



488238

LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: SENAl/CA
04/24/2014 04:53 PM	.	05/02/2014 02:31 PM
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Senator Bean moved the following:

**Senate Amendment (with title amendment)**

Delete lines 97 - 146

and insert:

(c) A law enforcement agency that has initiated an active investigation involving a specific violation of law regarding prescription drug abuse or diversion of prescribed controlled substances and that has entered into a user agreement with the department. A law enforcement agency may request information from the department but may not have direct access to its database. The law enforcement agency may disclose to a criminal



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12 justice agency, as defined in s. 119.011, only the confidential  
13 and exempt information received from the department that is  
14 relevant to a criminal justice agency as defined in s. 119.011  
15 as part of an identified active investigation that prompted the  
16 request for such information is specific to a violation of  
17 prescription drug abuse or prescription drug diversion law as it  
18 relates to controlled substances. A law enforcement agency may  
19 request information from the department but may not have direct  
20 access to its database.

21 (d) A health care practitioner who certifies that the  
22 information is necessary to provide medical treatment to a  
23 current patient in accordance with ss. 893.05 and 893.055.

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

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

30 (g) The patient's pharmacy, prescriber, or dispenser who  
31 certifies that the information is necessary to provide medical  
32 treatment to his or her current patient in accordance with s.  
33 893.055.

34 (h) An impaired practitioner consultant who is retained by  
35 the department under s. 456.076 for the purpose of reviewing the  
36 controlled substance prescription history of a practitioner who  
37 has agreed to be evaluated or monitored by the consultant. An  
38 impaired practitioner consultant may request information from  
39 the department but may not have direct access to the database.

40 (4) If the department determines consistent with its rules



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41 that a pattern of controlled substance abuse exists, the  
42 department may ~~shall~~ disclose such confidential and exempt  
43 information to the applicable law enforcement agency in  
44 accordance with s. 893.055(7)(f). The law enforcement agency may  
45 disclose to a criminal justice agency, as defined in s. 119.011,  
46 only ~~the~~ confidential and exempt information received from the  
47 department that is relevant to a ~~criminal justice agency as~~  
48 ~~defined in s. 119.011 as part of~~ an identified active  
49 investigation that is specific to a violation of s.  
50 893.13(7)(a)8., s. 893.13(8)(a), or s. 893.13(8)(b).

51 (5) Before disclosing confidential and exempt information  
52 to a criminal justice agency or a law enforcement agency  
53 pursuant to this section, the disclosing person or entity must  
54 take steps to ensure the continued confidentiality of all  
55 confidential and exempt information. At a minimum, these steps  
56 must include redacting any nonrelevant information.

57 (6)(5) ~~An~~ Any agency or person who obtains any ~~such~~  
58 confidential and exempt information pursuant to this section  
59 must maintain the confidential and exempt status of that  
60 information and may not disclose such information unless  
61 authorized by law. Information shared with a state attorney  
62 pursuant to paragraph (3)(a) or paragraph (3)(c) may be released  
63 only in response to a discovery demand if such information is  
64 directly related to the criminal case for which the information  
65 was requested. Unrelated information may be released only upon  
66 an order of a court of competent jurisdiction.

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

71 And the title is amended as follows:

72 Delete lines 12 - 20

73 and insert:

74 requiring a law enforcement agency to enter into a  
75 user agreement before such agency may receive  
76 information from the prescription drug monitoring  
77 database; authorizing certain impaired practitioner  
78 consultants indirect access to information for a  
79 specified purpose; requiring the Attorney General,  
80 health care regulatory boards, and law enforcement  
81 agencies to take certain steps to ensure the continued  
82 confidentiality of all nonrelevant confidential and  
83 exempt information before disclosing such information;  
84 authorizing the department to disclose, under certain  
85 circumstances, relevant information to a law  
86 enforcement agency, rather than requiring the  
87 department to disclose confidential and exempt  
88 information; prohibiting an agency or person who  
89 obtains specified confidential and exempt information  
90 from disclosing such information except under certain  
91 circumstances; saving the

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