

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on State Administration offered the following:

Amendment (with title amendment)

On page 2, line 5 through page 4, line 29,
remove: all of said lines

and insert:

Section 1. Public records exemption.--

(1) The following information held by the Department of Health and contained in the department's electronic system which monitors the prescribing of controlled substances is exempt from the provisions of s. 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State Constitution:

(a) The identity of a recipient of the monitored controlled substances, if the recipient is not the patient, and the recipient's driver's license number or other identification number.

(b) A practitioner's United States Drug Enforcement Administration number.

(2) The identity of a patient to whom a controlled substance has been prescribed and such patient's address,

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1 including the state and zip code, held by the Department of
2 Health pursuant to s. 893.065, Florida Statutes, and also
3 contained in the department's electronic system that monitors
4 the prescribing of controlled substances are confidential and
5 exempt from the provisions of s. 119.07(1), Florida Statutes,
6 and s. 24(a), Art. I of the State Constitution. The Department
7 of Health may disclose the patient's identity to the
8 following:

9 (a) A health care practitioner as defined in s.
10 456.001(4), Florida Statutes, who requests information and
11 certifies that the information is necessary to provide medical
12 or diagnostic treatment to a current patient.

13 (b) A pharmacist licensed in this state who requests
14 information and certifies that the requested information is to
15 be used to dispense controlled substances to a current patient
16 in accordance with s. 893.04, Florida Statutes.

17 (c) A criminal justice agency, as defined in s.
18 119.011, Florida Statutes, which enforces the laws of this
19 state or the United States relating to drugs and which is
20 engaged in a specific investigation involving a violation of
21 law.

22
23 A health care practitioner, pharmacist, or criminal justice
24 agency that obtains the identity of such patient must maintain
25 the confidential and exempt status of that patient's identity.

26 (3) Any person who violates this section commits a
27 misdemeanor of the first degree, punishable as provided in s.
28 775.082 or s. 775.083, Florida Statutes. A person who commits
29 a second or subsequent violation of this section commits a
30 felony of the third degree, punishable as provided in s.
31 775.082 or s. 775.083, Florida Statutes.

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2 The exemptions in this section are subject to the Open
3 Government Sunset Review Act of 1995 in accordance with s.
4 119.15, Florida Statutes, and shall stand repealed on October
5 2, 2007, unless reviewed and saved from repeal through
6 reenactment by the Legislature.

7 Section 2. The Legislature finds that the public
8 records exemption created by this act is a public necessity in
9 order to facilitate the Department of Health's efforts to
10 maintain compliance with the state's drug laws by the accurate
11 and timely reporting by health care practitioners of potential
12 drug diversion without compromising a patient's, recipient's,
13 or health care practitioner's privacy. If a physician's
14 National Association of Board of Pharmacy number was made
15 available to the public, a person could illegally use such
16 number to call in or write his or her own prescriptions. Also,
17 a person could use such number to determine if a physician
18 regularly prescribes certain controlled substances that are
19 subject to abuse. Abusers of such substances could then
20 solicit the physician for prescriptions. The exemption for
21 personal identifying information regarding a patient or
22 recipient of certain controlled substances held by the
23 Department of Health facilitates the sharing of information
24 between health care practitioners and pharmacists in order to
25 appropriately identify and evaluate a patient's or recipient's
26 risk for drug diversion and the resulting abuse of controlled
27 substances without compromising the patient's or recipient's
28 privacy. The Legislature further finds that the exemption for
29 such information is a public necessity in order to protect a
30 patient's health-related information. Matters of personal
31 health are traditionally private and confidential concerns

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1 between a patient and a health care provider. The private and
2 confidential nature of personal health matters pervades both
3 the public and private health care sectors. If the patient's
4 personal identifying information were not confidential and
5 exempt, then that patient's name would be connected to his or
6 her prescription. By connecting the patient's name to the
7 patient's prescription, a third party could then determine
8 that patient's medical condition, thereby intruding upon the
9 patient's right to privacy in matters regarding his or her
10 personal health.

11 Section 3. This act shall take effect July 1, 2002, if
12 HB 15-E or similar legislation is adopted in the same
13 legislative session or an extension thereof and becomes law.

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

17 And the title is amended as follows:

18 On page 1, lines 5 and 6,
19 remove: all of said lines

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21 and insert:

22 substances and a
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