

HB 639

2013

1 A bill to be entitled
2 An act relating to practitioners; amending s. 401.34,
3 F.S.; reorganizing provisions relating to license fees
4 for certain practitioners; amending s. 456.076, F.S.;
5 providing that the Department of Financial Services
6 shall defend certain claims, suits, actions, or
7 proceedings for injunctive, affirmative, or
8 declaratory relief involving emergency interventions
9 on behalf of impaired practitioners; amending s.
10 893.055, F.S.; defining the term "impaired
11 practitioner consultant"; providing that impaired
12 practitioner consultants retained by the Department of
13 Health have access to information in the prescription
14 drug monitoring program's database in certain
15 circumstances; amending s. 893.0551, F.S.; defining
16 the term "impaired practitioner consultant"; allowing
17 impaired practitioner consultants access to certain
18 confidential information in the prescription drug
19 monitoring program's database when necessary to
20 evaluate or monitor a practitioner as part of a
21 treatment program for impaired practitioners;
22 providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. Subsections (2) through (7) of section 401.34,
27 Florida Statutes, are renumbered as subsections (3) through (8),
28 respectively, and subsection (1) of that section is reorganized

29 and amended, and a new subsection (2) is created, to read:

30 401.34 Fees.—

31 (1) Each organization ~~or person~~ subject to this part must
32 pay to the department the following nonrefundable fees:

33 (a) Basic life support service license application: \$660,
34 to be paid biennially.

35 (b) Advanced life support service license application:
36 \$1,375, to be paid biennially.

37 (c) Original or renewal vehicle permit application for
38 basic or advanced life support: \$25, to be paid biennially.

39 (d) ~~(j)~~ Air ambulance service application: \$1,375, to be
40 paid biennially.

41 (e) ~~(k)~~ Original or renewal aircraft permit application for
42 air ambulance: \$25, to be paid biennially.

43 (2) Each person subject to this part must pay to the
44 department the following nonrefundable fees, and these fees must
45 be deposited into the Medical Quality Assurance Trust Fund:

46 (a) ~~(d)~~ Emergency medical technician certification
47 examination application: \$40.

48 (b) ~~(e)~~ Emergency medical technician original certificate
49 application: \$35.

50 (c) ~~(f)~~ Emergency medical technician renewal certificate
51 application: \$20, to be paid biennially.

52 (d) ~~(g)~~ Paramedic certification examination application:
53 \$40.

54 (e) ~~(h)~~ Paramedic original certificate application: \$45.

55 (f) ~~(i)~~ Paramedic renewal certificate application: \$45, to
56 be paid biennially.

57 Section 2. Paragraph (b) of subsection (7) of section
 58 456.076, Florida Statutes, is amended to read:

59 456.076 Treatment programs for impaired practitioners.—
 60 (7)

61 (b) In accordance with s. 284.385, the Department of
 62 Financial Services shall defend any claim, suit, action, or
 63 proceeding, including a claim, suit, action, or proceeding for
 64 injunctive, affirmative, or declaratory relief, against the
 65 consultant, the consultant's officers or employees, or those
 66 acting at the direction of the consultant for the limited
 67 purpose of an emergency intervention on behalf of a licensee or
 68 student as described in subsection (2) when the consultant is
 69 unable to perform such intervention, which claim, suit, action,
 70 or proceeding is brought as a result of an ~~any~~ act or omission
 71 by any of the consultant's officers and employees and those
 72 acting under the direction of the consultant for the limited
 73 purpose of an emergency intervention on behalf of the ~~a~~ licensee
 74 or student ~~as described in subsection (2)~~ when the consultant is
 75 unable to perform such intervention, if the ~~when such~~ act or
 76 omission arises out of and is in the scope of the consultant's
 77 duties under its contract with the department.

78 Section 3. Paragraphs (f) through (j) of subsection (1) of
 79 section 893.055, Florida Statutes, are redesignated as
 80 paragraphs (g) through (k), respectively, a new paragraph (f) is
 81 added to that subsection, and paragraph (b) of subsection (7) of
 82 that section is amended, to read:

83 893.055 Prescription drug monitoring program.—

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

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85 (f) "Impaired practitioner consultant" means a consultant
86 retained by the department under s. 456.076.

87 (7)

88 (b)1. A pharmacy, prescriber, or dispenser shall have
89 access to information in the prescription drug monitoring
90 program's database which relates to a patient of that pharmacy,
91 prescriber, or dispenser in a manner established by the
92 department as needed for the purpose of reviewing the patient's
93 controlled substance prescription history.

94 2. An impaired practitioner consultant who is retained by
95 the department shall have access to information in the
96 prescription drug monitoring program's database, in a manner
97 established by the department, if:

98 a. The impaired practitioner has a documented or has
99 acknowledged history of controlled substance abuse.

100 b. The impaired practitioner agrees in writing to be
101 evaluated and monitored through the prescription drug monitoring
102 program.

103 c. The impaired practitioner consultant has access to only
104 those records of impaired practitioners who have provided
105 written consent.

106 3. Other access to the program's database shall be limited
107 to the program's manager and to the designated program and
108 support staff, who may act only at the direction of the program
109 manager or, in the absence of the program manager, as
110 authorized. Access by the program manager or such designated
111 staff is for prescription drug program management only or for
112 management of the program's database and its system in support

113 of the requirements of this section and in furtherance of the
114 prescription drug monitoring program. Confidential and exempt
115 information in the database shall be released only as provided
116 in paragraph (c) and s. 893.0551. The program manager,
117 designated program and support staff who act at the direction of
118 or in the absence of the program manager, and any individual who
119 has similar access regarding the management of the database from
120 the prescription drug monitoring program shall submit
121 fingerprints to the department for background screening. The
122 department shall follow the procedure established by the
123 Department of Law Enforcement to request a statewide criminal
124 history record check and to request that the Department of Law
125 Enforcement forward the fingerprints to the Federal Bureau of
126 Investigation for a national criminal history record check.

127 Section 4. Paragraphs (e) through (h) of subsection (1) of
128 section 893.0551, Florida Statutes, are redesignated as
129 paragraphs (f) through (i), respectively, a new paragraph (e) is
130 added to that subsection, and paragraph (h) is added to
131 subsection (3) of that section, to read:

132 893.0551 Public records exemption for the prescription
133 drug monitoring program.—

134 (1) For purposes of this section, the term:

135 (e) "Impaired practitioner consultant" has the same
136 meaning as provided in s. 893.055.

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

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141 (h) An impaired practitioner consultant who certifies in
142 writing that the information is necessary to evaluate or monitor
143 a practitioner as part of a treatment program for impaired
144 practitioners.

145 Section 5. This act shall take effect July 1, 2013.