

By Senator Burt

16-518A-02

1 A bill to be entitled
2 An act relating to criminal offenses involving
3 health care practitioners or controlled
4 substances; creating s. 456.075, F.S.;
5 authorizing a representative of the Department
6 of Health to appear in a criminal proceeding
7 against a health care professional to furnish
8 information, make recommendations, or provide
9 other assistance; providing that the court may
10 order the representative to appear in a
11 criminal proceeding that relates to the
12 qualifications, functions, or duties of a
13 health care professional; amending s. 893.13,
14 F.S.; increasing the penalty imposed for
15 withholding information from a practitioner
16 concerning a controlled substance; prohibiting
17 a practitioner from prescribing a controlled
18 substance that is excessive or inappropriate,
19 knowingly assisting a person in obtaining a
20 controlled substance through fraud or scheme,
21 knowingly prescribing a controlled substance
22 for a fictitious person, or prescribing a
23 controlled substance for purposes of monetary
24 benefit; providing penalties; amending s.
25 921.0022, F.S., relating to the offense
26 severity ranking chart of the Criminal
27 Punishment Code; conforming provisions to
28 changes made by the act; providing an effective
29 date.

31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Section 456.075, Florida Statutes, is
2 created to read:

3 456.075 In any criminal proceeding against a person
4 licensed by the department to practice a health care
5 profession in this state, a representative of the department
6 may voluntarily appear and furnish pertinent information, make
7 recommendations regarding specific conditions of probation, or
8 provide any other assistance necessary to promote justice or
9 protect the public. The court may order a representative of
10 the department to appear in any criminal proceeding if the
11 crime charged is substantially related to the qualifications,
12 functions, or duties of a health care professional licensed by
13 the department.

14 Section 2. Subsection (7) of section 893.13, Florida
15 Statutes, is amended, and present subsections (8), (9), and
16 (10) of that section are amended and redesignated as
17 subsections (9), (10), and (11), respectively, and a new
18 subsection (8) is added to that section, to read:

19 893.13 Prohibited acts; penalties.--

20 (7)(a) It is unlawful for any person:

21 1. To distribute or dispense a controlled substance in
22 violation of this chapter.

23 2. To refuse or fail to make, keep, or furnish any
24 record, notification, order form, statement, invoice, or
25 information required under this chapter.

26 3. To refuse an entry into any premises for any
27 inspection or to refuse to allow any inspection authorized by
28 this chapter.

29 4. To distribute a controlled substance named or
30 described in s. 893.03(1) or (2) except pursuant to an order
31 form as required by s. 893.06.

1 5. To keep or maintain any store, shop, warehouse,
2 dwelling, building, vehicle, boat, aircraft, or other
3 structure or place which is resorted to by persons using
4 controlled substances in violation of this chapter for the
5 purpose of using these substances, or which is used for
6 keeping or selling them in violation of this chapter.

7 6. To use to his or her own personal advantage, or to
8 reveal, any information obtained in enforcement of this
9 chapter except in a prosecution or administrative hearing for
10 a violation of this chapter.

11 ~~7. To withhold information from a practitioner from
12 whom the person seeks to obtain a controlled substance or a
13 prescription for a controlled substance that the person has
14 received a controlled substance or a prescription for a
15 controlled substance of like therapeutic use from another
16 practitioner within the last 30 days.~~

17 7.8. To possess a prescription form which has not been
18 completed and signed by the practitioner whose name appears
19 printed thereon, unless the person is that practitioner, is an
20 agent or employee of that practitioner, is a pharmacist, or is
21 a supplier of prescription forms who is authorized by that
22 practitioner to possess those forms.

23 8. To withhold information from a practitioner from
24 whom the person seeks to obtain a controlled substance or a
25 prescription for a controlled substance that the person making
26 the request has received a controlled substance or a
27 prescription for a controlled substance of like therapeutic
28 use from another practitioner within the previous 30 days.

29 9. To acquire or obtain, or attempt to acquire or
30 obtain, possession of a controlled substance by
31 misrepresentation, fraud, forgery, deception, or subterfuge.

1 10. To affix any false or forged label to a package or
2 receptacle containing a controlled substance.

3 11. To furnish false or fraudulent material
4 information in, or omit any material information from, any
5 report or other document required to be kept or filed under
6 this chapter or any record required to be kept by this
7 chapter.

