

June 3, 2005

Ms. Glenda E. Hood
Secretary of State
Florida Department of State
R. A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of Senate Bill 2452, enacted during the 37th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2005, and entitled:

An act relating to pharmacy technicians . . .

This bill allows a pharmacy technician to initiate or receive requests for original prescriptions when dispensing for nonhuman use, lowers the supervision ratio of pharmacists to pharmacy technicians when dispensing for nonhuman use to 1:5, and authorizes a pharmacy to dispense a prescription for nonhuman use pursuant to a facsimile prescription without receipt of the original prescription.

In general, I do not support the overall purpose of the bill, which is to establish a lower standard for pharmacies when dispensing medications for nonhuman use. In addition, I have the following specific concerns with this bill:

First, the bill authorizes pharmacy technicians to initiate or receive prescriptions for nonhuman use. Under current law, only a pharmacist may initiate or receive prescriptions, whether for nonhuman or human use; a pharmacy technician is limited to refilling prescriptions. A pharmacist, unlike a pharmacy technician, is a licensed health care professional who holds an undergraduate degree, is subject to discipline by the Board of Pharmacy, and is required to complete biennial continuing education requirements. By greatly expanding prescribing authority for unlicensed pharmacy personnel, this provision will likely lead to drug diversion.

Second, the bill lowers the supervision ratio of pharmacists to pharmacy technicians when dispensing for nonhuman use to 1:5. Under current law, the supervision ratio of

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pharmacists to pharmacy technicians is 1:3 when dispensing for nonhuman and human use. As many pharmacies dispense prescriptions for human and non-human use, these inconsistent supervision ratios will make the Department of Health's efforts to ensure compliance considerably more difficult.

Last, the bill expands the authority of a pharmacy to dispense medications, including Schedule II controlled substances, based solely on the receipt of a faxed prescription form. Under current state and federal law, medications may be dispensed if the prescription is transmitted by fax by the prescriber, and only in certain situations. Otherwise, the pharmacy must possess the original prescription form prior to dispensing the medications. The bill would expand the authority of a pharmacy to dispense medications based on the receipt of a faxed prescription form when dispensing for nonhuman use. This provision may also lead to drug diversion and increase the possibility of fraud and abuse.

It is for the reasons above that I withhold my approval of Senate Bill 2452.

Sincerely,

Jeb Bush