

1                   A bill to be entitled  
2           An act relating to the controlled substance  
3           prescribing; amending s. 456.44, F.S.; defining the  
4           term "acute pain"; limiting prescribing of opioids for  
5           acute pain in certain circumstances; amending s.  
6           893.055, F.S.; revising requirements for reporting the  
7           dispensing of controlled substances; limiting an  
8           exception to reporting requirements for certain  
9           facilities dispensing controlled substances;  
10          authorizing certain employees of the United States  
11          Department of Veterans Affairs access to certain  
12          information in the prescription drug monitoring  
13          program's database; specifying when a revised  
14          reporting requirement takes effect; amending s.  
15          463.0055, F.S.; revising a cross-reference; providing  
16          an effective date.

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18   Be It Enacted by the Legislature of the State of Florida:

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20          Section 1. Paragraphs (a) through (g) of subsection (1) of  
21          section 456.44, Florida Statutes, are redesignated as paragraphs  
22          (b) through (h), respectively, a new paragraph (a) is added to  
23          that subsection, and subsection (4) is added to that section, to  
24          read:

25          456.44   Controlled substance prescribing.—

26 (1) DEFINITIONS.—As used in this section, the term:

27 (a) "Acute pain" means the normal, predicted,  
 28 physiological, and time-limited response to an adverse chemical,  
 29 thermal, or mechanical stimulus associated with surgery, trauma,  
 30 or acute illness.

31 (4) For the initial prescription of opioids for the  
 32 treatment or alleviation of acute pain, the prescription must be  
 33 limited to a quantity not to exceed 5 days.

34 Section 2. Subsection (4), paragraph (g) of subsection  
 35 (5), and paragraphs (a) and (b) of subsection (7) of section  
 36 893.055, Florida Statutes, are amended to read:

37 893.055 Prescription drug monitoring program.—

38 (4) Each time a controlled substance is dispensed to an  
 39 individual, the controlled substance shall be reported to the  
 40 department through the system as soon thereafter as possible,  
 41 but no later than the close of the next business day ~~not more~~  
 42 ~~than 7 days~~ after the day ~~date~~ the controlled substance is  
 43 dispensed unless an extension is approved by the department for  
 44 cause as determined by rule. A dispenser must meet the reporting  
 45 requirements of this section by submitting via the department-  
 46 approved electronic system ~~providing~~ the required information  
 47 concerning each controlled substance that it dispensed ~~in a~~  
 48 ~~department approved, secure methodology and format. Such~~  
 49 ~~approved formats may include, but are not limited to, submission~~  
 50 ~~via the Internet, on a disc, or by use of regular mail.~~

51 (5) When the following acts of dispensing or administering  
52 occur, the following are exempt from reporting under this  
53 section for that specific act of dispensing or administration:

54 (g) A rehabilitative hospital, assisted living facility,  
55 or nursing home dispensing a certain dosage of a controlled  
56 substance, as needed, to a patient while the patient is present  
57 and receiving care as ordered by the patient's treating  
58 physician.

59 (7) (a) A practitioner or pharmacist who dispenses a  
60 controlled substance must submit the information required by  
61 this section in an electronic ~~or other~~ method in an ASAP format  
62 approved by rule of the department unless otherwise provided in  
63 this section. The cost to the dispenser in submitting the  
64 information required by this section may not be material or  
65 extraordinary. Costs not considered to be material or  
66 extraordinary include, but are not limited to, regular postage,  
67 electronic media, regular electronic mail, and facsimile  
68 charges.

69 (b) A pharmacy, prescriber, or dispenser, or the designee  
70 of a pharmacy, prescriber, or dispenser, shall have access to  
71 information in the prescription drug monitoring program's  
72 database which relates to a patient of that pharmacy,  
73 prescriber, or dispenser in a manner established by the  
74 department as needed for the purpose of reviewing the patient's  
75 controlled substance prescription history. An employee of the

76 | United States Department of Veterans Affairs who provides health  
77 | care services pursuant to such employment and has the authority  
78 | to prescribe controlled substances shall have access to the  
79 | information in the program's database in a manner established by  
80 | the department. Such access is limited to the information that  
81 | relates to a patient of such employee and may only be accessed  
82 | for the purpose of reviewing the patient's controlled substance  
83 | prescription history. Other access to the program's database  
84 | shall be limited to the program's manager and to the designated  
85 | program and support staff, who may act only at the direction of  
86 | the program manager or, in the absence of the program manager,  
87 | as authorized. Access by the program manager or such designated  
88 | staff is for prescription drug program management only or for  
89 | management of the program's database and its system in support  
90 | of the requirements of this section and in furtherance of the  
91 | prescription drug monitoring program. Confidential and exempt  
92 | information in the database shall be released only as provided  
93 | in paragraph (c) and s. 893.0551. The program manager,  
94 | designated program and support staff who act at the direction of  
95 | or in the absence of the program manager, and any individual who  
96 | has similar access regarding the management of the database from  
97 | the prescription drug monitoring program shall submit  
98 | fingerprints to the department for background screening. The  
99 | department shall follow the procedure established by the  
100 | Department of Law Enforcement to request a statewide criminal

101 history record check and to request that the Department of Law  
102 Enforcement forward the fingerprints to the Federal Bureau of  
103 Investigation for a national criminal history record check.

104 Section 3. The requirement that the dispensing of a  
105 controlled substance be reported to the Department of Health no  
106 later than the next business day in s. 893.055(4), Florida  
107 Statutes, as amended by this act, shall take effect January 1,  
108 2018.

109 Section 4. Paragraph (b) of subsection (4) of section  
110 463.0055, Florida Statutes, is amended to read:

111 463.0055 Administration and prescription of ocular  
112 pharmaceutical agents.—

113 (4) A certified optometrist shall be issued a prescriber  
114 number by the board. Any prescription written by a certified  
115 optometrist for an ocular pharmaceutical agent pursuant to this  
116 section shall have the prescriber number printed thereon. A  
117 certified optometrist may not administer or prescribe:

118 (b) A controlled substance for the treatment of chronic  
119 nonmalignant pain as defined in s. 456.44 ~~456.44(1)(e)~~.

120 Section 5. This act shall take effect July 1, 2017.