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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/05/2014	.	
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The Committee on Health Policy (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 354 - 417

and insert:

and pursuant to the submission of a court order issued by a court of competent jurisdiction upon a showing of reasonable suspicion of ~~regarding~~ potential criminal activity, fraud, or theft regarding prescribed controlled substances. The court order may be issued without notice to the affected patients, prescribers, or dispensers.



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11 4. A patient or the legal guardian or designated health
12 care surrogate of an incapacitated patient as described in s.
13 893.0551 who, for the purpose of verifying the accuracy of the
14 database information, submits a written and notarized request
15 that includes the patient's full name, address, and date of
16 birth, ~~and includes the same information if the legal guardian~~
17 ~~or health care surrogate submits the request. If the patient's~~
18 ~~legal guardian or health care surrogate is the requestor,~~ the
19 request shall be validated by the department to verify the
20 identity of the patient and the legal guardian or health care
21 surrogate, ~~if the patient's legal guardian or health care~~
22 ~~surrogate is the requestor.~~ Such verification is also required
23 for any request to change a patient's prescription history or
24 other information related to his or her information in the
25 electronic database.

26
27 Information in or released from the prescription drug monitoring
28 program database ~~for the electronic prescription drug monitoring~~
29 ~~system~~ is not discoverable or admissible in any civil or
30 administrative action, ~~except in an investigation and~~
31 disciplinary proceeding by the department or the appropriate
32 regulatory board.

33 (c) ~~(d)~~ Other than the program manager and his or her
34 program or support staff as authorized in paragraph (d),
35 department staff are, ~~for the purpose of calculating performance~~
36 ~~measures pursuant to subsection (8), shall not be allowed direct~~
37 access to information in the prescription drug monitoring
38 program database but may request from the program manager and,
39 when authorized by the program manager, the program manager's



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40 program and support staff, information that does not contain
41 ~~contains no~~ identifying information of any patient, physician,
42 health care practitioner, prescriber, or dispenser and that is
43 not confidential and exempt for the purpose of calculating
44 performance measures pursuant to subsection (7).

45 (d) The program manager and designated support staff, upon
46 the direction of the program manager or as otherwise authorized
47 during the program manager's absence, may access the
48 prescription drug monitoring program database only to manage the
49 program or to manage the program database and systems in support
50 of the requirements of this section or as established by the
51 department in rule pursuant to subparagraph (2)(c)4. The program
52 manager, designated program and support staff who act at the
53 direction of or in the absence of the program manager, and any
54 individual who has similar access regarding the management of
55 the database from the prescription drug monitoring program shall
56 submit fingerprints to the department for background screening.
57 The department shall follow the procedure established by the
58 Department of Law Enforcement to request a statewide criminal
59 history record check and to request that the Department of Law
60 Enforcement forward the fingerprints to the Federal Bureau of
61 Investigation for a national criminal history record check.

62 (e) If the program manager determines a pattern consistent
63 with the rules established under subparagraph (2)(c)4., the
64 department may provide relevant information that does not
65 contain personal identifying information to the applicable law
66 enforcement agency. A law enforcement agency may use such
67 information to support a court order pursuant to subparagraph
68 (b)3.



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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 8 - 20

and insert:

agency to submit a court order as a condition of
direct access to information in the program; requiring
that the court order be predicated upon a showing of
reasonable suspicion of criminal activity, fraud, or
theft regarding prescribed controlled substances;
providing that the court order may be issued without
notice to the affected patients, subscribers, or
dispensers; authorizing the department to provide
relevant information that does not contain personal
identifying information if the program manager
determines a specified pattern exists; authorizing the
law enforcement agency to use such information to
support a court order; deleting obsolete provisions;