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Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to electronic prescribing; amending s. 456.42, F.S.; requiring certain health care practitioners to electronically generate and transmit prescriptions for medicinal drugs upon license renewal or by a specified date; providing exceptions; authorizing the Department of Health, in consultation with the Board of Medicine, the Board of Osteopathic Medicine, the Board of Podiatric Medicine, the Board of Dentistry, the Board of Nursing, and the Board of Optometry, to adopt rules; amending s. 456.43, F.S.; revising the definitions of the terms "prescribing decision" and "point of care"; revising the authority for electronic prescribing software to display information regarding a payor's formulary under certain circumstances; amending ss. 409.912, 456.0392, 458.3265, 458.331, 459.0137, and 459.015, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 456.42, Florida Statutes, is amended to read:

456.42 Written prescriptions for medicinal drugs.—

(1) A written prescription for a medicinal drug issued by a health care practitioner licensed by law to prescribe such drug



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28 must be legibly printed or typed so as to be capable of being  
29 understood by the pharmacist filling the prescription; must  
30 contain the name of the prescribing practitioner, the name and  
31 strength of the drug prescribed, the quantity of the drug  
32 prescribed, and the directions for use of the drug; must be  
33 dated; and must be signed by the prescribing practitioner on the  
34 day when issued. However, a prescription that is electronically  
35 generated and transmitted must contain the name of the  
36 prescribing practitioner, the name and strength of the drug  
37 prescribed, the quantity of the drug prescribed in numerical  
38 format, and the directions for use of the drug and must contain  
39 the date and an electronic signature, as defined in s.  
40 668.003(4), ~~be dated and signed~~ by the prescribing practitioner  
41 only on the day issued, ~~which signature may be in an electronic~~  
42 ~~format as defined in s. 668.003(4).~~

43 (2) A written prescription for a controlled substance  
44 listed in chapter 893 must have the quantity of the drug  
45 prescribed in both textual and numerical formats, must be dated  
46 in numerical, month/day/year format, or with the abbreviated  
47 month written out, or the month written out in whole, and must  
48 be either written on a standardized counterfeit-proof  
49 prescription pad produced by a vendor approved by the department  
50 or electronically prescribed as that term is used in s.  
51 408.0611. As a condition of being an approved vendor, a  
52 prescription pad vendor must submit a monthly report to the  
53 department that, at a minimum, documents the number of  
54 prescription pads sold and identifies the purchasers. The  
55 department may, by rule, require the reporting of additional  
56 information.



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57       (3) A health care practitioner licensed by law to prescribe  
58 a medicinal drug who maintains a system of electronic health  
59 records as defined in s. 408.051, or who prescribes medicinal  
60 drugs as an owner, an employee, or a contractor of a licensed  
61 health care facility or practice that maintains such a system  
62 and who is prescribing in his or her capacity as such an owner,  
63 an employee, or a contractor, may only electronically transmit  
64 prescriptions for such drugs. This requirement applies to such a  
65 health care practitioner upon renewal of the health care  
66 practitioner's license or by July 1, 2021, whichever is earlier,  
67 but does not apply if:

68           (a) The practitioner and the dispenser are the same entity;

69           (b) The prescription cannot be transmitted electronically  
70 under the most recently implemented version of the National  
71 Council for Prescription Drug Programs SCRIPT Standard;

72           (c) The practitioner has been issued a waiver by the  
73 department, not to exceed 1 year in duration, from the  
74 requirement to use electronic prescribing due to demonstrated  
75 economic hardship, technological limitations that are not  
76 reasonably within the control of the practitioner, or another  
77 exceptional circumstance demonstrated by the practitioner;

78           (d) The practitioner reasonably determines that it would be  
79 impractical for the patient in question to obtain a medicinal  
80 drug prescribed by electronic prescription in a timely manner  
81 and such delay would adversely impact the patient's medical  
82 condition;

83           (e) The practitioner is prescribing a drug under a research  
84 protocol;

85           (f) The prescription is for a drug for which the federal



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86 Food and Drug Administration requires the prescription to  
87 contain elements that may not be included in electronic  
88 prescribing; or

89 (g) The prescription is issued to an individual receiving  
90 hospice care or who is a resident of a nursing home facility.

91 (h) The practitioner determines that it is in the best  
92 interest of the patient, or the patient determines that it is in  
93 his or her own best interest, to compare prescription drug  
94 prices among area pharmacies. The practitioner must document  
95 such determination in the patient's medical record.

