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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/25/2013	.	
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The Committee on Appropriations (Grimsley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 399 - 459
and insert:

Section 8. Paragraph (b) of subsection (2), paragraph (b) of subsection (7), subsection (10), and paragraph (c) of subsection (11) of section 893.055, Florida Statutes, are amended to read:

893.055 Prescription drug monitoring program.—

(2)

(b) The department, ~~when the direct support organization receives at least \$20,000 in nonstate moneys or the state~~



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13 ~~receives at least \$20,000 in federal grants for the prescription~~
14 ~~drug monitoring program,~~ shall adopt rules as necessary
15 concerning the reporting, accessing the database, evaluation,
16 management, development, implementation, operation, security,
17 and storage of information within the system, including rules
18 for when patient advisory reports are provided to pharmacies and
19 prescribers. The patient advisory report shall be provided in
20 accordance with s. 893.13(7)(a)8. The department shall work with
21 the professional health care licensure boards, such as the Board
22 of Medicine, the Board of Osteopathic Medicine, and the Board of
23 Pharmacy; other appropriate organizations, such as the Florida
24 Pharmacy Association, the Florida Medical Association, the
25 Florida Retail Federation, and the Florida Osteopathic Medical
26 Association, including those relating to pain management; and
27 the Attorney General, the Department of Law Enforcement, and the
28 Agency for Health Care Administration to develop rules
29 appropriate for the prescription drug monitoring program.

30 (7)

31 (b) A pharmacy, prescriber, designated agent under the
32 supervision of a health care practitioner, or dispenser shall
33 have access to information in the prescription drug monitoring
34 program's database which relates to a patient of that pharmacy,
35 prescriber, or dispenser in a manner established by the
36 department as needed for the purpose of reviewing the patient's
37 controlled substance prescription history. Other access to the
38 program's database shall be limited to the program's manager and
39 to the designated program and support staff, who may act only at
40 the direction of the program manager or, in the absence of the
41 program manager, as authorized. Access by the program manager or



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42 such designated staff is for prescription drug program
43 management only or for management of the program's database and
44 its system in support of the requirements of this section and in
45 furtherance of the prescription drug monitoring program.
46 Confidential and exempt information in the database shall be
47 released only as provided in paragraph (c) and s. 893.0551. The
48 program manager, designated program and support staff who act at
49 the direction of or in the absence of the program manager, and
50 any individual who has similar access regarding the management
51 of the database from the prescription drug monitoring program
52 shall submit fingerprints to the department for background
53 screening. The department shall follow the procedure established
54 by the Department of Law Enforcement to request a statewide
55 criminal history record check and to request that the Department
56 of Law Enforcement forward the fingerprints to the Federal
57 Bureau of Investigation for a national criminal history record
58 check.

59 (10) All costs incurred by the department in administering
60 the prescription drug monitoring program shall be funded through
61 state funds, federal grants, or private funding applied for or
62 received by the state. The department may not commit funds for
63 the monitoring program without ensuring funding is available.
64 ~~The prescription drug monitoring program and the implementation~~
65 ~~thereof are contingent upon receipt of the nonstate funding.~~ The
66 department and state government shall cooperate with the direct-
67 support organization established pursuant to subsection (11) in
68 seeking state funds, federal grant funds, other nonstate grant
69 funds, gifts, donations, or other private moneys for the
70 department ~~if so long as~~ the costs of doing so are not



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71 considered material. Nonmaterial costs for this purpose include,
72 but are not limited to, the costs of mailing and personnel
73 assigned to research or apply for a grant. Notwithstanding the
74 exemptions to competitive-solicitation requirements under s.
75 287.057(3)(f), the department shall comply with the competitive-
76 solicitation requirements under s. 287.057 for the procurement
77 of any goods or services required by this section. ~~Funds~~
78 ~~provided, directly or indirectly, by prescription drug~~
79 ~~manufacturers may not be used to implement the program.~~

80 (11) The department may establish a direct-support
81 organization that has a board consisting of at least five
82 members to provide assistance, funding, and promotional support
83 for the activities authorized for the prescription drug
84 monitoring program.

85 (c) The State Surgeon General shall appoint a board of
86 directors for the direct-support organization. Members of the
87 board shall serve at the pleasure of the State Surgeon General.
88 The State Surgeon General shall provide guidance to members of
89 the board to ensure that moneys received by the direct-support
90 organization are not received from inappropriate sources.
91 Inappropriate sources include, but are not limited to, donors,
92 grantors, persons, ~~or~~ organizations, or pharmaceutical
93 companies, that may monetarily or substantively benefit from the
94 purchase of goods or services by the department in furtherance
95 of the prescription drug monitoring program.

96 Section 9. Paragraphs (d) and (e) of subsection (3) of
97 section 893.0551, Florida Statutes, are amended to read:

98 893.0551 Public records exemption for the prescription drug
99 monitoring program.—



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100 (3) The department shall disclose such confidential and
101 exempt information to the following entities after using a
102 verification process to ensure the legitimacy of that person's
103 or entity's request for the information:

104 (d) A health care practitioner or a designated agent under
105 his or her supervision who certifies that the information is
106 necessary to provide medical treatment to a current patient in
107 accordance with ss. 893.05 and 893.055.

108 (e) A pharmacist or a designated agent under his or her
109 supervision who certifies that the requested information will be
110 used to dispense controlled substances to a current patient in
111 accordance with ss. 893.04 and 893.055.

112
113 ===== T I T L E A M E N D M E N T =====

114 And the title is amended as follows:

115 Delete lines 36 - 44

116 and insert:

117 development; amending s. 893.055, F.S.; deleting
118 obsolete provisions; requiring a designated agent
119 under the supervision of a health care practitioner to
120 have access to information in the prescription drug
121 monitoring program's database; deleting a provision
122 that prohibits funds from prescription drug
123 manufacturers to be used to implement the prescription
124 drug monitoring program; authorizing the prescription
125 drug monitoring program to be funded by state funds;
126 revising the sources of money which are inappropriate
127 for the direct-support organization of the
128 prescription drug monitoring program to receive;



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129 amending s. 893.0551, F.S.; requiring the Department
130 of Health to disclose certain confidential and exempt
131 information to a designated agent of a health care
132 practitioner or pharmacist under certain
133 circumstances;