

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

CS/CS/HB 1253 — Prescription Drug Monitoring Program

by Health and Human Services Committee; Health Quality Subcommittee; and Rep. Mariano and others (CS/SB 1700 by Health Policy Committee and Senator Lee)

The bill amends ss. 893.055 and 893.0551, F.S., to:

- Define the term “electronic health recordkeeping system”;
- Require the Department of Health (DOH) to assign a unique identifying number for each patient for whom a record exists in the prescription drug monitoring program database (PDMP);
- Allow the DOH to provide to the Attorney General (AG) a patient’s unique identifying number, year of birth, county, city, and zip code if:
 - The AG is pursuing an active investigation or pending civil or criminal litigation;
 - A trial court has granted a motion or petition which specifically identifies the matter being pursued. The court must grant such a petition or motion when the information requested appears reasonably calculated to lead to the discovery of admissible evidence;
 - The AG ensures that information obtained from the system is not used for any purpose other than the specific matter stated in the petition;
- Require that if the motion or petition is granted and the requested information is provided, the AG must maintain a log of each person with whom the information is shared to document chain of custody and must execute a confidentiality agreement or protective order agreement with each such person that requires that the person to return or destroy all information shared upon the final resolution of the matter for which it was requested and upon penalty of perjury;
- Allow the AG to introduce information released pursuant to the above provisions as evidence in civil, criminal, or administrative actions against a dispenser, manufacturer, or a pharmacy. The PDMP program manager and authorized persons who participate in preparing, reviewing, issuing, or other activity related to the management of the system may be called to testify for the purposed of authenticating the record introduced;
- Make other conforming changes; and
- Establish that the provisions in the bill are repealed on June 30, 2021, unless reviewed and saved from repeal by the Legislature.

If approved by the Governor, these provisions take effect July 1, 2019

Vote: Senate 39-0; House 111-0