96  
97 The department, in consultation with the Board of Medicine, the  
98 Board of Osteopathic Medicine, the Board of Podiatric Medicine,  
99 the Board of Dentistry, the Board of Nursing, and the Board of  
100 Optometry, may adopt rules to implement this subsection.

101 Section 2. Section 456.43, Florida Statutes, is amended to  
102 read:

103 456.43 Electronic prescribing for medicinal drugs.—

104 (1) Electronic prescribing may ~~shall~~ not interfere with a  
105 patient's freedom to choose a pharmacy.

106 (2) Electronic prescribing software may ~~shall~~ not use any  
107 means or permit any other person to use any means to influence  
108 or attempt to influence, through economic incentives or  
109 otherwise, the prescribing decision of a prescribing  
110 practitioner or his or her agent at the point of care,  
111 including, but not limited to, means such as advertising,  
112 instant messaging, and pop-up ads, and similar means ~~to~~  
113 ~~influence or attempt to influence, through economic incentives~~  
114 ~~or otherwise, the prescribing decision of a prescribing~~



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115 ~~practitioner at the point of care. Such means shall not be~~  
116 ~~triggered by~~ or in specific response to the input, selection, or  
117 act of a prescribing practitioner or his or her agent in  
118 prescribing a certain medicinal drug ~~pharmaceutical~~ or directing  
119 a patient to a certain pharmacy. For purposes of this  
120 subsection, the term:

121 (a) ~~The term~~ "Prescribing decision" means a prescribing  
122 practitioner's or his or her agent's decision to prescribe any  
123 medicinal drug ~~a certain pharmaceutical~~.

124 (b) ~~The term~~ "Point of care" means the time at which ~~that~~ a  
125 prescribing practitioner or his or her agent prescribes any  
126 medicinal drug ~~is in the act of prescribing a certain~~  
127 ~~pharmaceutical~~.

128 (3) Electronic prescribing software may display ~~show~~  
129 information regarding a payor's formulary if ~~as long as~~ nothing  
130 is designed to preclude or make more difficult the selection of  
131 ~~the act of a prescribing practitioner or patient selecting any~~  
132 particular pharmacy by a patient or the selection of a certain  
133 medicinal drug by a prescribing practitioner or his or her agent  
134 ~~pharmaceutical~~.

135 Section 3. Paragraph (a) of subsection (5) of section  
136 409.912, Florida Statutes, is amended to read:

137 409.912 Cost-effective purchasing of health care.—The  
138 agency shall purchase goods and services for Medicaid recipients  
139 in the most cost-effective manner consistent with the delivery  
140 of quality medical care. To ensure that medical services are  
141 effectively utilized, the agency may, in any case, require a  
142 confirmation or second physician's opinion of the correct  
143 diagnosis for purposes of authorizing future services under the



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144 Medicaid program. This section does not restrict access to  
145 emergency services or poststabilization care services as defined  
146 in 42 C.F.R. s. 438.114. Such confirmation or second opinion  
147 shall be rendered in a manner approved by the agency. The agency  
148 shall maximize the use of prepaid per capita and prepaid  
149 aggregate fixed-sum basis services when appropriate and other  
150 alternative service delivery and reimbursement methodologies,  
151 including competitive bidding pursuant to s. 287.057, designed  
152 to facilitate the cost-effective purchase of a case-managed  
153 continuum of care. The agency shall also require providers to  
154 minimize the exposure of recipients to the need for acute  
155 inpatient, custodial, and other institutional care and the  
156 inappropriate or unnecessary use of high-cost services. The  
157 agency shall contract with a vendor to monitor and evaluate the  
158 clinical practice patterns of providers in order to identify  
159 trends that are outside the normal practice patterns of a  
160 provider's professional peers or the national guidelines of a  
161 provider's professional association. The vendor must be able to  
162 provide information and counseling to a provider whose practice  
163 patterns are outside the norms, in consultation with the agency,  
164 to improve patient care and reduce inappropriate utilization.  
165 The agency may mandate prior authorization, drug therapy  
166 management, or disease management participation for certain  
167 populations of Medicaid beneficiaries, certain drug classes, or  
168 particular drugs to prevent fraud, abuse, overuse, and possible  
169 dangerous drug interactions. The Pharmaceutical and Therapeutics  
170 Committee shall make recommendations to the agency on drugs for  
171 which prior authorization is required. The agency shall inform  
172 the Pharmaceutical and Therapeutics Committee of its decisions