8 (b) Any person who violates the provisions of
9 subparagraphs ~~(a)1.-7.(a)1.-8.~~ commits a misdemeanor of the
10 first degree, punishable as provided in s. 775.082 or s.
11 775.083; except that, upon a second or subsequent violation,
12 the person commits a felony of the third degree, punishable as
13 provided in s. 775.082, s. 775.083, or s. 775.084.

14 (c) Any person who violates the provisions of
15 subparagraphs ~~(a)8.-11.(a)9.-11.~~ commits a felony of the
16 third degree, punishable as provided in s. 775.082, s.
17 775.083, or s. 775.084.

18 (8)(a) Notwithstanding subsection (9), a prescribing
19 practitioner may not:

20 1. Write a prescription or multiple prescriptions for
21 a controlled substance for a patient or other person for whom,
22 or an animal for which, the prescribing practitioner knew, or
23 should have known, was excessive or inappropriate to treat the
24 patient, other person, or animal because of the quantity or
25 quantities prescribed or the number of prescriptions written;

26 2. Knowingly assist a patient, other person, or the
27 owner of an animal in obtaining a controlled substance through
28 deceptive, untrue, or fraudulent representations in or related
29 to the practice of the prescribing practitioner's professional
30 practice;

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1 3. Employ a trick or scheme in the practice of the
2 prescribing practitioner's professional practice to assist a
3 patient, other person, or the owner of an animal in obtaining
4 a controlled substance;

5 4. Knowingly write a prescription for a controlled
6 substance for a fictitious person; or

7 5. Write a prescription for a controlled substance for
8 a patient, other person, or an animal if the sole purpose of
9 writing such prescription is to provide a monetary benefit to,
10 or obtain a monetary benefit for, the prescribing
11 practitioner.

12 (b) A person who violates paragraph (a) commits a
13 felony of the third degree, punishable as provided in s.
14 775.082, s. 775.083, or s. 775.084.

15 (c) Notwithstanding paragraph (b), if a prescribing
16 practitioner has violated paragraph (a) and received \$1,000 or
17 more in payment for writing one or more prescriptions or, in
18 the case of a prescription written for a controlled substance
19 described in s. 893.135, has written one or more prescriptions
20 for a quantity of a controlled substance which, individually
21 or in the aggregate, meets the threshold for the offense of
22 trafficking in a controlled substance under s. 893.15, the
23 violation is reclassified as a felony of the second degree and
24 ranked in level 4 of the Criminal Punishment Code.

25 ~~(9)(8)~~ The provisions of subsections~~(1)-(8)(1)-(7)~~
26 are not applicable to the delivery to, or actual or
27 constructive possession for medical or scientific use or
28 purpose only of controlled substances by, persons included in
29 any of the following classes, or the agents or employees of
30 such persons, for use in the usual course of their business or
31 profession or in the performance of their official duties:

1 (a) Pharmacists.

2 (b) Practitioners.

3 (c) Persons who procure controlled substances in good
4 faith and in the course of professional practice only, by or
5 under the supervision of pharmacists or practitioners employed
6 by them, or for the purpose of lawful research, teaching, or
7 testing, and not for resale.

8 (d) Hospitals that procure controlled substances for
9 lawful administration by practitioners, but only for use by or
10 in the particular hospital.

11 (e) Officers or employees of state, federal, or local
12 governments acting in their official capacity only, or
13 informers acting under their jurisdiction.

14 (f) Common carriers.

15 (g) Manufacturers, wholesalers, and distributors.

16 (h) Law enforcement officers for bona fide law
17 enforcement purposes in the course of an active criminal
18 investigation.

19 (10)~~(9)~~ Notwithstanding any provision of the
20 sentencing guidelines or the Criminal Punishment Code to the
21 contrary, on or after October 1, 1993, any defendant who:

22 (a) Violates subparagraph (1)(a)1., subparagraph
23 (1)(c)2., subparagraph (1)(d)2., subparagraph (2)(a)1., or
24 paragraph (5)(a); and

25 (b) Has not previously been convicted, regardless of
26 whether adjudication was withheld, of any felony, other than a
27 violation of subparagraph (1)(a)1., subparagraph (1)(c)2.,
28 subparagraph (1)(d)2., subparagraph (2)(a)1., or paragraph
29 (5)(a),

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1 may be required by the court to successfully complete a term
2 of probation pursuant to the terms and conditions set forth in
3 s. 948.034(1), in lieu of serving a term of imprisonment.

