

Bill No. SB 518

Barcode 591416

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Comm: RCS
04/10/2007 04:49 PM

.
. .
. .
. .
. .
. .

The Committee on Criminal Justice (Bennett) recommended the following amendment:

Senate Amendment (with title amendment)

On page 7, line 8, through
page 10, line 4, delete those lines

and insert:

893.055 Prescription drug history.--

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

(a) "Agency" means the Agency for Health Care Administration.

(b) "Department" means the Department of Health.

(c) "Federal privacy laws" means the provisions relating to the disclosure of patient privacy information under federal law, including, but not limited to, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Pub. L. No. 104-91, and its implementing regulations, the Federal Privacy Act, 5 U.S.C. s. 552(a), and its implementing regulations, and any other federal law, including, but not limited to, federal common law and decisional law that would

Bill No. SB 518

Barcode 591416

1 prohibit the disclosure of patient privacy information.

2 (d) "Health care practitioner" means, with the
3 exception of a pharmacist, a practitioner licensed under
4 chapter 456 and authorized by law to prescribe drugs.

5 (e) "Pharmacy" means a pharmacy subject to licensure
6 or regulation by the department under chapter 465 which
7 dispenses or delivers a controlled substance listed in
8 Schedule II, Schedule III, or Schedule IV to a patient in this
9 state.

10 (2)(a) By June 30, 2008, the agency shall contract
11 with a vendor for the design and operation of a secure,
12 privacy-protected website that provides a health care
13 practitioner, pharmacy, or pharmacist access to comprehensive
14 patient medication history. In order to provide comprehensive
15 patient medication history, the agency shall require the
16 contracted vendor to subcontract with private-sector
17 organizations that currently operate electronic prescribing
18 networks that provide such medication history.

19 (b) The contracted vendor shall comply with all
20 applicable state and federal privacy laws and maintain the
21 website within the United States.

22 (c) The contracted vendor must create a system to
23 verify with the department that each health care practitioner,
24 pharmacy, or pharmacist requesting access to the website holds
25 a valid, active license.

26 (3) A health care practitioner authorized to access
27 the website may use only the website to obtain medication
28 history for a current patient for prescribing purposes with
29 the written permission of the patient.

30 (4) A pharmacy or pharmacist authorized to access the
31 website may use only the website to obtain medication history

Bill No. SB 518

Barcode 591416

1 in dispensing a current prescription for Schedule II, Schedule
 2 III, or Schedule IV medicinal drugs with the written
 3 permission of the patient. The pharmacy or pharmacist may not
 4 have access to pharmacy-identifying information within a
 5 patient's medication history.

6 (5) Recovery is not allowed in any court in this state
 7 against a health care practitioner, pharmacy, or pharmacist
 8 authorized to obtain information under this section for
 9 accessing or failing to access such information.

10 (6) A violation of this section by a health care
 11 practitioner, pharmacy, or pharmacist constitutes grounds for
 12 disciplinary action under each respective licensing chapter
 13 and s. 456.072(1)(k).

14 (7) Any contractor entering into a contract under this
 15 section is liable in tort for the improper release of any
 16 confidential information received, in addition to any breach
 17 of contract liability. Sovereign immunity may not be raised by
 18 the contractor, or the insurer of that contractor on the
 19 contractor's behalf, as a defense in any action arising out of
 20 the performance of any contract entered into under this
 21 section, as a defense in tort, in any other application
 22 regarding the maintenance of confidentiality of information,
 23 or for any breach of contract.

24
 25

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

27 And the title is amended as follows:

28 On page 1, line 19, through
 29 page 2, line 3, delete those lines

30
 31

and insert:

Bill No. SB 518

Barcode 591416

1 s. 893.055, F.S.; defining terms; requiring the
2 Agency for Health Care Administration to
3 contract for the creation of a website to
4 provide private-sector medication history to
5 certain pharmacies and health care
6 practitioners; providing limitations on use;
7 providing for liability for the improper
8 release of any confidential information;
9 precluding the use of specified legal defenses
10 by defendants in certain actions; providing
11 penalties; creating s. 893.065, F.S.; requiring

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31