



199576

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2017	.	
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The Committee on Governmental Oversight and Accountability (Clemens) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 20 - 120  
and insert:

Section 1. The Legislature finds that the road to drug addiction may begin as early as 3 days after the initiation of opioid treatment for acute pain. Because of the potentially devastating effects of such addiction, the Legislature also finds that awareness of this potentially life-threatening problem must be raised among Florida's physicians. The



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11 Department of Health is directed to include as part of a  
12 physician's continuing medical education requirements  
13 information on the risks of opioid addiction following even  
14 brief periods of treatment in the management of acute pain.

15 Section 2. Subsection (4), paragraph (g) of subsection (5),  
16 and paragraphs (a) and (b) of subsection (7) of section 893.055,  
17 Florida Statutes, are amended to read:

18 893.055 Prescription drug monitoring program.—

19 (4) Each time a controlled substance is dispensed to an  
20 individual, the controlled substance shall be reported to the  
21 department through the system as soon thereafter as possible,  
22 but no later than the close of the next business day ~~not more~~  
23 ~~than 7 days~~ after the day ~~date~~ the controlled substance is  
24 dispensed unless an extension is approved by the department for  
25 cause as determined by rule. A dispenser must meet the reporting  
26 requirements of this section by submitting via the department-  
27 approved electronic system ~~providing~~ the required information  
28 concerning each controlled substance that it dispensed ~~in a~~  
29 ~~department-approved, secure methodology and format. Such~~  
30 ~~approved formats may include, but are not limited to, submission~~  
31 ~~via the Internet, on a disc, or by use of regular mail.~~

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

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



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

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



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69 staff is for prescription drug program management only or for  
70 management of the program's database and its system in support  
71 of the requirements of this section and in furtherance of the  
72 prescription drug monitoring program. Confidential and exempt  
73 information in the database shall be released only as provided  
74 in paragraph (c) and s. 893.0551. The program manager,  
75 designated program and support staff who act at the direction of  
76 or in the absence of the program manager, and any individual who  
77 has similar access regarding the management of the database from  
78 the prescription drug monitoring program shall submit  
79 fingerprints to the department for background screening. The  
80 department shall follow the procedure established by the  
81 Department of Law Enforcement to request a statewide criminal  
82 history record check and to request that the Department of Law  
83 Enforcement forward the fingerprints to the Federal Bureau of  
84 Investigation for a national criminal history record check.

85 Section 3. The requirement in s. 893.055(4), Florida  
86 Statutes, as amended by this act, that the dispensing of a  
87 controlled substance be reported to the Department of Health no  
88 later than the next business day shall take effect January 1,  
89 2018.

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

92 And the title is amended as follows:

93 Delete lines 3 - 15

94 and insert:

95 providing legislative findings; directing the  
96 Department of Health to include information on the  
97 risks of opioid addiction as part of a physician's



98 continuing medical education requirements; amending s.  
99 893.055, F.S.; revising requirements for reporting the  
100 dispensing of controlled substances; limiting an  
101 exception to reporting requirements for certain  
102 facilities that dispense controlled substances;  
103 authorizing certain employees of the United States  
104 Department of Veterans Affairs access to certain  
105 information in the prescription drug monitoring  
106 program's database; specifying when a revised  
107 reporting requirement takes effect;