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173 regarding drugs subject to prior authorization. The agency is  
174 authorized to limit the entities it contracts with or enrolls as  
175 Medicaid providers by developing a provider network through  
176 provider credentialing. The agency may competitively bid single-  
177 source-provider contracts if procurement of goods or services  
178 results in demonstrated cost savings to the state without  
179 limiting access to care. The agency may limit its network based  
180 on the assessment of beneficiary access to care, provider  
181 availability, provider quality standards, time and distance  
182 standards for access to care, the cultural competence of the  
183 provider network, demographic characteristics of Medicaid  
184 beneficiaries, practice and provider-to-beneficiary standards,  
185 appointment wait times, beneficiary use of services, provider  
186 turnover, provider profiling, provider licensure history,  
187 previous program integrity investigations and findings, peer  
188 review, provider Medicaid policy and billing compliance records,  
189 clinical and medical record audits, and other factors. Providers  
190 are not entitled to enrollment in the Medicaid provider network.  
191 The agency shall determine instances in which allowing Medicaid  
192 beneficiaries to purchase durable medical equipment and other  
193 goods is less expensive to the Medicaid program than long-term  
194 rental of the equipment or goods. The agency may establish rules  
195 to facilitate purchases in lieu of long-term rentals in order to  
196 protect against fraud and abuse in the Medicaid program as  
197 defined in s. 409.913. The agency may seek federal waivers  
198 necessary to administer these policies.

199 (5) (a) The agency shall implement a Medicaid prescribed-  
200 drug spending-control program that includes the following  
201 components:



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202           1. A Medicaid preferred drug list, which shall be a listing  
203 of cost-effective therapeutic options recommended by the  
204 Medicaid Pharmacy and Therapeutics Committee established  
205 pursuant to s. 409.91195 and adopted by the agency for each  
206 therapeutic class on the preferred drug list. At the discretion  
207 of the committee, and when feasible, the preferred drug list  
208 should include at least two products in a therapeutic class. The  
209 agency may post the preferred drug list and updates to the list  
210 on an Internet website without following the rulemaking  
211 procedures of chapter 120. Antiretroviral agents are excluded  
212 from the preferred drug list. The agency shall also limit the  
213 amount of a prescribed drug dispensed to no more than a 34-day  
214 supply unless the drug products' smallest marketed package is  
215 greater than a 34-day supply, or the drug is determined by the  
216 agency to be a maintenance drug in which case a 100-day maximum  
217 supply may be authorized. The agency may seek any federal  
218 waivers necessary to implement these cost-control programs and  
219 to continue participation in the federal Medicaid rebate  
220 program, or alternatively to negotiate state-only manufacturer  
221 rebates. The agency may adopt rules to administer this  
222 subparagraph. The agency shall continue to provide unlimited  
223 contraceptive drugs and items. The agency must establish  
224 procedures to ensure that:

225           a. There is a response to a request for prior consultation  
226 by telephone or other telecommunication device within 24 hours  
227 after receipt of a request for prior consultation; and

228           b. A 72-hour supply of the drug prescribed is provided in  
229 an emergency or when the agency does not provide a response  
230 within 24 hours as required by sub-subparagraph a.



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231           2. Reimbursement to pharmacies for Medicaid prescribed  
232 drugs shall be set at the lowest of: the average wholesale price  
233 (AWP) minus 16.4 percent, the wholesaler acquisition cost (WAC)  
234 plus 1.5 percent, the federal upper limit (FUL), the state  
235 maximum allowable cost (SMAC), or the usual and customary (UAC)  
236 charge billed by the provider.

237           3. The agency shall develop and implement a process for  
238 managing the drug therapies of Medicaid recipients who are using  
239 significant numbers of prescribed drugs each month. The  
240 management process may include, but is not limited to,  
241 comprehensive, physician-directed medical-record reviews, claims  
242 analyses, and case evaluations to determine the medical  
243 necessity and appropriateness of a patient's treatment plan and  
244 drug therapies. The agency may contract with a private  
245 organization to provide drug-program-management services. The  
246 Medicaid drug benefit management program shall include  
247 initiatives to manage drug therapies for HIV/AIDS patients,  
248 patients using 20 or more unique prescriptions in a 180-day  
249 period, and the top 1,000 patients in annual spending. The  
250 agency shall enroll any Medicaid recipient in the drug benefit  
251 management program if he or she meets the specifications of this  
252 provision and is not enrolled in a Medicaid health maintenance  
253 organization.

