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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2016	.	
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	.	

The Committee on Health Policy (Bean) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 20 and 21

insert:

(7)

(c) The following entities are ~~shall~~ not ~~be~~ allowed direct access to information in the prescription drug monitoring program database but may request from the program manager and, when authorized by the program manager, the program manager's program and support staff, information that is confidential and exempt under s. 893.0551. Before ~~Prior to~~ release, a ~~the~~ request



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12 by the following entities shall be verified as authentic and
13 authorized with the requesting organization by the program
14 manager, the program manager's program and support staff, or as
15 determined in rules by the department as being authentic and as
16 having been authorized by the requesting entity:

17 1. The department or its relevant health care regulatory
18 boards responsible for the licensure, regulation, or discipline
19 of practitioners, pharmacists, or other persons who are
20 authorized to prescribe, administer, or dispense controlled
21 substances and who are involved in a specific controlled
22 substance investigation involving a designated person for one or
23 more prescribed controlled substances.

24 2. The Attorney General for Medicaid fraud cases involving
25 prescribed controlled substances.

26 3. A law enforcement agency during active investigations of
27 ~~regarding~~ potential criminal activity, fraud, or theft regarding
28 prescribed controlled substances.

29 4. A patient or the legal guardian or designated health
30 care surrogate of an incapacitated patient as described in s.
31 893.0551 who, for the purpose of verifying the accuracy of the
32 database information, submits a written and notarized request
33 that includes the patient's full name, address, and date of
34 birth, and includes the same information if the legal guardian
35 or health care surrogate submits the request. The request shall
36 be validated by the department to verify the identity of the
37 patient and the legal guardian or health care surrogate, if the
38 patient's legal guardian or health care surrogate is the
39 requestor. Such verification is also required for any request to
40 change a patient's prescription history or other information



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41 related to his or her information in the electronic database.

42 5. An impaired practitioner consultant who is retained by
43 the department under s. 456.076 for the purpose of reviewing the
44 database information of an impaired practitioner program
45 participant or a referral who has agreed to be evaluated or
46 monitored through the program and who has separately agreed in
47 writing to the consultant's access to and review of such
48 information.

49
50 Information in the database for the electronic prescription drug
51 monitoring system is not discoverable or admissible in any civil
52 or administrative action, except in an investigation and
53 disciplinary proceeding by the department or the appropriate
54 regulatory board.

55 Section 2. Paragraph (h) is added to subsection (3) of
56 section 893.0551, Florida Statutes, and subsections (6) and (7)
57 of that section are republished, to read:

58 893.0551 Public records exemption for the prescription drug
59 monitoring program.—

60 (3) The department shall disclose such confidential and
61 exempt information to the following persons or entities upon
62 request and after using a verification process to ensure the
63 legitimacy of the request as provided in s. 893.055:

64 (h) An impaired practitioner consultant who has been
65 authorized in writing by a participant in, or by a referral to,
66 the impaired practitioner program to access and review
67 information as provided in s. 893.055(7)(c)5.

68 (6) An agency or person who obtains any confidential and
69 exempt information pursuant to this section must maintain the



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70 confidential and exempt status of that information and may not
71 disclose such information unless authorized by law. Information
72 shared with a state attorney pursuant to paragraph (3)(a) or
73 paragraph (3)(c) may be released only in response to a discovery
74 demand if such information is directly related to the criminal
75 case for which the information was requested. Unrelated
76 information may be released only upon an order of a court of
77 competent jurisdiction.

78 (7) A person who willfully and knowingly violates this
79 section commits a felony of the third degree, punishable as
80 provided in s. 775.082, s. 775.083, or s. 775.084.

81
82 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

83 And the directory clause is amended as follows:

84 Delete line 12

85 and insert:

86 section 893.055, Florida Statutes, and paragraph (c) of
87 subsection (7) of that section is amended, to read:

88
89 ===== T I T L E A M E N D M E N T =====

90 And the title is amended as follows:

91 Delete line 6

92 and insert:

93 to the prescription drug monitoring program;
94 authorizing an impaired practitioner consultant to
95 access an impaired practitioner program participant's
96 or referral's record in the prescription drug
97 monitoring program's database; amending s. 893.0551,
98 F.S.; requiring the Department of Health to disclose



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99 certain information from the prescription drug
100 monitoring program to an impaired practitioner
101 consultant under certain circumstances; providing