

ENROLLED

CS/CS/HB 557, Engrossed 1

2017 Legislature

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 2 An act relating to controlled substance prescribing;
 3 amending s. 893.055, F.S.; revising requirements for
 4 reporting the dispensing of controlled substances;
 5 limiting an exception to reporting requirements for
 6 certain facilities that dispense controlled
 7 substances; authorizing certain employees of the
 8 United States Department of Veterans Affairs access to
 9 certain information in the prescription drug
 10 monitoring program database; specifying when a revised
 11 reporting requirement takes effect; providing
 12 effective dates.

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

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 16 Section 1. Subsection (4), paragraph (g) of subsection
 17 (5), and paragraphs (a) and (b) of subsection (7) of section
 18 893.055, Florida Statutes, are amended to read:

19 893.055 Prescription drug monitoring program.—

20 (4) Each time a controlled substance is dispensed to an
 21 individual, the controlled substance shall be reported to the
 22 department through the system as soon thereafter as possible,
 23 but no later than the close of the next business day ~~not more~~
 24 ~~than 7 days~~ after the day ~~date~~ the controlled substance is
 25 dispensed unless an extension is approved by the department for

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26 | cause as determined by rule. A dispenser must meet the reporting
27 | requirements of this section by submitting via the department-
28 | approved electronic system ~~providing~~ the required information
29 | concerning each controlled substance that it dispensed ~~in a~~
30 | ~~department approved, secure methodology and format. Such~~
31 | ~~approved formats may include, but are not limited to, submission~~
32 | ~~via the Internet, on a disc, or by use of regular mail.~~

33 | (5) When the following acts of dispensing or administering
34 | occur, the following are exempt from reporting under this
35 | section for that specific act of dispensing or administration:

36 | (g) A rehabilitative hospital, assisted living facility,
37 | or nursing home dispensing a certain dosage of a controlled
38 | substance, as needed, to a patient while the patient is present
39 | and receiving care as ordered by the patient's treating
40 | physician.

41 | (7) (a) A practitioner or pharmacist who dispenses a
42 | controlled substance must submit the information required by
43 | this section in an electronic ~~or other~~ method in an ASAP format
44 | approved by rule of the department unless otherwise provided in
45 | this section. The cost to the dispenser in submitting the
46 | information required by this section may not be material or
47 | extraordinary. Costs not considered to be material or
48 | extraordinary include, but are not limited to, regular postage,
49 | electronic media, regular electronic mail, and facsimile
50 | charges.

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51 (b) A pharmacy, prescriber, or dispenser, or the designee
52 of a pharmacy, prescriber, or dispenser, shall have access to
53 information in the prescription drug monitoring program's
54 database which relates to a patient of that pharmacy,
55 prescriber, or dispenser in a manner established by the
56 department as needed for the purpose of reviewing the patient's
57 controlled substance prescription history. An employee of the
58 United States Department of Veterans Affairs who provides health
59 care services pursuant to such employment and who has the
60 authority to prescribe controlled substances shall have access
61 to the information in the program's database in a manner
62 established by the department. Such access is limited to the
63 information that relates to a patient of such employee and may
64 be accessed only for the purpose of reviewing the patient's
65 controlled substance prescription history. Other access to the
66 program's database shall be limited to the program's manager and
67 to the designated program and support staff, who may act only at
68 the direction of the program manager or, in the absence of the
69 program manager, as authorized. Access by the program manager or
70 such designated staff is for prescription drug program
71 management only or for management of the program's database and
72 its system in support of the requirements of this section and in
73 furtherance of the prescription drug monitoring program.
74 Confidential and exempt information in the database shall be
75 released only as provided in paragraph (c) and s. 893.0551. The

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76 | program manager, designated program and support staff who act at
77 | the direction of or in the absence of the program manager, and
78 | any individual who has similar access regarding the management
79 | of the database from the prescription drug monitoring program
80 | shall submit fingerprints to the department for background
81 | screening. The department shall follow the procedure established
82 | by the Department of Law Enforcement to request a statewide
83 | criminal history record check and to request that the Department
84 | of Law Enforcement forward the fingerprints to the Federal
85 | Bureau of Investigation for a national criminal history record
86 | check.

87 | Section 2. The requirement in s. 893.055(4), Florida
88 | Statutes, as amended by this act, that the dispensing of a
89 | controlled substance be reported to the Department of Health no
90 | later than the next business day shall take effect January 1,
91 | 2018.

92 | Section 3. Except as otherwise expressly provided in this
93 | act, this act shall take effect July 1, 2017.

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