254           4. The agency may limit the size of its pharmacy network  
255 based on need, competitive bidding, price negotiations,  
256 credentialing, or similar criteria. The agency shall give  
257 special consideration to rural areas in determining the size and  
258 location of pharmacies included in the Medicaid pharmacy  
259 network. A pharmacy credentialing process may include criteria



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260 such as a pharmacy's full-service status, location, size,  
261 patient educational programs, patient consultation, disease  
262 management services, and other characteristics. The agency may  
263 impose a moratorium on Medicaid pharmacy enrollment if it is  
264 determined that it has a sufficient number of Medicaid-  
265 participating providers. The agency must allow dispensing  
266 practitioners to participate as a part of the Medicaid pharmacy  
267 network regardless of the practitioner's proximity to any other  
268 entity that is dispensing prescription drugs under the Medicaid  
269 program. A dispensing practitioner must meet all credentialing  
270 requirements applicable to his or her practice, as determined by  
271 the agency.

272 5. The agency shall develop and implement a program that  
273 requires Medicaid practitioners who issue written prescriptions  
274 for medicinal ~~prescribe~~ drugs to use a counterfeit-proof  
275 prescription pad for Medicaid prescriptions. The agency shall  
276 require the use of standardized counterfeit-proof prescription  
277 pads by ~~Medicaid-participating prescribers or~~ prescribers who  
278 issue written ~~write~~ prescriptions for Medicaid recipients. The  
279 agency may implement the program in targeted geographic areas or  
280 statewide.

281 6. The agency may enter into arrangements that require  
282 manufacturers of generic drugs prescribed to Medicaid recipients  
283 to provide rebates of at least 15.1 percent of the average  
284 manufacturer price for the manufacturer's generic products.  
285 These arrangements shall require that if a generic-drug  
286 manufacturer pays federal rebates for Medicaid-reimbursed drugs  
287 at a level below 15.1 percent, the manufacturer must provide a  
288 supplemental rebate to the state in an amount necessary to



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289 achieve a 15.1-percent rebate level.

290         7. The agency may establish a preferred drug list as  
291 described in this subsection, and, pursuant to the establishment  
292 of such preferred drug list, negotiate supplemental rebates from  
293 manufacturers that are in addition to those required by Title  
294 XIX of the Social Security Act and at no less than 14 percent of  
295 the average manufacturer price as defined in 42 U.S.C. s. 1936  
296 on the last day of a quarter unless the federal or supplemental  
297 rebate, or both, equals or exceeds 29 percent. There is no upper  
298 limit on the supplemental rebates the agency may negotiate. The  
299 agency may determine that specific products, brand-name or  
300 generic, are competitive at lower rebate percentages. Agreement  
301 to pay the minimum supplemental rebate percentage guarantees a  
302 manufacturer that the Medicaid Pharmaceutical and Therapeutics  
303 Committee will consider a product for inclusion on the preferred  
304 drug list. However, a pharmaceutical manufacturer is not  
305 guaranteed placement on the preferred drug list by simply paying  
306 the minimum supplemental rebate. Agency decisions will be made  
307 on the clinical efficacy of a drug and recommendations of the  
308 Medicaid Pharmaceutical and Therapeutics Committee, as well as  
309 the price of competing products minus federal and state rebates.  
310 The agency may contract with an outside agency or contractor to  
311 conduct negotiations for supplemental rebates. For the purposes  
312 of this section, the term "supplemental rebates" means cash  
313 rebates. Value-added programs as a substitution for supplemental  
314 rebates are prohibited. The agency may seek any federal waivers  
315 to implement this initiative.

316         8. The agency shall expand home delivery of pharmacy  
317 products. The agency may amend the state plan and issue a



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318 procurement, as necessary, in order to implement this program.  
319 The procurements must include agreements with a pharmacy or  
320 pharmacies located in the state to provide mail order delivery  
321 services at no cost to the recipients who elect to receive home  
322 delivery of pharmacy products. The procurement must focus on  
323 serving recipients with chronic diseases for which pharmacy  
324 expenditures represent a significant portion of Medicaid  
325 pharmacy expenditures or which impact a significant portion of  
326 the Medicaid population. The agency may seek and implement any  
327 federal waivers necessary to implement this subparagraph.

