

1 A bill to be entitled
 2 An act relating to monitoring the dispensing of controlled
 3 substances; creating s. 893.055, F.S.; providing
 4 definitions; requiring the Department of Health to
 5 establish a comprehensive electronic system to monitor the
 6 dispensing of certain controlled substances; requiring
 7 those who dispense certain controlled substances to submit
 8 specified information to the department; providing
 9 exceptions to reporting requirements; requiring that
 10 information be submitted in an approved electronic format;
 11 providing time periods for information submission;
 12 providing criminal penalties for violations; requiring
 13 rulemaking; providing requirements for system funding;
 14 providing an effective date.

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

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 18 Section 1. Section 893.055, Florida Statutes, is created
 19 to read:

20 893.055 Electronic monitoring system for the dispensing of
 21 certain controlled substances.--

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

23 (a) "Health care practitioner" or "practitioner" means any
 24 practitioner subject to licensure or regulation by the
 25 department under chapter 458, chapter 459, chapter 461, or
 26 chapter 466.

27 (b) "Pharmacy" means any pharmacy subject to licensure or
 28 regulation by the department under chapter 465, or that would be

29 subject to such licensure if it were located in this state, that
 30 dispenses a controlled substance listed in Schedule II, Schedule
 31 III, or Schedule IV to an individual or address in this state.

32 (2) No later than June 30, 2010, the department shall
 33 design and establish a comprehensive electronic system,
 34 consistent with standards of the American Society for Automation
 35 in Pharmacy, to monitor the prescribing and dispensing of
 36 controlled substances listed in Schedule II, Schedule III, and
 37 Schedule IV by health care practitioners and the dispensing of
 38 such controlled substances to an individual or address in this
 39 state by a pharmacy required to be permitted or registered by
 40 the Board of Pharmacy or through a dispensing transaction with a
 41 pharmacy not located in this state that is otherwise subject to
 42 the jurisdiction of this state as to that dispensing
 43 transaction. The department may contract with another state
 44 agency or with a private vendor to establish and maintain the
 45 system.

46 (3) Except as provided in subsection (4), each time a
 47 controlled substance listed in Schedule II, Schedule III, or
 48 Schedule IV is dispensed to an individual or address in this
 49 state, the pharmacy or dispensing practitioner shall report to
 50 the department information determined by rule of the department
 51 that shall include, but not be limited to, the following:

52 (a)1. The full name, address, date of birth, and social
 53 security number of the patient for whom, or the owner of the
 54 animal for which, the controlled substance is dispensed.

55 2. If the prescription is for an animal, the species of
 56 the animal for which the controlled substance is prescribed.

57 (b) The name, strength, quantity, and National Drug Code
 58 (NDC) number of the controlled substance dispensed.

59 (c) The full name, address, and federal controlled
 60 substance registry number of the prescribing practitioner.

61 (d) The date the prescription was issued by the
 62 prescribing practitioner.

63 (e) The full name, address, and federal controlled
 64 substance registry number of the pharmacy or dispensing
 65 practitioner.

66 (f) The date the prescription was filled by the pharmacy
 67 or dispensing practitioner.

68 (g) The number of the prescription as recorded in the
 69 prescription files of the pharmacy in which it is filled.

70 (4) This section does not apply to controlled substances:

71 (a) Administered by a health care practitioner directly to
 72 a patient.

73 (b) Dispensed by a health care practitioner authorized to
 74 prescribe controlled substances directly to a patient and
 75 limited to an amount adequate to treat the patient for a period
 76 of not more than 72 hours.

77 (c) Dispensed by a health care practitioner or a
 78 pharmacist to an inpatient of a facility that holds an
 79 institutional pharmacy permit.

80 (d) Ordered from an institutional pharmacy permitted under
 81 s. 465.019 in accordance with the institutional policy for such
 82 controlled substances.

83 (e) Administered by a health care practitioner to a
 84 patient or resident receiving care from a hospital, nursing

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85 home, assisted living facility, home health agency, hospice, or
86 intermediate care facility for the developmentally disabled that
87 is licensed in this state.

88 (5) A practitioner or pharmacist whose dispensing of a
89 controlled substance is required to be reported under this
90 section must submit the information required by this section in
91 an electronic or other format approved by rule of the
92 department. The cost to the practitioner or pharmacist in
93 submitting the information required by this section may not be
94 material or extraordinary.

95 (6) A practitioner or pharmacist who dispenses a
96 controlled substance under this section must, unless an
97 extension is approved by the department for cause, submit the
98 information required by subsection (3) within 14 days after
99 dispensing a controlled substance during the first year of the
100 system's operation and within 7 days after dispensing a
101 controlled substance in each year thereafter.

102 (7) Any person who knowingly fails to report the
103 dispensing of a controlled substance as required by this section
104 commits a misdemeanor of the first degree, punishable as
105 provided in s. 775.082 or s. 775.083.

106 (8) The department and the regulatory boards for the
107 health care practitioners subject to this section shall adopt
108 rules pursuant to ss. 120.536(1) and 120.54 to administer this
109 section.

110 (9) All costs incurred by the department in administering
111 the system shall be funded through federal, private, or grant

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112 | funding. State funds may be used to the extent that they are
113 | available.

114 | Section 2. This act shall take effect July 1, 2009.