

1                                   A bill to be entitled  
 2           An act relating to the prescription drug monitoring  
 3           program; amending s. 893.055, F.S.; providing an  
 4           exemption from the requirement to check a patient's  
 5           dispensing history before the prescribing of or  
 6           dispensing of a controlled substance for prescribing  
 7           for or dispensing to patients admitted to hospice for  
 8           the alleviation of pain related to a terminal  
 9           condition or to patients receiving palliative care for  
 10          terminal illnesses; providing an effective date.

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

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 14           Section 1. Subsection (8) of section 893.055, Florida  
 15           Statutes, is amended to read:

16           893.055 Prescription drug monitoring program.—

17           (8) A prescriber or dispenser or a designee of a  
 18           prescriber or dispenser must consult the system to review a  
 19           patient's controlled substance dispensing history before  
 20           prescribing or dispensing a controlled substance for a patient  
 21           age 16 or older. This requirement does not apply when  
 22           prescribing or dispensing a nonopioid controlled substance  
 23           listed in Schedule V of s. 893.03 or 21 U.S.C. 812 or  
 24           prescribing or dispensing a controlled substance to a patient  
 25           who has been admitted to hospice pursuant to s. 400.6095. For

26 | purposes of this subsection, a "nonopioid controlled substance"  
27 | is a controlled substance that does not contain any amount of a  
28 | substance listed as an opioid in s. 893.03 or 21 U.S.C. 812.

29 | (a) The duty to consult the system does not apply when the  
30 | system:

31 | 1. Is determined by the department to be nonoperational;  
32 | or

33 | 2. Cannot be accessed by the prescriber or dispenser or a  
34 | designee of the prescriber or dispenser because of a temporary  
35 | technological or electrical failure.

36 | (b) A prescriber or dispenser or designee of a prescriber  
37 | or dispenser who does not consult the system under this  
38 | subsection shall document the reason he or she did not consult  
39 | the system in the patient's medical record or prescription  
40 | record and shall not prescribe or dispense greater than a 3-day  
41 | supply of a controlled substance to the patient.

42 | (c) The department shall issue a nondisciplinary citation  
43 | to any prescriber or dispenser who fails to consult the system  
44 | as required by this subsection for an initial offense. Each  
45 | subsequent offense is subject to disciplinary action pursuant to  
46 | s. 456.073.

47 | Section 2. This act shall take effect July 1, 2019.