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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/04/2014	.	
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The Committee on Health Policy (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 119 - 165
and insert:
substances and that has obtained a court order issued by a court of competent jurisdiction upon a showing of reasonable suspicion of potential criminal activity, fraud, or theft regarding prescribed controlled substances. The law enforcement agency may disclose to a criminal justice agency as defined in s. 119.011 only ~~the~~ confidential and exempt information received from the



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11 ~~department which is relevant to a criminal justice agency as~~
12 ~~defined in s. 119.011 as part of an active investigation that~~
13 ~~prompted the request for the information that is specific to a~~
14 ~~violation of prescription drug abuse or prescription drug~~
15 ~~diversion law as it relates to controlled substances. Before~~
16 ~~disclosing any information to a criminal justice agency, a law~~
17 ~~enforcement agency must take steps to ensure the continued~~
18 ~~confidentiality of all confidential and exempt information. At a~~
19 ~~minimum, these steps must include redacting or deleting all~~
20 ~~nonrelevant information.~~ A law enforcement agency may request
21 information from the department but may not have direct access
22 to its database.

23 (d) A health care practitioner who certifies that the
24 information is necessary to provide medical treatment to a
25 current patient in accordance with ss. 893.05 and 893.055. A
26 health care practitioner who receives a current patient's
27 confidential and exempt information under this subsection may
28 disclose such information to the patient or the patient's legal
29 representative. Upon the patient's or the legal representative's
30 written consent, the health care practitioner may place such
31 information in the patient's medical record, including
32 electronic medical records, and may disclose such information
33 subject to the requirements of s. 456.057.

34 (e) A pharmacist who certifies that the requested
35 information will be used to dispense controlled substances to a
36 current patient in accordance with ss. 893.04 and 893.055.

37 (f) A patient or the legal guardian or designated health
38 care surrogate for an incapacitated patient, if applicable,
39 making a request as provided in s. 893.055(7)(c)4.



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40 (g) The patient's pharmacy, prescriber, or dispenser who
41 certifies that the information is necessary to provide medical
42 treatment to his or her current patient in accordance with s.
43 893.055.

44 (4) If the department determines that there exists a
45 pattern of controlled substance abuse consistent with department
46 rules for identifying indicators of abuse, the department may
47 shall disclose relevant such confidential and exempt information
48 that does not include personal identifying information to the
49 applicable law enforcement agency in accordance with s.
50 893.055(7)(f). The law enforcement agency may use such
51 information to support a court order pursuant to paragraph
52 (3)(c)

53
54 ===== T I T L E A M E N D M E N T =====
55 And the title is amended as follows:

56 Delete lines 18 - 29
57 and insert:

58 to obtain a court order before such agency may receive
59 information from the prescription drug monitoring
60 database; authorizing a health care practitioner to
61 share a patient's information with that patient and
62 put such information in the patient's medical record
63 upon consent; authorizing the department to disclose,
64 under certain circumstances, relevant information that
65 does not include personal identifying information to a
66 law enforcement agency, rather than requiring the
67 department to disclose confidential and exempt
68 information; authorizing a law enforcement agency to



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use specified information to support a court order,