

THE FLORIDA SENATE
2014 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

HB 7177 — OGSR/Prescription Drug Monitoring Program

By State Affairs Committee and Rep. Brodeur (CS/SB 866 by Government Oversight and Accountability Committee; and Health Policy Committee)

The bill reenacts the public records exemption for personal identifying information held by the Department of Health (DOH) in the Prescription Drug Monitoring Program database (PDMP). If not reenacted by the Legislature the public records exemption would have been automatically repealed on October 2, 2014.

The bill also makes several substantive changes to the public records exemption. The bill requires a law enforcement agency to enter into a user agreement with the DOH before the DOH may release PDMP information to that agency. Information released to the Attorney General's Medicaid fraud investigators, the DOH's health care regulatory boards, and law enforcement agencies may only be shared with criminal justice agencies if the information is relevant to the investigation that prompted the request. Before sharing such information, the person or entity disclosing the information must take steps to ensure the continued confidentiality of all confidential and exempt information including, but not limited to, redacting any nonrelevant information.

The bill prohibits a state attorney from releasing confidential and exempt information shared by the Attorney General's Medicaid fraud investigators or law enforcement agencies in response to a discovery demand unless the information is directly related to the criminal case for which the information was requested. Unrelated information may be released upon a court order.

If approved by the Governor, these provisions take effect October 1, 2014.

Vote: Senate 37-0; House 117-0