

By the Committee on Health Policy; and Senator Clemens

588-03385-17

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1 A bill to be entitled
2 An act relating to controlled substance prescribing;
3 amending s. 456.44, F.S.; defining the term "acute
4 pain"; limiting the quantity of opioids that may be
5 prescribed for acute pain in certain circumstances;
6 amending s. 893.055, F.S.; revising requirements for
7 reporting the dispensing of controlled substances;
8 limiting an exception to reporting requirements for
9 certain facilities that dispense controlled
10 substances; authorizing certain employees of the
11 United States Department of Veterans Affairs access to
12 certain information in the prescription drug
13 monitoring program's database; specifying when a
14 revised reporting requirement takes effect; amending
15 s. 463.0055, F.S.; conforming a cross-reference;
16 providing effective dates.

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18 Be It Enacted by the Legislature of the State of Florida:

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

25 456.44 Controlled substance prescribing.—

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

27 (a) "Acute pain" means the normal, predicted,
28 physiological, and time-limited response to an adverse chemical,
29 thermal, or mechanical stimulus associated with surgery, trauma,

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30 or acute illness.

31 (4) INITIAL PRESCRIPTION QUANTITY.—For the initial
32 prescription of opioids for the treatment or alleviation of
33 acute pain, the prescription must be limited to a quantity not
34 to exceed 5 days.

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

38 893.055 Prescription drug monitoring program.—

39 (4) Each time a controlled substance is dispensed to an
40 individual, the controlled substance shall be reported to the
41 department through the system as soon thereafter as possible,
42 but no later than the close of the next business day ~~not more~~
43 ~~than 7 days~~ after the day ~~date~~ the controlled substance is
44 dispensed unless an extension is approved by the department for
45 cause as determined by rule. A dispenser must meet the reporting
46 requirements of this section by submitting via the department-
47 approved electronic system ~~providing~~ the required information
48 concerning each controlled substance that it dispensed ~~in a~~
49 ~~department approved, secure methodology and format. Such~~
50 ~~approved formats may include, but are not limited to, submission~~
51 ~~via the Internet, on a disc, or by use of regular mail.~~

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

55 (g) A rehabilitative hospital, assisted living facility, or
56 nursing home dispensing a certain dosage of a controlled
57 substance, as needed, to a patient while the patient is present
58 and receiving care as ordered by the patient's treating

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59 physician.

60 (7) (a) A practitioner or pharmacist who dispenses a
61 controlled substance must submit the information required by
62 this section in an electronic ~~or other~~ method in an ASAP format
63 approved by rule of the department unless otherwise provided in
64 this section. The cost to the dispenser in submitting the
65 information required by this section may not be material or
66 extraordinary. Costs not considered to be material or
67 extraordinary include, but are not limited to, regular postage,
68 electronic media, regular electronic mail, and facsimile
69 charges.

70 (b) A pharmacy, prescriber, or dispenser, or the designee
71 of a pharmacy, prescriber, or dispenser, shall have access to
72 information in the prescription drug monitoring program's
73 database which relates to a patient of that pharmacy,
74 prescriber, or dispenser in a manner established by the
75 department as needed for the purpose of reviewing the patient's
76 controlled substance prescription history. An employee of the
77 United States Department of Veterans Affairs who provides health
78 care services pursuant to such employment and has the authority
79 to prescribe controlled substances shall have access to the
80 information in the program's database in a manner established by
81 the department. Such access is limited to the information that
82 relates to a patient of such employee and may only be accessed
83 for the purpose of reviewing the patient's controlled substance
84 prescription history. Other access to the program's database
85 shall be limited to the program's manager and to the designated
86 program and support staff, who may act only at the direction of
87 the program manager or, in the absence of the program manager,

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88 as authorized. Access by the program manager or such designated
89 staff is for prescription drug program management only or for
90 management of the program's database and its system in support
91 of the requirements of this section and in furtherance of the
92 prescription drug monitoring program. Confidential and exempt
93 information in the database shall be released only as provided
94 in paragraph (c) and s. 893.0551. The program manager,
95 designated program and support staff who act at the direction of
96 or in the absence of the program manager, and any individual who
97 has similar access regarding the management of the database from
98 the prescription drug monitoring program shall submit
99 fingerprints to the department for background screening. The
100 department shall follow the procedure established by the
101 Department of Law Enforcement to request a statewide criminal
102 history record check and to request that the Department of Law
103 Enforcement forward the fingerprints to the Federal Bureau of
104 Investigation for a national criminal history record check.

105 Section 3. The requirement in s. 893.055(4), Florida
106 Statutes, as amended by this act, that the dispensing of a
107 controlled substance be reported to the Department of Health no
108 later than the next business day shall take effect January 1,
109 2018.

110 Section 4. Paragraph (b) of subsection (4) of section
111 463.0055, Florida Statutes, is amended to read:

112 463.0055 Administration and prescription of ocular
113 pharmaceutical agents.—

114 (4) A certified optometrist shall be issued a prescriber
115 number by the board. Any prescription written by a certified
116 optometrist for an ocular pharmaceutical agent pursuant to this

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117 section shall have the prescriber number printed thereon. A
118 certified optometrist may not administer or prescribe:

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

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