70 465.1895 Testing for and treatment of influenza and
71 streptococcus.—

72 (1) A pharmacist may test for and treat influenza and
73 streptococcus within the framework of an established written
74 protocol under a supervising physician licensed under chapter
75 458 or chapter 459 if all of the following criteria are met:

76 (a) The pharmacist uses a test that the federal Centers
77 for Medicare and Medicaid Services has determined qualifies for
78 a certificate of waiver under the federal Clinical Laboratory
79 Improvement Amendments of 1988, or the federal rules adopted
80 thereunder.

81 (b) The pharmacist uses a test system that integrates with
82 certified electronic health record technology as defined in s.
83 408.051.

84 (c) The pharmacist submits test results to a health care
85 practitioner designated by the patient.

86 (d) The pharmacist reports a diagnosis or suspected
87 existence of a disease of public health significance to the
88 department as required under s. 381.0031.

89 (2) A pharmacist may not enter into a protocol under this
90 section unless he or she maintains at least \$200,000 of
91 professional liability insurance and has completed training as
92 required by this section.

93 (3) A pharmacist who tests for and treats influenza and
94 streptococcus shall maintain and make available patient records
95 using the same standards for confidentiality and maintenance of
96 such records as those that are imposed on health care
97 practitioners under s. 456.057. Such records shall be maintained
98 for at least 5 years.

99 (4) The decision by a supervising physician licensed under
100 chapter 458 or chapter 459 to enter into a protocol under this

101 section is a professional decision on the part of the physician,
102 and a person may not interfere with a physician's decision
103 regarding entering into such a protocol. A pharmacist may not
104 enter into a protocol that is to be performed while acting as an
105 employee without the written approval of the owner of the
106 pharmacy.

107 (5) A pharmacist seeking to test for and treat influenza
108 and streptococcus under this section must be certified to do so
109 pursuant to a certification program approved by the board in
110 consultation with the Board of Medicine and the Board of
111 Osteopathic Medicine. The certification program shall, at a
112 minimum, require that the pharmacist attend at least 8 hours of
113 continuing education classes approved by the board. The program
114 shall have a curriculum of instruction concerning, at a minimum,
115 point-of-care testing for influenza and streptococcus and the
116 safe and effective treatment of influenza and streptococcus.

117 (6) The protocol between a pharmacist and supervising
118 physician under this section must include particular terms and
119 conditions imposed by the supervising physician relating to the
120 testing for and treatment of influenza and streptococcus
121 pursuant to this section. The terms and conditions set forth in
122 the protocol must be appropriate to the pharmacist's training.
123 The board may adopt rules establishing the requirements for a
124 protocol. At a minimum, the protocol shall include:

125 (a) Specific categories of patients for whom the

126 supervising physician authorizes the pharmacist to test for and
127 treat influenza and streptococcus.

128 (b) The supervising physician's instructions for the
129 treatment of influenza and streptococcus based on the patient's
130 age, symptoms, and test results, including negative results.

131 (c) A process and schedule for the supervising physician
132 to review the pharmacist's actions under the protocol.

133 (d) A process and schedule for the pharmacist to notify
134 the supervising physician of the patient's condition, tests
135 administered, test results, and course of treatment.

136 (7) A pharmacist who has been delegated the authority to
137 test for and treat influenza and streptococcus by a supervising
138 physician under the protocol shall provide evidence of current
139 certification by the board to the supervising physician. A
140 supervising physician shall review the pharmacist's actions
141 pursuant to the protocol. Such review shall take place as
142 outlined in the protocol.

143 (8) A pharmacist shall submit to the board a copy of his
144 or her protocol to test for and treat influenza and
145 streptococcus under this section.

146 Section 4. This act shall take effect upon becoming a law.