4 (11)~~(10)~~ Notwithstanding any provision of the
5 sentencing guidelines or the Criminal Punishment Code to the
6 contrary, on or after January 1, 1994, any defendant who:

7 (a) Violates subparagraph (1)(a)2., subparagraph
8 (2)(a)2., paragraph (5)(b), or paragraph (6)(a); and

9 (b) Has not previously been convicted, regardless of
10 whether adjudication was withheld, of any felony, other than a
11 violation of subparagraph (1)(a)2., subparagraph (2)(a)2.,
12 paragraph (5)(b), or paragraph (6)(a),

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14 may be required by the court to successfully complete a term
15 of probation pursuant to the terms and conditions set forth in
16 s. 948.034(2), in lieu of serving a term of imprisonment.

17 Section 3. Paragraphs (a) and (c) of subsection (3) of
18 section 921.0022, Florida Statutes, are amended to read:

19 921.0022 Criminal Punishment Code; offense severity
20 ranking chart.--

21 (3) OFFENSE SEVERITY RANKING CHART

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| 23 Florida | Felony | |
|------------------|--------|--|
| 24 Statute | Degree | Description |
| | | (a) LEVEL 1 |
| 27 24.118(3)(a) | 3rd | Counterfeit or altered state 28 lottery ticket. |
| 29 212.054(2)(b) | 3rd | Discretionary sales surtax; 30 limitations, administration, and 31 collection. |

