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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2014	.	
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The Committee on Governmental Oversight and Accountability
(Bean) recommended the following:

Senate Amendment (with title amendment)

Delete lines 120 - 180

and insert:

substances and that has entered into a user agreement with the
department as required under s. 893.055. The law enforcement
agency may disclose to a criminal justice agency as defined in
s. 119.011 only ~~the~~ confidential and exempt information received
from the department which is relevant to ~~a criminal justice~~
agency as ~~defined in s. 119.011 as part of an active~~



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11 investigation that prompted the request for the information that
12 is specific to a violation of prescription drug abuse or
13 prescription drug diversion law as it relates to controlled
14 substances. Before disclosing any information to a criminal
15 justice agency, a law enforcement agency must take steps to
16 ensure the continued confidentiality of all confidential and
17 exempt information. At a minimum, these steps must include
18 redacting or deleting all nonrelevant information. A law
19 enforcement agency may request information from the department
20 but may not have direct access to its database.

21 (d) A health care practitioner who certifies that the
22 information is necessary to provide medical treatment to a
23 current patient in accordance with ss. 893.05 and 893.055. A
24 health care practitioner who receives a current patient's
25 confidential and exempt information under this subsection may
26 disclose such information to the patient or the patient's legal
27 representative. Upon the patient's or the legal representative's
28 written consent, the health care practitioner may place such
29 information in the patient's medical record, including
30 electronic medical records, and may disclose such information
31 subject to the requirements of s. 456.057.

32 (e) A pharmacist who certifies that the requested
33 information will be used to dispense controlled substances to a
34 current patient in accordance with ss. 893.04 and 893.055.

35 (f) A patient or the legal guardian or designated health
36 care surrogate for an incapacitated patient, if applicable,
37 making a request as provided in s. 893.055(7)(c)4.

38 (g) The patient's pharmacy, prescriber, or dispenser who
39 certifies that the information is necessary to provide medical



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40 treatment to his or her current patient in accordance with s.
41 893.055.

42 (h) An impaired practitioner consultant who is retained by
43 the department under s. 456.076 for the purpose of reviewing the
44 controlled substance prescription history of a practitioner who
45 has agreed to be evaluated or monitored by the consultant.

46 (4) If the department determines that there exists a
47 pattern of controlled substance abuse consistent with department
48 rules for identifying indicators of such abuse, the department
49 may provide a patient advisory report to an appropriate health
50 care practitioner shall disclose such confidential and exempt
51 information to the applicable law enforcement agency in
52 accordance with s. 893.055(7)(f). The law enforcement agency may
53 disclose the confidential and exempt information received from
54 the department to a criminal justice agency as defined in s.
55 119.011 as part of an active investigation that is specific to a
56 violation of s. 893.13(7)(a)8., s. 893.13(8)(a), or s.
57 893.13(8)(b).

58 (5) An Any agency or person who obtains any such
59 confidential and exempt information specified in pursuant to
60 this section must maintain the confidential and exempt status of
61 that information and may not disclose such information unless
62 authorized under this section. Information shared with a state
63 attorney pursuant to paragraph (3)(a) or paragraph (3)(c) may be
64 released only in response to a discovery demand if such
65 information is directly related to the criminal case for which
66 the information was requested. Unrelated information may be
67 released only upon an order of a court of competent jurisdiction
68 as provided in s. 893.055(6)(c).



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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 18 - 32

and insert:

to enter into a user agreement before such agency may receive information from the prescription drug monitoring database; requiring the law enforcement agency to ensure the continued confidentiality of all confidential and exempt information; authorizing a health care practitioner to share a patient's information with that patient and put such information in the patient's medical record upon consent; authorizing certain impaired practitioner consultants to access information for a specified purpose; authorizing the department to disclose a patient advisory report to a health care practitioner under certain circumstances; prohibiting