

ENROLLED

CS/CS/HB 375, Engrossed 1

2019 Legislature

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2 An act relating to the prescription drug monitoring
3 program; amending s. 893.055, F.S.; defining the term
4 "electronic health recordkeeping system"; authorizing
5 the Department of Health to enter into reciprocal
6 agreements to share prescription drug monitoring
7 information with the United States Department of
8 Veterans Affairs, the United States Department of
9 Defense, or the Indian Health Service; providing
10 requirements for such agreements; providing an
11 exemption from the requirement to check a patient's
12 dispensing history before the prescribing of or
13 dispensing of a controlled substance for prescribing
14 for or dispensing to patients admitted to hospice for
15 the alleviation of pain related to a terminal
16 condition or to patients receiving palliative care for
17 terminal illnesses; providing an effective date.

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

20
21 Section 1. Paragraphs (f) through (k) of subsection (1) of
22 section 893.055, Florida Statutes, are redesignated as
23 paragraphs (g) through (l), respectively, subsections (6) and
24 (8), are amended, and a new paragraph (f) is added to subsection
25 (1) of that section, to read:

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26 | 893.055 Prescription drug monitoring program.—

27 | (1) As used in this section, the term:

28 | (f) "Electronic health recordkeeping system" means an
 29 | electronic or computer-based information system used by health
 30 | care practitioners or providers to create, collect, store,
 31 | manipulate, exchange, or make available personal health
 32 | information for the delivery of patient care.

33 | (6) The department may enter into one or more reciprocal
 34 | agreements or contracts to share prescription drug monitoring
 35 | information with other states, districts, ~~or~~ territories, the
 36 | United States Department of Veterans Affairs, the United States
 37 | Department of Defense, or the Indian Health Service if the
 38 | prescription drug monitoring programs of such other states,
 39 | districts, ~~or~~ territories, the United States Department of
 40 | Veterans Affairs, the United States Department of Defense, or
 41 | the Indian Health Service are compatible with the Florida
 42 | program.

43 | (a) In determining compatibility, the department shall
 44 | consider:

45 | 1. The safeguards for privacy of patient records and the
 46 | success of the program in protecting patient privacy.

47 | 2. The persons authorized to view the data collected by
 48 | the program. Comparable entities and licensed health care
 49 | practitioners in other states, districts, or territories of the
 50 | United States; law enforcement agencies; the Attorney General's

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51 Medicaid Fraud Control Unit; medical regulatory boards; the
 52 United States Department of Veterans Affairs; the United States
 53 Department of Defense; the Indian Health Service; and, as
 54 needed, management staff who have similar duties as management
 55 staff who work with the prescription drug monitoring program as
 56 authorized in s. 893.0551 are authorized access upon approval by
 57 the department.

58 3. The schedules of the controlled substances that are
 59 monitored by the program.

60 4. The data reported to or included in the program's
 61 system.

62 5. Any implementing criteria deemed essential for a
 63 thorough comparison.

64 6. The costs and benefits to the state of sharing
 65 prescription information.

66 (b) The department shall assess the prescription drug
 67 monitoring program's continued compatibility every 4 years with
 68 programs from other states ~~states~~, districts ~~districts~~,
 69 territories, the United States Department of Veterans Affairs,
 70 the United States Department of Defense, or the Indian Health
 71 Service ~~or territories' programs every 4 years.~~

72 (c) Any agreements or contracts for sharing of
 73 prescription drug monitoring information between the department
 74 and other states, districts, ~~or~~ territories, the United States
 75 Department of Veterans Affairs, the United States Department of

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76 | Defense, or the Indian Health Service shall contain the same
77 | restrictions and requirements as this section or s. 893.0551,
78 | and the information must be provided according to the
79 | department's determination of compatibility.

80 | (8) A prescriber or dispenser or a designee of a
81 | prescriber or dispenser must consult the system to review a
82 | patient's controlled substance dispensing history before
83 | prescribing or dispensing a controlled substance for a patient
84 | age 16 or older. This requirement does not apply when
85 | prescribing or dispensing a nonopioid controlled substance
86 | listed in Schedule V of s. 893.03 or 21 U.S.C. 812 or
87 | prescribing or dispensing a controlled substance to a patient
88 | who has been admitted to hospice pursuant to s. 400.6095. For
89 | purposes of this subsection, a "nonopioid controlled substance"
90 | is a controlled substance that does not contain any amount of a
91 | substance listed as an opioid in s. 893.03 or 21 U.S.C. 812.

92 | (a) The duty to consult the system does not apply when the
93 | system:

94 | 1. Is determined by the department to be nonoperational;

95 | or

96 | 2. Cannot be accessed by the prescriber or dispenser or a
97 | designee of the prescriber or dispenser because of a temporary
98 | technological or electrical failure.

99 | (b) A prescriber or dispenser or designee of a prescriber
100 | or dispenser who does not consult the system under this

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101 subsection shall document the reason he or she did not consult
102 the system in the patient's medical record or prescription
103 record and shall not prescribe or dispense greater than a 3-day
104 supply of a controlled substance to the patient.

105 (c) The department shall issue a nondisciplinary citation
106 to any prescriber or dispenser who fails to consult the system
107 as required by this subsection for an initial offense. Each
108 subsequent offense is subject to disciplinary action pursuant to
109 s. 456.073.

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