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|----|---------------|-----|------------------------------------|
| 1 | 212.15(2)(b) | 3rd | Failure to remit sales taxes, |
| 2 | | | amount greater than \$300 but less |
| 3 | | | than \$20,000. |
| 4 | 319.30(5) | 3rd | Sell, exchange, give away |
| 5 | | | certificate of title or |
| 6 | | | identification number plate. |
| 7 | 319.35(1)(a) | 3rd | Tamper, adjust, change, etc., an |
| 8 | | | odometer. |
| 9 | 320.26(1)(a) | 3rd | Counterfeit, manufacture, or sell |
| 10 | | | registration license plates or |
| 11 | | | validation stickers. |
| 12 | 322.212(1) | 3rd | Possession of forged, stolen, |
| 13 | | | counterfeit, or unlawfully issued |
| 14 | | | driver's license; possession of |
| 15 | | | simulated identification. |
| 16 | 322.212(4) | 3rd | Supply or aid in supplying |
| 17 | | | unauthorized driver's license or |
| 18 | | | identification card. |
| 19 | 322.212(5)(a) | 3rd | False application for driver's |
| 20 | | | license or identification card. |
| 21 | 370.13(3)(a) | 3rd | Molest any stone crab trap, line, |
| 22 | | | or buoy which is property of |
| 23 | | | licenseholder. |
| 24 | 370.135(1) | 3rd | Molest any blue crab trap, line, |
| 25 | | | or buoy which is property of |
| 26 | | | licenseholder. |
| 27 | 372.663(1) | 3rd | Poach any alligator or |
| 28 | | | crocodilia. |
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| 1 | 414.39(2) | 3rd | Unauthorized use, possession, |
| 2 | | | forgery, or alteration of food |
| 3 | | | stamps, Medicaid ID, value |
| 4 | | | greater than \$200. |
| 5 | 414.39(3)(a) | 3rd | Fraudulent misappropriation of |
| 6 | | | public assistance funds by |
| 7 | | | employee/official, value more |
| 8 | | | than \$200. |
| 9 | 443.071(1) | 3rd | False statement or representation |
| 10 | | | to obtain or increase |
| 11 | | | unemployment compensation |
| 12 | | | benefits. |
| 13 | 509.151(1) | 3rd | Defraud an innkeeper, food or |
| 14 | | | lodging value greater than \$300. |
| 15 | 517.302(1) | 3rd | Violation of the Florida |
| 16 | | | Securities and Investor |
| 17 | | | Protection Act. |
| 18 | 562.27(1) | 3rd | Possess still or still apparatus. |
| 19 | 713.69 | 3rd | Tenant removes property upon |
| 20 | | | which lien has accrued, value |
| 21 | | | more than \$50. |
| 22 | 812.014(3)(c) | 3rd | Petit theft (3rd conviction); |
| 23 | | | theft of any property not |
| 24 | | | specified in subsection (2). |
| 25 | 812.081(2) | 3rd | Unlawfully makes or causes to be |
| 26 | | | made a reproduction of a trade |
| 27 | | | secret. |
| 28 | 815.04(4)(a) | 3rd | Offense against intellectual |
| 29 | | | property (i.e., computer |
| 30 | | | programs, data). |
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| 1 | 817.52(2) | 3rd | Hiring with intent to defraud, |
| 2 | | | motor vehicle services. |
| 3 | 826.01 | 3rd | Bigamy. |
| 4 | 828.122(3) | 3rd | Fighting or baiting animals. |
| 5 | 831.04(1) | 3rd | Any erasure, alteration, etc., of |
| 6 | | | any replacement deed, map, plat, |
| 7 | | | or other document listed in s. |
| 8 | | | 92.28. |
| 9 | 831.31(1)(a) | 3rd | Sell, deliver, or possess |
| 10 | | | counterfeit controlled |
| 11 | | | substances, all but s. 893.03(5) |
| 12 | | | drugs. |
| 13 | 832.041(1) | 3rd | Stopping payment with intent to |
| 14 | | | defraud \$150 or more. |
| 15 | 832.05 | | |
| 16 | (2)(b)&(4)(c) | 3rd | Knowing, making, issuing |
| 17 | | | worthless checks \$150 or more or |
| 18 | | | obtaining property in return for |
| 19 | | | worthless check \$150 or more. |
| 20 | 838.015(3) | 3rd | Bribery. |
| 21 | 838.016(1) | 3rd | Public servant receiving unlawful |
| 22 | | | compensation. |
| 23 | 838.15(2) | 3rd | Commercial bribe receiving. |
| 24 | 838.16 | 3rd | Commercial bribery. |
| 25 | 843.18 | 3rd | Fleeing by boat to elude a law |
| 26 | | | enforcement officer. |
| 27 | 847.011(1)(a) | 3rd | Sell, distribute, etc., obscene, |
| 28 | | | lewd, etc., material (2nd |
| 29 | | | conviction). |
| 30 | 849.01 | 3rd | Keeping gambling house. |
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| 1 | 849.09(1)(a)-(d) | 3rd | Lottery; set up, promote, etc., |
| 2 | | | or assist therein, conduct or |
| 3 | | | advertise drawing for prizes, or |
| 4 | | | dispose of property or money by |
| 5 | | | means of lottery. |
| 6 | 849.23 | 3rd | Gambling-related machines; |
| 7 | | | "common offender" as to property |
| 8 | | | rights. |
| 9 | 849.25(2) | 3rd | Engaging in bookmaking. |
| 10 | 860.08 | 3rd | Interfere with a railroad signal. |
| 11 | 860.13(1)(a) | 3rd | Operate aircraft while under the |
| 12 | | | influence. |
| 13 | 893.13(2)(a)2. | 3rd | Purchase of cannabis. |
| 14 | 893.13(6)(a) | 3rd | Possession of cannabis (more than |
| 15 | | | 20 grams). |
| 16 | 893.13(7)(a)10. | 3rd | Affix false or forged label to |
| 17 | | | package of controlled substance. |
| 18 | 934.03(1)(a) | 3rd | Intercepts, or procures any other |
| 19 | | | person to intercept, any wire or |
| 20 | | | oral communication. |
| 21 | | | (c) LEVEL 3 |
| 22 | 316.1935(2) | 3rd | Fleeing or attempting to elude |
| 23 | | | law enforcement officer in marked |
| 24 | | | patrol vehicle with siren and |
| 25 | | | lights activated. |
| 26 | 319.30(4) | 3rd | Possession by junkyard of motor |
| 27 | | | vehicle with identification |
| 28 | | | number plate removed. |
| 29 | 319.33(1)(a) | 3rd | Alter or forge any certificate of |
| 30 | | | title to a motor vehicle or |
| 31 | | | mobile home. |