328 9. The agency shall limit to one dose per month any drug  
329 prescribed to treat erectile dysfunction.

330 10.a. The agency may implement a Medicaid behavioral drug  
331 management system. The agency may contract with a vendor that  
332 has experience in operating behavioral drug management systems  
333 to implement this program. The agency may seek federal waivers  
334 to implement this program.

335 b. The agency, in conjunction with the Department of  
336 Children and Families, may implement the Medicaid behavioral  
337 drug management system that is designed to improve the quality  
338 of care and behavioral health prescribing practices based on  
339 best practice guidelines, improve patient adherence to  
340 medication plans, reduce clinical risk, and lower prescribed  
341 drug costs and the rate of inappropriate spending on Medicaid  
342 behavioral drugs. The program may include the following  
343 elements:

344 (I) Provide for the development and adoption of best  
345 practice guidelines for behavioral health-related drugs such as  
346 antipsychotics, antidepressants, and medications for treating



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347 bipolar disorders and other behavioral conditions; translate  
348 them into practice; review behavioral health prescribers and  
349 compare their prescribing patterns to a number of indicators  
350 that are based on national standards; and determine deviations  
351 from best practice guidelines.

352 (II) Implement processes for providing feedback to and  
353 educating prescribers using best practice educational materials  
354 and peer-to-peer consultation.

355 (III) Assess Medicaid beneficiaries who are outliers in  
356 their use of behavioral health drugs with regard to the numbers  
357 and types of drugs taken, drug dosages, combination drug  
358 therapies, and other indicators of improper use of behavioral  
359 health drugs.

360 (IV) Alert prescribers to patients who fail to refill  
361 prescriptions in a timely fashion, are prescribed multiple same-  
362 class behavioral health drugs, and may have other potential  
363 medication problems.

364 (V) Track spending trends for behavioral health drugs and  
365 deviation from best practice guidelines.

366 (VI) Use educational and technological approaches to  
367 promote best practices, educate consumers, and train prescribers  
368 in the use of practice guidelines.

369 (VII) Disseminate electronic and published materials.

370 (VIII) Hold statewide and regional conferences.

371 (IX) Implement a disease management program with a model  
372 quality-based medication component for severely mentally ill  
373 individuals and emotionally disturbed children who are high  
374 users of care.

375 11. The agency shall implement a Medicaid prescription drug



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376 management system.

377       a. The agency may contract with a vendor that has  
378 experience in operating prescription drug management systems in  
379 order to implement this system. Any management system that is  
380 implemented in accordance with this subparagraph must rely on  
381 cooperation between physicians and pharmacists to determine  
382 appropriate practice patterns and clinical guidelines to improve  
383 the prescribing, dispensing, and use of drugs in the Medicaid  
384 program. The agency may seek federal waivers to implement this  
385 program.

386       b. The drug management system must be designed to improve  
387 the quality of care and prescribing practices based on best  
388 practice guidelines, improve patient adherence to medication  
389 plans, reduce clinical risk, and lower prescribed drug costs and  
390 the rate of inappropriate spending on Medicaid prescription  
391 drugs. The program must:

392           (I) Provide for the adoption of best practice guidelines  
393 for the prescribing and use of drugs in the Medicaid program,  
394 including translating best practice guidelines into practice;  
395 reviewing prescriber patterns and comparing them to indicators  
396 that are based on national standards and practice patterns of  
397 clinical peers in their community, statewide, and nationally;  
398 and determine deviations from best practice guidelines.

399           (II) Implement processes for providing feedback to and  
400 educating prescribers using best practice educational materials  
401 and peer-to-peer consultation.

402           (III) Assess Medicaid recipients who are outliers in their  
403 use of a single or multiple prescription drugs with regard to  
404 the numbers and types of drugs taken, drug dosages, combination



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405 drug therapies, and other indicators of improper use of  
406 prescription drugs.

407 (IV) Alert prescribers to recipients who fail to refill  
408 prescriptions in a timely fashion, are prescribed multiple drugs  
409 that may be redundant or contraindicated, or may have other  
410 potential medication problems.

411 12. The agency may contract for drug rebate administration,  
412 including, but not limited to, calculating rebate amounts,  
413 invoicing manufacturers, negotiating disputes with  
414 manufacturers, and maintaining a database of rebate collections.

