

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Pilon offered the following:

2
3 **Amendment (with directory and title amendments)**

4 Between lines 20 and 21, insert:

5 (7)

6 (c) The following entities are ~~shall~~ not ~~be~~ allowed direct
7 access to information in the prescription drug monitoring
8 program database but may request from the program manager and,
9 when authorized by the program manager, the program manager's
10 program and support staff, information that is confidential and
11 exempt under s. 893.0551. Before ~~Prior to~~ release, a ~~the~~ request
12 by the following entities shall be verified as authentic and
13 authorized with the requesting organization by the program
14 manager, the program manager's program and support staff, or as

405357

Approved For Filing: 2/25/2016 2:07:59 PM

Amendment No.

15 determined in rules by the department as being authentic and as
16 having been authorized by the requesting entity:

17 1. The department or its relevant health care regulatory
18 boards responsible for the licensure, regulation, or discipline
19 of practitioners, pharmacists, or other persons who are
20 authorized to prescribe, administer, or dispense controlled
21 substances and who are involved in a specific controlled
22 substance investigation involving a designated person for one or
23 more prescribed controlled substances.

24 2. The Attorney General for Medicaid fraud cases involving
25 prescribed controlled substances.

26 3. A law enforcement agency during active investigations
27 ~~of regarding~~ potential criminal activity, fraud, or theft
28 regarding prescribed controlled substances.

29 4. A patient or the legal guardian or designated health
30 care surrogate of an incapacitated patient as described in s.
31 893.0551 who, for the purpose of verifying the accuracy of the
32 database information, submits a written and notarized request
33 that includes the patient's full name, address, and date of
34 birth, and includes the same information if the legal guardian
35 or health care surrogate submits the request. The request shall
36 be validated by the department to verify the identity of the
37 patient and the legal guardian or health care surrogate, if the
38 patient's legal guardian or health care surrogate is the
39 requestor. Such verification is also required for any request to

405357

Approved For Filing: 2/25/2016 2:07:59 PM

Amendment No.

40 change a patient's prescription history or other information
41 related to his or her information in the electronic database.

42 5. An impaired practitioner consultant who is retained by
43 the department under s. 456.076 for the purpose of reviewing the
44 database information of an impaired practitioner program
45 participant or a referral who has agreed to be evaluated or
46 monitored through the program and who has separately agreed in
47 writing to the consultant's access to and review of such
48 information.

49
50 Information in the database for the electronic prescription drug
51 monitoring system is not discoverable or admissible in any civil
52 or administrative action, except in an investigation and
53 disciplinary proceeding by the department or the appropriate
54 regulatory board.

55 Section 2. Paragraph (h) is added to subsection (3) of
56 section 893.0551, Florida Statutes, and subsections (6) and (7)
57 of that section are republished, to read:

58 893.0551 Public records exemption for the prescription
59 drug monitoring program.—

60 (3) The department shall disclose such confidential and
61 exempt information to the following persons or entities upon
62 request and after using a verification process to ensure the
63 legitimacy of the request as provided in s. 893.055:

64 (h) An impaired practitioner consultant who has been
65 authorized in writing by a participant in, or by a referral to,

405357

Approved For Filing: 2/25/2016 2:07:59 PM

Amendment No.

66 the impaired practitioner program to access and review
67 information as provided in s. 893.055(7)(c)5.

68 (6) An agency or person who obtains any confidential and
69 exempt information pursuant to this section must maintain the
70 confidential and exempt status of that information and may not
71 disclose such information unless authorized by law. Information
72 shared with a state attorney pursuant to paragraph (3)(a) or
73 paragraph (3)(c) may be released only in response to a discovery
74 demand if such information is directly related to the criminal
75 case for which the information was requested. Unrelated
76 information may be released only upon an order of a court of
77 competent jurisdiction.

78 (7) A person who willfully and knowingly violates this
79 section commits a felony of the third degree, punishable as
80 provided in s. 775.082, s. 775.083, or s. 775.084.

81
82 -----

D I R E C T O R Y A M E N D M E N T

84 Remove line 12 and insert:
85 section 893.055, Florida Statutes, and paragraph (c) of
86 subsection (7) of that section is amended, to read:

87
88 -----

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

90 Remove line 6 and insert:

405357

Approved For Filing: 2/25/2016 2:07:59 PM

Amendment No.

91 to the prescription drug monitoring program; authorizing an
92 impaired practitioner consultant to access an impaired
93 practitioner program participant's or referral's record in
94 the prescription drug monitoring program's database;
95 amending s. 893.0551, F.S.; requiring the Department of
96 Health to disclose certain information from the
97 prescription drug monitoring program to an impaired
98 practitioner consultant under certain circumstances;
99 providing

405357

Approved For Filing: 2/25/2016 2:07:59 PM