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| 1 | 319.33(1)(c) | 3rd | Procure or pass title on stolen |
| 2 | | | vehicle. |
| 3 | 319.33(4) | 3rd | With intent to defraud, possess, |
| 4 | | | sell, etc., a blank, forged, or |
| 5 | | | unlawfully obtained title or |
| 6 | | | registration. |
| 7 | 328.05(2) | 3rd | Possess, sell, or counterfeit |
| 8 | | | fictitious, stolen, or fraudulent |
| 9 | | | titles or bills of sale of |
| 10 | | | vessels. |
| 11 | 328.07(4) | 3rd | Manufacture, exchange, or possess |
| 12 | | | vessel with counterfeit or wrong |
| 13 | | | ID number. |
| 14 | 376.302(5) | 3rd | Fraud related to reimbursement |
| 15 | | | for cleanup expenses under the |
| 16 | | | Inland Protection Trust Fund. |
| 17 | 501.001(2)(b) | 2nd | Tampers with a consumer product |
| 18 | | | or the container using materially |
| 19 | | | false/misleading information. |
| 20 | 697.08 | 3rd | Equity skimming. |
| 21 | 790.15(3) | 3rd | Person directs another to |
| 22 | | | discharge firearm from a vehicle. |
| 23 | 796.05(1) | 3rd | Live on earnings of a prostitute. |
| 24 | 806.10(1) | 3rd | Maliciously injure, destroy, or |
| 25 | | | interfere with vehicles or |
| 26 | | | equipment used in firefighting. |
| 27 | 806.10(2) | 3rd | Interferes with or assaults |
| 28 | | | firefighter in performance of |
| 29 | | | duty. |
| 30 | | | |
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| 1 | 810.09(2)(c) | 3rd | Trespass on property other than |
| 2 | | | structure or conveyance armed |
| 3 | | | with firearm or dangerous weapon. |
| 4 | 812.014(2)(c)2. | 3rd | Grand theft; \$5,000 or more but |
| 5 | | | less than \$10,000. |
| 6 | 815.04(4)(b) | 2nd | Computer offense devised to |
| 7 | | | defraud or obtain property. |
| 8 | 817.034(4)(a)3. | 3rd | Engages in scheme to defraud |
| 9 | | | (Florida Communications Fraud |
| 10 | | | Act), property valued at less |
| 11 | | | than \$20,000. |
| 12 | 817.233 | 3rd | Burning to defraud insurer. |
| 13 | 817.234(8)&(9) | 3rd | Unlawful solicitation of persons |
| 14 | | | involved in motor vehicle |
| 15 | | | accidents. |
| 16 | 817.234(11)(a) | 3rd | Insurance fraud; property value |
| 17 | | | less than \$20,000. |
| 18 | 817.505(4) | 3rd | Patient brokering. |
| 19 | 828.12(2) | 3rd | Tortures any animal with intent |
| 20 | | | to inflict intense pain, serious |
| 21 | | | physical injury, or death. |
| 22 | 831.28(2)(a) | 3rd | Counterfeiting a payment |
| 23 | | | instrument with intent to defraud |
| 24 | | | or possessing a counterfeit |
| 25 | | | payment instrument. |
| 26 | 831.29 | 2nd | Possession of instruments for |
| 27 | | | counterfeiting drivers' licenses |
| 28 | | | or identification cards. |
| 29 | 838.021(3)(b) | 3rd | Threatens unlawful harm to public |
| 30 | | | servant. |
| 31 | | | |

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| 1 | 843.19 | 3rd | Injure, disable, or kill police |
| 2 | | | dog or horse. |
| 3 | 870.01(2) | 3rd | Riot; inciting or encouraging. |
| 4 | 893.13(1)(a)2. | 3rd | Sell, manufacture, or deliver |
| 5 | | | cannabis (or other s. |
| 6 | | | 893.03(1)(c), (2)(c)1., (2)(c)2., |
| 7 | | | (2)(c)3., (2)(c)5., (2)(c)6., |
| 8 | | | (2)(c)7., (2)(c)8., (2)(c)9., |
| 9 | | | (3), or (4) drugs). |
| 10 | 893.13(1)(d)2. | 2nd | Sell, manufacture, or deliver s. |
| 11 | | | 893.03(1)(c), (2)(c)1., (2)(c)2., |
| 12 | | | (2)(c)3., (2)(c)5., (2)(c)6., |
| 13 | | | (2)(c)7., (2)(c)8., (2)(c)9., |
| 14 | | | (3), or (4) drugs within 200 feet |
| 15 | | | of university or public park. |
| 16 | 893.13(1)(f)2. | 2nd | Sell, manufacture, or deliver s. |
| 17 | | | 893.03(1)(c), (2)(c)1., (2)(c)2., |
| 18 | | | (2)(c)3., (2)(c)5., (2)(c)6., |
| 19 | | | (2)(c)7., (2)(c)8., (2)(c)9., |
| 20 | | | (3), or (4) drugs within 200 feet |
| 21 | | | of public housing facility. |
| 22 | 893.13(6)(a) | 3rd | Possession of any controlled |
| 23 | | | substance other than felony |
| 24 | | | possession of cannabis. |
| 25 | <u>893.13(7)(a)8.</u> | <u>3rd</u> | <u>Withhold information from</u> |
| 26 | | | <u>practitioner regarding previous</u> |
| 27 | | | <u>receipt of or prescription for a</u> |
| 28 | | | <u>controlled substance.</u> |
| 29 | 893.13(7)(a)9. | 3rd | Obtain or attempt to obtain |
| 30 | | | controlled substance by fraud, |
| 31 | | | forgery, misrepresentation, etc. |

