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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
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The Committee on Health Policy (Clemens) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (a) through (g) of subsection (1) of section 456.44, Florida Statutes, are redesignated as paragraphs (b) through (h), respectively, a new paragraph (a) is added to that subsection, and subsection (4) is added to that section, to read:

456.44 Controlled substance prescribing.—



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11 (1) DEFINITIONS.—As used in this section, the term:

12 (a) “Acute pain” means the normal, predicted,
13 physiological, and time-limited response to an adverse chemical,
14 thermal, or mechanical stimulus associated with surgery, trauma,
15 or acute illness.

16 (4) INITIAL PRESCRIPTION QUANTITY.—For the initial
17 prescription of opioids for the treatment or alleviation of
18 acute pain, the prescription must be limited to a quantity not
19 to exceed 5 days.

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

23 893.055 Prescription drug monitoring program.—

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

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



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

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

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



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

90 Section 3. The requirement in s. 893.055(4), Florida
91 Statutes, as amended by this act, that the dispensing of a
92 controlled substance be reported to the Department of Health no
93 later than the next business day shall take effect January 1,
94 2018.

95 Section 4. Paragraph (b) of subsection (4) of section
96 463.0055, Florida Statutes, is amended to read:

97 463.0055 Administration and prescription of ocular



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98 pharmaceutical agents.-

99 (4) A certified optometrist shall be issued a prescriber
100 number by the board. Any prescription written by a certified
101 optometrist for an ocular pharmaceutical agent pursuant to this
102 section shall have the prescriber number printed thereon. A
103 certified optometrist may not administer or prescribe:

104 (b) A controlled substance for the treatment of chronic
105 nonmalignant pain as defined in s. 456.44 ~~456.44(1)(e)~~.

106 Section 5. Except as otherwise expressly provided in this
107 act, this act shall take effect July 1, 2017.

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

110 And the title is amended as follows:

111 Delete everything before the enacting clause
112 and insert:

113 A bill to be entitled
114 An act relating to controlled substance prescribing;
115 amending s. 456.44, F.S.; defining the term "acute
116 pain"; limiting the quantity of opioids that may be
117 prescribed for acute pain in certain circumstances;
118 amending s. 893.055, F.S.; revising requirements for
119 reporting the dispensing of controlled substances;
120 limiting an exception to reporting requirements for
121 certain facilities that dispense controlled
122 substances; authorizing certain employees of the
123 United States Department of Veterans Affairs access to
124 certain information in the prescription drug
125 monitoring program's database; specifying when a
126 revised reporting requirement takes effect; amending



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s. 463.0055, F.S.; conforming a cross-reference;
providing effective dates.