

THE FLORIDA SENATE
2019 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/HB 831 — Electronic Prescribing

by Health and Human Services Committee and Rep. Mariano (CS/CS/SB 1192 by Appropriations Committee; Health Policy Committee; and Senators Bean, Baxley, and Rouson)

The bill amends s. 456.42, F.S., to require health care practitioners who maintain an electronic health records (EHR) system or who own, are employed by, or under contract with, a health care facility or practice that maintains such a system, to electronically transmit prescriptions for medicinal drugs upon renewal of the health care practitioner's license or by July 1, 2021, whichever is earlier.

The bill provides the following exceptions. The requirement does not apply if:

- The practitioner and the dispenser are the same entity;
- The prescription cannot be transmitted electronically under the most recently implemented version of the National Council for Prescription Drug Programs SCRIPT Standard;
- The practitioner has been issued a waiver by the DOH, not to exceed one year, due to a demonstrated economic hardship, technological limitations not reasonably within the practitioner's control, or other exceptional circumstances;
- The practitioner determines that it is impractical for a patient to obtain in a timely manner a drug electronically prescribed and the delay would adversely impact the patient's medical condition;
- The practitioner is prescribing a drug under a research protocol;
- The prescription is for a drug for which the federal Food and Drug Administration requires the prescription to contain elements that may not be included in electronic prescribing;
- The prescription is issued to an individual receiving hospice care or who is a resident of a nursing home facility; or
- The practitioner or patient determines that it is in the best interest of the patient to compare prescription drug prices among area pharmacies. In such instance, the determination must be documented in the patient's medical record.

Practitioners who do not have access, in their practice or employment, to an EHR system may continue to provide written prescriptions to their patients for medicinal drugs.

The bill makes numerous conforming amendments to related statutory provisions.

If approved by the Governor, these provisions take effect January 1, 2020.

Vote: Senate 39-0; House 104-8