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| 1 | <u>893.13(7)(a)10.</u> | <u>3rd</u> | <u>Affix false or forged label to</u> |
| 2 | | | <u>package of controlled substance.</u> |
| 3 | 893.13(7)(a)11. | 3rd | Furnish false or fraudulent |
| 4 | | | material information on any |
| 5 | | | document or record required by |
| 6 | | | chapter 893. |
| 7 | <u>893.13(8)(a)1.</u> | <u>3rd</u> | <u>Write a prescription for a</u> |
| 8 | | | <u>controlled substance for a</u> |
| 9 | | | <u>patient or other person for whom,</u> |
| 10 | | | <u>or an animal for which, the</u> |
| 11 | | | <u>practitioner knew or should have</u> |
| 12 | | | <u>known was excessive or</u> |
| 13 | | | <u>inappropriate to treat the</u> |
| 14 | | | <u>patient, other person, or animal.</u> |
| 15 | <u>893.13(8)(a)2.</u> | <u>3rd</u> | <u>Knowingly assist a patient, other</u> |
| 16 | | | <u>person, or owner of an animal in</u> |
| 17 | | | <u>obtaining a controlled substance</u> |
| 18 | | | <u>through deceptive, untrue, or</u> |
| 19 | | | <u>fraudulent representations in or</u> |
| 20 | | | <u>related to the practitioner's</u> |
| 21 | | | <u>practice.</u> |
| 22 | <u>893.13(8)(a)3.</u> | <u>3rd</u> | <u>Employ a trick or scheme in the</u> |
| 23 | | | <u>practitioner's practice to assist</u> |
| 24 | | | <u>a patient, other person, or owner</u> |
| 25 | | | <u>of an animal in obtaining a</u> |
| 26 | | | <u>controlled substance.</u> |
| 27 | <u>893.13(8)(a)4.</u> | <u>3rd</u> | <u>Knowingly write a prescription</u> |
| 28 | | | <u>for a controlled substance for a</u> |
| 29 | | | <u>fictitious person.</u> |
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| 1 | <u>893.13(8)(a)5.</u> | <u>3rd</u> | <u>Write a prescription for a</u> |
| 2 | | | <u>controlled substance for a</u> |
| 3 | | | <u>patient, other person, or an</u> |
| 4 | | | <u>animal if the sole purpose of</u> |
| 5 | | | <u>writing the prescription is a</u> |
| 6 | | | <u>monetary benefit for the</u> |
| 7 | | | <u>practitioner.</u> |
| 8 | 918.13(1)(a) | 3rd | Alter, destroy, or conceal |
| 9 | | | investigation evidence. |
| 10 | 944.47 | | |
| 11 | (1)(a)1.-2. | 3rd | Introduce contraband to |
| 12 | | | correctional facility. |
| 13 | 944.47(1)(c) | 2nd | Possess contraband while upon the |
| 14 | | | grounds of a correctional |
| 15 | | | institution. |
| 16 | 985.3141 | 3rd | Escapes from a juvenile facility |
| 17 | | | (secure detention or residential |
| 18 | | | commitment facility). |
| 19 | Section 4. | | This act shall take effect July 1, 2002. |
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SENATE SUMMARY

Provides that a representative of the Department of Health may appear in a criminal proceeding against a health care professional licensed by the department in order to furnish information, make recommendations, or provide assistance. Authorizes the court to require that a representative of the department appear if the criminal proceeding relates to the qualifications, functions, or duties of the health care professional. Increases the penalty imposed for withholding information from a practitioner concerning a controlled substance from a first-degree misdemeanor to a third-degree felony. Provides that it is a third-degree felony for a health care practitioner to prescribe a controlled substance that is excessive or inappropriate, assist a person in obtaining a controlled substance through fraud or scheme, prescribe a controlled substance for a fictitious person, or prescribe a controlled substance for purposes of monetary benefit. Provides that any such offense is a second-degree felony if the practitioner received \$1,000 or more in payment or if the quantity of the controlled substance prescribed meets the threshold for the offense of trafficking. (See bill for details.)