415 13. The agency may specify the preferred daily dosing form  
416 or strength for the purpose of promoting best practices with  
417 regard to the prescribing of certain drugs as specified in the  
418 General Appropriations Act and ensuring cost-effective  
419 prescribing practices.

420 14. The agency may require prior authorization for  
421 Medicaid-covered prescribed drugs. The agency may prior-  
422 authorize the use of a product:

- 423 a. For an indication not approved in labeling;
- 424 b. To comply with certain clinical guidelines; or
- 425 c. If the product has the potential for overuse, misuse, or  
426 abuse.

427  
428 The agency may require the prescribing professional to provide  
429 information about the rationale and supporting medical evidence  
430 for the use of a drug. The agency shall post prior  
431 authorization, step-edit criteria and protocol, and updates to  
432 the list of drugs that are subject to prior authorization on the  
433 agency's Internet website within 21 days after the prior



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434 authorization and step-edit criteria and protocol and updates  
435 are approved by the agency. For purposes of this subparagraph,  
436 the term "step-edit" means an automatic electronic review of  
437 certain medications subject to prior authorization.

438         15. The agency, in conjunction with the Pharmaceutical and  
439 Therapeutics Committee, may require age-related prior  
440 authorizations for certain prescribed drugs. The agency may  
441 preauthorize the use of a drug for a recipient who may not meet  
442 the age requirement or may exceed the length of therapy for use  
443 of this product as recommended by the manufacturer and approved  
444 by the Food and Drug Administration. Prior authorization may  
445 require the prescribing professional to provide information  
446 about the rationale and supporting medical evidence for the use  
447 of a drug.

448         16. The agency shall implement a step-therapy prior  
449 authorization approval process for medications excluded from the  
450 preferred drug list. Medications listed on the preferred drug  
451 list must be used within the previous 12 months before the  
452 alternative medications that are not listed. The step-therapy  
453 prior authorization may require the prescriber to use the  
454 medications of a similar drug class or for a similar medical  
455 indication unless contraindicated in the Food and Drug  
456 Administration labeling. The trial period between the specified  
457 steps may vary according to the medical indication. The step-  
458 therapy approval process shall be developed in accordance with  
459 the committee as stated in s. 409.91195(7) and (8). A drug  
460 product may be approved without meeting the step-therapy prior  
461 authorization criteria if the prescribing physician provides the  
462 agency with additional written medical or clinical documentation



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463 that the product is medically necessary because:

464 a. There is not a drug on the preferred drug list to treat  
465 the disease or medical condition which is an acceptable clinical  
466 alternative;

467 b. The alternatives have been ineffective in the treatment  
468 of the beneficiary's disease; or

469 c. Based on historic evidence and known characteristics of  
470 the patient and the drug, the drug is likely to be ineffective,  
471 or the number of doses have been ineffective.

472

473 The agency shall work with the physician to determine the best  
474 alternative for the patient. The agency may adopt rules waiving  
475 the requirements for written clinical documentation for specific  
476 drugs in limited clinical situations.

477 17. The agency shall implement a return and reuse program  
478 for drugs dispensed by pharmacies to institutional recipients,  
479 which includes payment of a \$5 restocking fee for the  
480 implementation and operation of the program. The return and  
481 reuse program shall be implemented electronically and in a  
482 manner that promotes efficiency. The program must permit a  
483 pharmacy to exclude drugs from the program if it is not  
484 practical or cost-effective for the drug to be included and must  
485 provide for the return to inventory of drugs that cannot be  
486 credited or returned in a cost-effective manner. The agency  
487 shall determine if the program has reduced the amount of  
488 Medicaid prescription drugs which are destroyed on an annual  
489 basis and if there are additional ways to ensure more  
490 prescription drugs are not destroyed which could safely be  
491 reused.



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492 Section 4. Section 456.0392, Florida Statutes, is amended  
493 to read:

494 456.0392 Prescription labeling.—

495 (1) A prescription issued ~~written~~ by a practitioner who is  
496 authorized under the laws of this state to prescribe ~~write~~  
497 ~~prescriptions for~~ drugs that are not listed as controlled  
498 substances in chapter 893 but who is not eligible for a federal  
499 Drug Enforcement Administration number shall include that  
500 practitioner's name and professional license number. The  
501 pharmacist or dispensing practitioner must include the  
502 practitioner's name on the container of the drug that is  
503 dispensed. A pharmacist shall be permitted, upon verification by  
504 the prescriber, to document any information required by this  
505 section.

