CHAMBER ACTION

Senate	House
Comm: RCS 04/18/2007 08:27 PM	

The Committee on Governmental Operations (King) recommended the following **substitute for amendment** (180174):

Senate Amendment (with title amendment)

On page 6, line 13, through

page 9, line 21, delete those lines

and insert:

Section 3. Section 408.0611, Florida Statutes, is created to read:

408.0611 Electronic prescribing clearinghouse.--

(1) It is the intent of the Legislature to promote the implementation of electronic prescribing by health care practitioners, health care facilities, and pharmacies in order to prevent prescription drug abuse, improve patient safety, and reduce unnecessary prescriptions. To that end, it is the intent of the Legislature to create a clearinghouse of information on electronic prescribing to convey the process and advantages of electronic prescribing; to provide information regarding the availability of electronic prescribing products, including no-cost or low-cost products;

and to regularly convene stakeholders to assess and accelerate the implementation of electronic prescribing.

(2) As used in this section, the term:

(a) "Electronic prescribing" means, at a minimum, the electronic review of the patient's medication history, the electronic generation of the patient's prescription, and the electronic transmission of the patient's prescription to a pharmacy.

(b) "Health care practitioner" means an individual authorized by law to prescribe drugs.

(3) The agency shall work in collaboration with private-sector electronic prescribing initiatives and relevant stakeholders to create a clearinghouse of information on electronic prescribing for health care practitioners, health care facilities, and pharmacies. These stakeholders shall include organizations that represent health care practitioners; organizations that represent health care facilities; organizations that represent pharmacies; organizations that operate electronic prescribing networks; organizations that create electronic prescribing products; and regional health information organizations. Specifically, the agency shall, by October 1, 2007:

(a) Provide on its website:

1. Information regarding the process of electronic prescribing and the availability of electronic prescribing products, including no-cost or low-cost products;

2. Information regarding the advantages of electronic prescribing, including using medication history data to prevent drug interactions, prevent allergic reactions, and deter doctor and pharmacy shopping for controlled substances;

3. Links to federal and private-sector websites that

provide guidance on selecting an appropriate electronic prescribing product; and

4. Links to state, federal, and private-sector incentive programs for the implementation of electronic prescribing.

(b) Convene quarterly meetings of the stakeholders to assess and accelerate the implementation of electronic prescribing.

(4) Pursuant to s. 408.061, the agency shall monitor the implementation of electronic prescribing by health care practitioners, health care facilities, and pharmacies. By January 31 of each year, the agency shall report on the progress of implementation of electronic prescribing to the Governor and the Legislature. Information reported pursuant to this subsection shall include federal and private-sector electronic prescribing initiatives and, to the extent that data is readily available from organizations that operate electronic prescribing networks, the number of health care practitioners using electronic prescribing and the number of prescriptions electronically transmitted.

Section 4. Section 893.065, Florida Statutes, is created to read:

893.065 Counterfeit-resistant prescription blanks for controlled substances listed in Schedule II, Schedule III, or Schedule IV.--The Department of Health shall develop and adopt by rule the form and content for a counterfeit-resistant prescription blank which may be used by practitioners for the purpose of prescribing a controlled substance listed in Schedule II, Schedule III, or Schedule IV. The Department of Health may require the prescription blanks to be printed on distinctive, watermarked paper and to bear the preprinted

name, address, and category of professional licensure of the practitioner and that practitioner's federal registry number for controlled substances. The prescription blanks may not be transferred.

Section 5. The penalties created in s. 831.311(2), Florida Statutes, by this act shall be effective only upon the adoption of the rules required pursuant to s. 893.065, Florida Statutes, as created by this act.

Section 6. If a person dies of an apparent drug overdose:

(1) A law enforcement agency shall prepare a report identifying each prescribed controlled substance listed in Schedule II, Schedule III, or Schedule IV of s. 893.03, Florida Statutes, which is found on or near the deceased or among the deceased's possessions. The report must identify the person who prescribed the controlled substance, if known or ascertainable. Thereafter, the law enforcement agency shall submit a copy of the report to the medical examiner.

(2) A medical examiner who is preparing a report pursuant to s. 406.11, Florida Statutes, shall include in the report information identifying each prescribed controlled substance listed in Schedule II, Schedule III, or Schedule IV of s. 893.03, Florida Statutes, that was found in, on, or near the deceased or among the deceased's possessions.

Section 7. The sum of $100,000 in nonrecurring general revenue is appropriated to the Agency for Health Care Administration to implement this act.

Section 8. This act shall take effect July 1, 2007.

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

And the title is amended as follows:

On page 1, line 17, through page 2, line 6, delete those lines

and insert:

prescription; creating s. 408.0611, F.S.; providing legislative intent; providing definitions; requiring the Agency for Health Care Administration to create a clearinghouse of information on electronic prescribing; requiring the agency to monitor and report on the implementation of electronic prescribing; creating s. 893.065, F.S.; requiring the department to develop and adopt by rule the form and content for a counterfeit-proof prescription blank for voluntary use by physicians in prescribing a controlled substance listed in Schedule II, Schedule III, or Schedule IV; providing that penalties shall become effective only upon adoption of rules; prescribing duties of law enforcement agencies and medical examiners when a person dies of an apparent drug overdoes; providing an appropriation; providing an effective date.