

By the Committees on Governmental Oversight and Accountability;
and Health Policy; and Senator Clemens

585-03973-17

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1 A bill to be entitled
2 An act relating to controlled substance prescribing;
3 providing legislative findings; directing the
4 Department of Health to include information on the
5 risks of opioid addiction as part of a practitioner's
6 continuing medical education requirements; amending s.
7 893.055, F.S.; revising requirements for reporting the
8 dispensing of controlled substances; limiting an
9 exception to reporting requirements for certain
10 facilities that dispense controlled substances;
11 authorizing certain employees of the United States
12 Department of Veterans Affairs access to certain
13 information in the prescription drug monitoring
14 program's database; specifying when a revised
15 reporting requirement takes effect; providing
16 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. The Legislature finds that the road to drug
21 addiction may begin as early as 3 days after the initiation of
22 opioid treatment for acute pain. Because of the potentially
23 devastating effects of such addiction, the Legislature also
24 finds that awareness of this potentially life-threatening
25 problem must be raised among Florida's practitioners. The
26 applicable boards within the Department of Health with
27 jurisdiction over practitioners, as defined in s. 893.02,
28 Florida Statutes, who are authorized to prescribe controlled
29 substances are directed to include as part of the practitioner's

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30 continuing medical education requirements information on the
31 risks of opioid addiction following even brief periods of
32 treatment in the management of acute pain.

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

36 893.055 Prescription drug monitoring program.—

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

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

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

58 (7) (a) A practitioner or pharmacist who dispenses a

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

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

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

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

108 Section 4. Except as otherwise expressly provided in this
109 act, this act shall take effect July 1, 2017.