

By the Committee on Appropriations; and Senator Albritton

576-03540-19

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1                   A bill to be entitled  
2       An act relating to the prescription drug monitoring  
3       program; amending s. 893.055, F.S.; expanding the  
4       exceptions to a requirement that a prescriber or  
5       dispenser must consult the program to review a  
6       patient's controlled substance dispensing history  
7       before prescribing or dispensing a controlled  
8       substance for a patient of a certain age; providing an  
9       effective date.

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

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

15       893.055 Prescription drug monitoring program.—

16       (8) A prescriber or dispenser or a designee of a prescriber  
17       or dispenser must consult the system to review a patient's  
18       controlled substance dispensing history before prescribing or  
19       dispensing a controlled substance for a patient age 16 or older.  
20       This requirement does not apply when prescribing or dispensing a  
21       controlled substance to a patient for the alleviation of pain  
22       related to a terminal condition, as defined in s.  
23       456.44(1)(a)2., or when prescribing or dispensing a nonopioid  
24       controlled substance listed in Schedule V of s. 893.03 or 21  
25       U.S.C. 812. For purposes of this subsection, a "nonopioid  
26       controlled substance" is a controlled substance that does not  
27       contain any amount of a substance listed as an opioid in s.  
28       893.03 or 21 U.S.C. 812.

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

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30 system:

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

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

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

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

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