

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health Quality
 2 Subcommittee

3 Representative Mariano offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (b) of subsection (2) of section
 8 893.055, Florida Statutes, is redesignated as paragraph (c),
 9 paragraph (b) of subsection (5) and subsection (10) of section
 10 893.055, Florida Statutes, are amended and paragraph (b) is
 11 added to subsection (2), to read:

12 893.055 Prescription drug monitoring program.—

13 (2)

14 (b) To protect personally identifiable information, the
 15 department shall assign a unique identifier to each patient for
 16 whom a record exists in the system. Such identifier may not

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17 identify or provide a reasonable basis to identify a patient by
18 any person not authorized under this section to access
19 personally identifiable information in the system.

20 (5) The following entities may not directly access
21 information in the system, but may request information from the
22 program manager or designated program and support staff:

23 (b) The Attorney General for ~~Medicaid fraud cases~~ active
24 criminal or civil investigations or pending criminal or civil
25 litigation involving prescribed controlled substances. Other
26 than for Medicaid fraud cases , the department may not provide
27 personally identifiable patient information, but may provide the
28 unique identifier assigned pursuant to paragraph (2)(b) and the
29 patient's year of birth, gender, and county, city, and zip code
30 of residence.

31 (10) Information in the prescription drug monitoring program's
32 system may be released only as provided in this section and s.
33 893.0551. The content of the system is intended to be
34 informational only. Information in the system is not subject to
35 discovery or introduction into evidence in any civil or
36 administrative action against a prescriber, ~~dispenser,~~ ~~pharmacy,~~
37 or patient arising out of matters that are the subject of
38 information in the system. The program manager and authorized
39 persons who participate in preparing, reviewing, issuing, or any
40 other activity related to management of the system may not be
41 permitted or required to testify in any such civil or

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42 administrative action as to any findings, recommendations,
43 evaluations, opinions, or other actions taken in connection with
44 management of the system. The program manager and authorized
45 persons who participate in preparing, reviewing, issuing, or any
46 other activity related to management of the system may testify
47 for purposes of authenticating the records contained in the
48 system.

49 Section 2. Paragraph (e) of subsection (3) and subsection
50 (6) of section 893.0551, Florida Statutes, are amended to read:

51 893.0551 Public records exemption for the prescription
52 drug monitoring program.—

53 (3) The department shall disclose such information to the
54 following persons or entities upon request and after using a
55 verification process to ensure the legitimacy of the request as
56 provided in s. 893.055:

57 (e) The Attorney General or his or her designee when
58 working on ~~Medicaid fraud~~ cases involving prescribed controlled
59 substances or when the Attorney General has initiated a review
60 of ~~specific identifiers of Medicaid fraud~~ or specific
61 identifiers that warrant an a Medicaid investigation regarding
62 prescribed controlled substances. The Attorney General's
63 ~~Medicaid fraud~~ investigators may not have direct access to the
64 department's system. Other than for Medicaid fraud cases, the
65 department may not provide personally identifiable patient
66 information, but may provide the unique identifier assigned

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67 pursuant to s. 893.055(2)(b) and a patient's year of birth,
68 gender, and county, city, and zip code of residence. The
69 Attorney General or his or her designee may disclose to a
70 criminal justice agency, as defined in s. 119.011, only the
71 information received from the department that is relevant to an
72 identified active investigation that prompted the request for
73 the information. The Attorney General or his or her designee may
74 use information maintained by the department, whether compiled
75 before or after the date of this section, to investigate or
76 pursue criminal or civil litigation.

77 (6) An agency or person who obtains any information
78 pursuant to this section must maintain the confidential and
79 exempt status of that information and may not disclose such
80 information unless authorized by law. Information in the system
81 is not subject to discovery or introduction into evidence in any
82 civil or administrative action against a prescriber or patient
83 arising out of matters that are the subject of information in
84 the system. Information shared with a state attorney pursuant to
85 paragraph (3)(f) or paragraph (3)(h) or the Attorney General or
86 his or her designee pursuant to paragraph (3)(e) may be released
87 only in response to a discovery demand if such information is
88 directly related to the ~~criminal~~ case for which the information
89 was requested. Unrelated information may be released only upon
90 an order of a court of competent jurisdiction.

91 Section 3. This act shall take effect upon becoming a law.

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

Remove everything before the enacting clause and insert:
An act relating to prescription drug monitoring program;
amending s. 893.055, F.S.; requiring the Department of Health to
develop a unique identifier for each patient in the system;
prohibiting the unique identifier from identifying or providing
a basis for identification by unauthorized individuals;
authorizing the Attorney General to receive information in any
case involving controlled substances; limiting the information
the department may provide to the Attorney General in cases
other than Medicaid fraud cases; repealing a prohibition on
using system information in civil or administrative cases
against dispensers and pharmacies; authorizing the program
manager and other individuals to testify for the purpose of
authenticating records; amending s. 893.0551, F.S.; authorizing
the Attorney General to have access to records for cases
involving controlled substances; limiting the information the
department may provide to the Attorney General in cases other
than Medicaid fraud cases; authorizing the Attorney General to
use information regardless of the date compiled; providing that
certain information may only be released pursuant to discovery
request; providing an effective date.