

## Florida Law Permits P. A.s and P.L.s to Purchase Prescription Drugs in the Name of the Practice Beginning January 1, 2009

Effective January 1, 2009, physician groups are permitted to purchase, inventory, and dispense prescription drugs in the name of the P.A. or P.L. so long as they register and obtain a "Health Care Clinic Establishment Permit" with the Florida Department of Health. The new rule can be a benefit to a medical practice, as it may simplify the practice's procedures. However, the law only benefits professional corporations ("P.A.") and professional limited liability companies ("P.L."), meaning that a practice that is set up as a regular corporation (an "Inc") or an LLC cannot take advantage of the new law.

Current Florida law only allows individual physicians in a group practice to purchase their prescription drugs, under their own license and DEA numbers, for dispensing or administering to their own patients (unless the group practice also has a pharmacy license). Under this new law, a P.A. or P.L. will have the option either to continue to order prescriptions under the name and DEA number of each physician in the group (for his or her patients only), or the group may purchase,

inventory, and dispense drugs in the name of the practice, subject to following the requirements of the new law.

In order to obtain a permit, the physician group will be required to designate a "qualifying practitioner" who will be responsible for complying with all legal and regulatory requirements related to the purchase, recordkeeping, storage, and handling of the prescription drugs. A "qualifying practitioner" is a licensed health care practitioner, as defined in Florida Statutes §456.001, who is authorized under the appropriate practice act to prescribe and administer prescription drugs. Additionally, the designated qualifying practitioner must be the practitioner whose name, establishment address, and license number is used on all distribution documents for the prescription drugs purchased or returned by the health care clinic establishment.

If the practice's qualifying practitioner leaves the practice for any reason, the qualifying practitioner and health care clinic establishment are responsible for

notifying the Department of Health within 10 days of any such change. Further, because the permit is effective for one location only, a practice with multiple locations would need to obtain a separate permit for each location for which the group wishes to purchase and inventory prescription drugs. ■

**If you would like our assistance in preparing the application for the permit, please feel free to call or e-mail any one of us:**

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