506 (2) A prescription for a drug that is not listed as a  
507 controlled substance in chapter 893 which is issued ~~written~~ by  
508 an advanced practice registered nurse licensed under s. 464.012  
509 is presumed, subject to rebuttal, to be valid and within the  
510 parameters of the prescriptive authority delegated by a  
511 practitioner licensed under chapter 458, chapter 459, or chapter  
512 466.

513 (3) A prescription for a drug that is not listed as a  
514 controlled substance in chapter 893 which is issued ~~written~~ by a  
515 physician assistant licensed under chapter 458 or chapter 459 is  
516 presumed, subject to rebuttal, to be valid and within the  
517 parameters of the prescriptive authority delegated by the  
518 physician assistant's supervising physician.

519 Section 5. Paragraph (d) of subsection (3) of section  
520 458.3265, Florida Statutes, is amended to read:



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521 458.3265 Pain-management clinics.—

522 (3) PHYSICIAN RESPONSIBILITIES.—These responsibilities  
523 apply to any physician who provides professional services in a  
524 pain-management clinic that is required to be registered in  
525 subsection (1).

526 (d) A physician authorized to prescribe controlled  
527 substances who practices at a pain-management clinic is  
528 responsible for maintaining the control and security of his or  
529 her prescription blanks or electronic prescribing software ~~and~~  
530 ~~any other method~~ used for prescribing controlled substance pain  
531 medication. A The physician who issues written prescriptions  
532 shall comply with the requirements for counterfeit-resistant  
533 prescription blanks in s. 893.065 and the rules adopted pursuant  
534 to that section. A The physician shall notify, in writing, the  
535 department within 24 hours after following any theft or loss of  
536 a prescription blank or breach of his or her electronic  
537 prescribing software used ~~any other method~~ for prescribing pain  
538 medication.

539 Section 6. Paragraph (qq) of subsection (1) of section  
540 458.331, Florida Statutes, is amended to read:

541 458.331 Grounds for disciplinary action; action by the  
542 board and department.—

543 (1) The following acts constitute grounds for denial of a  
544 license or disciplinary action, as specified in s. 456.072(2):

545 (qq) Failing to timely notify the department of the theft  
546 of prescription blanks from a pain-management clinic or a breach  
547 of a physician's electronic prescribing software ~~other methods~~  
548 ~~for prescribing~~ within 24 hours as required by s. 458.3265(3).

549 Section 7. Paragraph (d) of subsection (3) of section



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550 459.0137, Florida Statutes, is amended to read:

551 459.0137 Pain-management clinics.—

552 (3) PHYSICIAN RESPONSIBILITIES.—These responsibilities  
553 apply to any osteopathic physician who provides professional  
554 services in a pain-management clinic that is required to be  
555 registered in subsection (1).

556 (d) An osteopathic physician authorized to prescribe  
557 controlled substances who practices at a pain-management clinic  
558 is responsible for maintaining the control and security of his  
559 or her prescription blanks or electronic prescribing software  
560 ~~and any other method~~ used for prescribing controlled substance  
561 pain medication. An ~~The~~ osteopathic physician who issues written  
562 prescriptions shall comply with the requirements for  
563 counterfeit-resistant prescription blanks in s. 893.065 and the  
564 rules adopted pursuant to that section. An ~~The~~ osteopathic  
565 physician shall notify, in writing, the department within 24  
566 hours after ~~following~~ any theft or loss of a prescription blank  
567 or breach of his or her electronic prescribing software used ~~any~~  
568 ~~other method~~ for prescribing pain medication.

569 Section 8. Paragraph (ss) of subsection (1) of section  
570 459.015, Florida Statutes, is amended to read:

571 459.015 Grounds for disciplinary action; action by the  
572 board and department.—

573 (1) The following acts constitute grounds for denial of a  
574 license or disciplinary action, as specified in s. 456.072(2):

575 (ss) Failing to timely notify the department of the theft  
576 of prescription blanks from a pain-management clinic or a breach  
577 of an osteopathic physician's electronic prescribing software  
578 ~~other methods for prescribing~~ within 24 hours as required by s.



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579 459.0137(3).

580 Section 9. This act shall take effect January 1, 2020.