

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health Quality
 2 Subcommittee

3 Representative Fasano offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (tt) is added to subsection (1) of
 8 section 458.331, Florida Statutes, to read:

9 458.331 Grounds for disciplinary action; action by the
 10 board and department.—

11 (1) The following acts constitute grounds for denial of a
 12 license or disciplinary action, as specified in s. 456.072(2):

13 (tt) Failing to review a patient's controlled substance
 14 prescription history prior to prescribing a controlled
 15 substance, as required under s. 893.055.

16 Section 2. Paragraph (vv) is added to subsection (1) of
 17 section 459.015, Florida Statutes, to read:

18 459.015 Grounds for disciplinary action; action by the
 19 board and department.—

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20 (1) The following acts constitute grounds for denial of a
21 license or disciplinary action, as specified in s. 456.072(2):

22 (vv) Failing to review a patient's controlled substance
23 prescription history prior to prescribing a controlled
24 substance, as required under s. 893.055.

25 Section 3. Paragraph (dd) is added to subsection (1) of
26 section 461.013, Florida Statutes, to read:

27 461.013 Grounds for disciplinary action; action by the
28 board; investigations by department.—

29 (1) The following acts constitute grounds for denial of a
30 license or disciplinary action, as specified in s. 456.072(2):

31 (dd) Failing to review a patient's controlled substance
32 prescription history prior to prescribing a controlled
33 substance, as required under s. 893.055.

34 Section 4. Paragraph (ff) is added to subsection (1) of
35 section 462.14, Florida Statutes, to read:

36 462.14 Grounds for disciplinary action; action by the
37 department.—

38 (1) The following acts constitute grounds for denial of a
39 license or disciplinary action, as specified in s. 456.072(2):

40 (ff) Failing to review a patient's controlled substance
41 prescription history prior to prescribing a controlled
42 substance, as required under s. 893.055.

43 Section 5. Paragraph (nn) is added to subsection (1) of
44 section 466.028, Florida Statutes, to read:

45 466.028 Grounds for disciplinary action; action by the
46 board.—

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47 (1) The following acts constitute grounds for denial of a
48 license or disciplinary action, as specified in s. 456.072(2):

49 (nn) Failing to review a patient's controlled substance
50 prescription history prior to prescribing a controlled
51 substance, as required under s. 893.055.

52 Section 6. Subsections (4), (9), (10), and (12) of section
53 893.055, Florida Statutes, are amended to read:

54 893.055 Prescription drug monitoring program.—

55 (4) Each time a controlled substance is dispensed to an
56 individual, the controlled substance shall be reported to the
57 department through the system as soon thereafter as possible,
58 but not more than 2 7 days after the date the controlled
59 substance is dispensed unless an extension is approved by the
60 department for cause as determined by rule. A dispenser must
61 meet the reporting requirements of this section by providing the
62 required information concerning each controlled substance that
63 it dispensed in a department-approved, secure methodology and
64 format. Such approved formats may include, but are not limited
65 to, submission via the Internet, on a disc, or by use of regular
66 mail.

67 (9)(a) Any prescriber who willfully and knowingly fails to
68 access the electronic database, as required under subsection
69 (12), may be disciplined pursuant to the practice act under
70 which the prescriber is licensed.

71 (b) Any person who willfully and knowingly fails to report
72 the dispensing of a controlled substance as required by this
73 section commits a misdemeanor of the first degree, punishable as
74 provided in s. 775.082 or s. 775.083.

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75 (10) All costs incurred by the department in administering
76 the prescription drug monitoring program shall be funded through
77 federal grants or private funding applied for or received by the
78 state. The department may not commit funds for the monitoring
79 program without ensuring funding is available. The prescription
80 drug monitoring program and the implementation thereof are
81 contingent upon receipt of the nonstate funding. The department
82 and state government shall cooperate with the direct-support
83 organization established pursuant to subsection (11) in seeking
84 federal grant funds, other nonstate grant funds, gifts,
85 donations, or other private moneys for the department so long as
86 the costs of doing so are not considered material. Nonmaterial
87 costs for this purpose include, but are not limited to, the
88 costs of mailing and personnel assigned to research or apply for
89 a grant. Notwithstanding the exemptions to competitive-
90 solicitation requirements under s. 287.057(3)(f), the department
91 shall comply with the competitive-solicitation requirements
92 under s. 287.057 for the procurement of any goods or services
93 required by this section. ~~Funds provided, directly or~~
94 ~~indirectly, by prescription drug manufacturers may not be used~~
95 ~~to implement the program.~~

96 (12) A prescriber must access the electronic database
97 established under this section to review the controlled
98 substance prescription history of the prescriber's patient prior
99 to prescribing a controlled substance to that patient. ~~or~~ A
100 dispenser may have access to the electronic database established
101 information under this section, ~~which relates to a patient of~~
102 ~~that prescriber or dispenser~~ as needed, for the purpose of

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103 reviewing the ~~patient's~~ controlled substance ~~drug~~ prescription
104 history of the dispenser's patient. A prescriber or dispenser
105 acting in good faith is immune from any civil, criminal, or
106 administrative liability that might otherwise be incurred or
107 imposed for receiving or using information from the prescription
108 drug monitoring program. This subsection does not create a
109 private cause of action, and a person may not recover damages
110 against a prescriber required to access or dispenser authorized
111 to access information under this subsection for accessing or
112 failing to access such information.

113 Section 7. This act shall take effect July 1, 2013.

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117 **T I T L E A M E N D M E N T**

118 Remove everything before the enacting clause and insert:
119 An act relating to controlled substance prescription; amending
120 ss. 458.331, 459.015, 461.013, 462.14, and 466.028, F.S.;
121 providing for disciplinary actions under the relevant practice
122 acts for failing to review a patient's controlled substance
123 prescription history prior to prescribing a controlled
124 substance; amending s. 893.055, F.S.; reducing the number of
125 days within which a dispenser must report to the Department of
126 Health that a controlled substance has been dispensed; providing
127 that a prescriber of controlled substances, who willfully and
128 knowingly fails to access an electronic database to review a
129 patient's controlled substance prescription history prior to
130 prescribing a controlled substance, may be administratively

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131 | disciplined; removing a prohibition of funding by prescription
132 | drug manufacturers to implement the prescription drug monitoring
133 | program; requiring a prescriber to access the electronic
134 | database established by the prescription drug monitoring program
135 | prior to prescribing a controlled substance to a patient;
136 | providing an effective date.