

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health Quality
2 Subcommittee

3 Representative Duran offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (4) and paragraph (g) of subsection
8 (5), and paragraphs (a) and (b) of subsection (7) of section
9 893.055, Florida Statutes, are amended to read:

10 893.055 Prescription drug monitoring program.—

11 (4) Each time a controlled substance is dispensed to an
12 individual, the controlled substance shall be reported to the
13 department through the system as soon thereafter as possible,
14 but no later than the close of the next business day ~~not more~~
15 ~~than 7 days~~ after the day ~~date~~ the controlled substance is
16 dispensed unless an extension is approved by the department for

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17 cause as determined by rule. A dispenser must meet the reporting
18 requirements of this section by submitting via the department-
19 approved electronic system ~~providing~~ the required information
20 concerning each controlled substance that it dispensed ~~in a~~
21 ~~department approved, secure methodology and format. Such~~
22 ~~approved formats may include, but are not limited to, submission~~
23 ~~via the Internet, on a disc, or by use of regular mail.~~

24 (5) When the following acts of dispensing or administering
25 occur, the following are exempt from reporting under this
26 section for that specific act of dispensing or administration:

27 (g) A rehabilitative hospital, assisted living facility,
28 or nursing home dispensing a certain dosage of a controlled
29 substance, as needed, to a patient while the patient is present
30 and receiving care as ordered by the patient's treating
31 physician.

32 (7) (a) A practitioner or pharmacist who dispenses a
33 controlled substance must submit the information required by
34 this section in an electronic ~~or other~~ method in an ASAP format
35 approved by rule of the department unless otherwise provided in
36 this section. The cost to the dispenser in submitting the
37 information required by this section may not be material or
38 extraordinary. Costs not considered to be material or
39 extraordinary include, but are not limited to, regular postage,
40 electronic media, regular electronic mail, and facsimile
41 charges.

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42 (b) A pharmacy, prescriber, or dispenser, or the designee
43 of a pharmacy, prescriber, or dispenser, shall have access to
44 information in the prescription drug monitoring program's
45 database which relates to a patient of that pharmacy,
46 prescriber, or dispenser in a manner established by the
47 department as needed for the purpose of reviewing the patient's
48 controlled substance prescription history. An employee of the
49 United States Department of Veterans' Affairs who provides
50 health care services pursuant to such employment and has the
51 authority to prescribe controlled substances shall have access
52 to the information in the prescription drug monitoring program's
53 database in a manner established by the department. Such access
54 is limited to the information that relates to a patient of such
55 employee and may only be accessed for the purpose of reviewing
56 the patient's controlled substance prescription history. Other
57 access to the program's database shall be limited to the
58 program's manager and to the designated program and support
59 staff, who may act only at the direction of the program manager
60 or, in the absence of the program manager, as authorized. Access
61 by the program manager or such designated staff is for
62 prescription drug program management only or for management of
63 the program's database and its system in support of the
64 requirements of this section and in furtherance of the
65 prescription drug monitoring program. Confidential and exempt
66 information in the database shall be released only as provided

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67 in paragraph (c) and s. 893.0551. The program manager,
68 designated program and support staff who act at the direction of
69 or in the absence of the program manager, and any individual who
70 has similar access regarding the management of the database from
71 the prescription drug monitoring program shall submit
72 fingerprints to the department for background screening. The
73 department shall follow the procedure established by the
74 Department of Law Enforcement to request a statewide criminal
75 history record check and to request that the Department of Law
76 Enforcement forward the fingerprints to the Federal Bureau of
77 Investigation for a national criminal history record check.

78 Section 2. The requirement that the dispensing of a
79 controlled substance be reported to the Department of Health no
80 later than the next business day in s. 893.055(4), Florida
81 Statutes, as amended by this act, shall take effect January 1,
82 2018.

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84 **T I T L E A M E N D M E N T**

85 Remove line 7 and insert:
86 dispensing controlled substances; authorizing certain employees
87 of the United States Department of Veterans' Affairs access to
88 certain information in the prescription drug monitoring
89 program's database; specifying when a