



428208

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2019	.	
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The Committee on Health Policy (Lee) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (b) of subsection (5) and subsection  
(10) of section 893.055, Florida Statutes, are amended to read:  
893.055 Prescription drug monitoring program.—

(5) The following entities may not directly access  
information in the system, but may request information from the  
program manager or designated program and support staff:

(b) The Attorney General for:



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12           1. Medicaid fraud cases involving prescribed controlled  
13 substances.

14           2. An active investigation or pending civil or criminal  
15 litigation involving prescribed controlled substances other than  
16 Medicaid fraud cases. When releasing information pursuant to  
17 this subparagraph, the department must assign each patient whose  
18 information is released a unique identifying number that does  
19 not identify, or provide a reasonable basis to identify, the  
20 patient to whom the identifying number is assigned. The  
21 department may not release any patient information pursuant to  
22 this subparagraph other than the patient's unique identifying  
23 number, year of birth, and the county, city, and zip code where  
24 the patient resides.

25           (10) Information in the prescription drug monitoring  
26 program's system may be released only as provided in this  
27 section and s. 893.0551.

28           (a) Except as provided in paragraph (b), the content of the  
29 system is intended to be informational only. Information in the  
30 system is not subject to discovery or introduction into evidence  
31 in any civil or administrative action against a prescriber,  
32 dispenser, pharmacy, or patient arising out of matters that are  
33 the subject of information in the system. The program manager  
34 and authorized persons who participate in preparing, reviewing,  
35 issuing, or any other activity related to management of the  
36 system may not be permitted or required to testify in any such  
37 civil or administrative action as to any findings,  
38 recommendations, evaluations, opinions, or other actions taken  
39 in connection with management of the system.

40           (b) The Attorney General may introduce information from the



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41 system released to him or her pursuant to subparagraph (5)(b)2.  
42 as evidence in a civil, criminal, or administrative action  
43 against a dispenser or a pharmacy. The program manager and  
44 authorized persons who participate in preparing, reviewing,  
45 issuing, or any other activity related to the management of the  
46 system may testify for purposes of authenticating the records  
47 introduced into evidence pursuant to this paragraph.

48 Section 2. Paragraph (e) of subsection (3) and subsection  
49 (6) of section 893.0551, Florida Statutes, are amended to read:  
50 893.0551 Public records exemption for the prescription drug  
51 monitoring program.—

52 (3) The department shall disclose such information to the  
53 following persons or entities upon request and after using a  
54 verification process to ensure the legitimacy of the request as  
55 provided in s. 893.055:

56 (e) The Attorney General or his or her designee:

57 1. When working on Medicaid fraud cases involving  
58 prescribed controlled substances or when the Attorney General  
59 has initiated a review of specific identifiers of Medicaid fraud  
60 or specific identifiers that warrant a Medicaid investigation  
61 regarding prescribed controlled substances. The Attorney  
62 General's Medicaid fraud investigators may not have direct  
63 access to the department's system. The Attorney General or his  
64 or her designee may disclose to a criminal justice agency, as  
65 defined in s. 119.011, only the information received from the  
66 department that is relevant to an identified active  
67 investigation that prompted the request for the information.

68 2. When pursuing an active investigation or pending civil  
69 or criminal litigation involving prescribed controlled



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70 substances. Except for Medicaid fraud cases, when releasing  
71 information pursuant to this subparagraph, the department must  
72 assign each patient whose information is released a unique  
73 identifying number that does not identify, or provide a  
74 reasonable basis to identify, the patient to whom the  
75 identifying number is assigned. The department may not release  
76 any patient information pursuant to this subparagraph other than  
77 the patient's unique identifying number, year of birth, and the  
78 county, city, and zip code where the patient resides.

79 (6) An agency or person who obtains any information  
80 pursuant to this section must maintain the confidential and  
81 exempt status of that information and may not disclose such  
82 information unless authorized by law. Information shared with a  
83 state attorney pursuant to paragraph (3) (f), ~~or~~ paragraph  
84 (3) (h), or with the Attorney General or his or her designee  
85 pursuant to subparagraph (3) (e)2. may be released only in  
86 response to a discovery demand if such information is directly  
87 related to the ~~criminal~~ case for which the information was  
88 requested. Unrelated information may be released only upon an  
89 order of a court of competent jurisdiction.

90 Section 3. This act shall take effect upon becoming a law.

91  
92 ===== T I T L E A M E N D M E N T =====

93 And the title is amended as follows:

94 Delete everything before the enacting clause  
95 and insert:

96 A bill to be entitled  
97 An act relating to prescribed controlled substances;  
98 amending s. 893.055, F.S.; expanding the circumstances



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99 under which the Attorney General may request  
100 information from the prescription drug monitoring  
101 program to include an active investigation or pending  
102 civil or criminal litigation involving prescribed  
103 controlled substances; requiring the Department of  
104 Health to assign each patient a unique identifying  
105 number when releasing certain information; limiting  
106 the information of a patient the department may  
107 release; authorizing the Attorney General to introduce  
108 as evidence in certain actions specified information  
109 that is released to the Attorney General from the  
110 program's records system; authorizing certain persons  
111 to testify as to the authenticity of certain records;  
112 amending s. 893.0551, F.S.; expanding the  
113 circumstances under which the department must disclose  
114 certain information to the Attorney General to include  
115 active investigations or pending civil or criminal  
116 litigation involving prescribed controlled substances;  
117 requiring the department to assign each patient a  
118 unique identifying number when releasing certain  
119 information; providing an exception; limiting the  
120 information of a patient the department may release;  
121 authorizing the release of specified information  
122 shared with a state attorney only in response to a  
123 discovery demand under certain circumstances;  
124 providing an effective date.