

1 A bill to be entitled
 2 An act relating to the prescription drug monitoring
 3 program; amending s. 893.055, F.S.; revising
 4 requirements for reporting the dispensing of
 5 controlled substances; limiting an exception to
 6 reporting requirements for certain facilities
 7 dispensing controlled substances; authorizing certain
 8 employees of the United States Department of Veterans
 9 Affairs access to certain information in the
 10 prescription drug monitoring program's database;
 11 specifying when a revised reporting requirement takes
 12 effect; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

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 16 Section 1. Subsection (4), paragraph (g) of subsection
 17 (5), and paragraphs (a) and (b) of subsection (7) of section
 18 893.055, Florida Statutes, are amended to read:

19 893.055 Prescription drug monitoring program.—

20 (4) Each time a controlled substance is dispensed to an
 21 individual, the controlled substance shall be reported to the
 22 department through the system as soon thereafter as possible,
 23 but no later than the close of the next business day ~~not more~~
 24 ~~than 7 days~~ after the day ~~date~~ the controlled substance is
 25 dispensed unless an extension is approved by the department for

26 | cause as determined by rule. A dispenser must meet the reporting
27 | requirements of this section by submitting via the department-
28 | approved electronic system ~~providing~~ the required information
29 | concerning each controlled substance that it dispensed ~~in a~~
30 | ~~department approved, secure methodology and format. Such~~
31 | ~~approved formats may include, but are not limited to, submission~~
32 | ~~via the Internet, on a disc, or by use of regular mail.~~

33 | (5) When the following acts of dispensing or administering
34 | occur, the following are exempt from reporting under this
35 | section for that specific act of dispensing or administration:

36 | (g) A rehabilitative hospital, assisted living facility,
37 | or nursing home dispensing a certain dosage of a controlled
38 | substance, as needed, to a patient while the patient is present
39 | and receiving care as ordered by the patient's treating
40 | physician.

41 | (7) (a) A practitioner or pharmacist who dispenses a
42 | controlled substance must submit the information required by
43 | this section in an electronic ~~or other~~ method in an ASAP format
44 | approved by rule of the department unless otherwise provided in
45 | this section. The cost to the dispenser in submitting the
46 | information required by this section may not be material or
47 | extraordinary. Costs not considered to be material or
48 | extraordinary include, but are not limited to, regular postage,
49 | electronic media, regular electronic mail, and facsimile
50 | charges.

51 (b) A pharmacy, prescriber, or dispenser, or the designee
52 of a pharmacy, prescriber, or dispenser, shall have access to
53 information in the prescription drug monitoring program's
54 database which relates to a patient of that pharmacy,
55 prescriber, or dispenser in a manner established by the
56 department as needed for the purpose of reviewing the patient's
57 controlled substance prescription history. An employee of the
58 United States Department of Veterans Affairs who provides health
59 care services pursuant to such employment and has the authority
60 to prescribe controlled substances shall have access to the
61 information in the program's database in a manner established by
62 the department. Such access is limited to the information that
63 relates to a patient of such employee and may only be accessed
64 for the purpose of reviewing the patient's controlled substance
65 prescription history. Other access to the program's database
66 shall be limited to the program's manager and to the designated
67 program and support staff, who may act only at the direction of
68 the program manager or, in the absence of the program manager,
69 as authorized. Access by the program manager or such designated
70 staff is for prescription drug program management only or for
71 management of the program's database and its system in support
72 of the requirements of this section and in furtherance of the
73 prescription drug monitoring program. Confidential and exempt
74 information in the database shall be released only as provided
75 in paragraph (c) and s. 893.0551. The program manager,

76 | designated program and support staff who act at the direction of
77 | or in the absence of the program manager, and any individual who
78 | has similar access regarding the management of the database from
79 | the prescription drug monitoring program shall submit
80 | fingerprints to the department for background screening. The
81 | department shall follow the procedure established by the
82 | Department of Law Enforcement to request a statewide criminal
83 | history record check and to request that the Department of Law
84 | Enforcement forward the fingerprints to the Federal Bureau of
85 | Investigation for a national criminal history record check.

86 | Section 2. The requirement that the dispensing of a
87 | controlled substance be reported to the Department of Health no
88 | later than the next business day in s. 893.055(4), Florida
89 | Statutes, as amended by this act, shall take effect January 1,
90 | 2018.

91 | Section 3. This act shall take effect July 1, 2017.