Committee/Subcommittee hearing bill: Health Quality Subcommittee
Representative Mariano offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (2) of section 893.055, Florida Statutes, is redesignated as paragraph (c), paragraph (b) of subsection (5) and subsection (10) of section 893.055, Florida Statutes, are amended and paragraph (b) is added to subsection (2), to read:

893.055 Prescription drug monitoring program.—
(2) To protect personally identifiable information, the department shall assign a unique identifier to each patient for whom a record exists in the system. Such identifier may not
identify or provide a reasonable basis to identify a patient by
any person not authorized under this section to access
personally identifiable information in the system.

(5) The following entities may not directly access
information in the system, but may request information from the
program manager or designated program and support staff:

(b) The Attorney General for Medicaid fraud cases active
criminal or civil investigations or pending criminal or civil
litigation involving prescribed controlled substances. Other
than for Medicaid fraud cases, the department may not provide
personally identifiable patient information, but may provide the
unique identifier assigned pursuant to paragraph (2)(b) and the
patient’s year of birth, gender, and county, city, and zip code
of residence.

(10) Information in the prescription drug monitoring program's
system may be released only as provided in this section and s.
893.0551. The content of the system is intended to be
informational only. Information in the system is not subject to
discovery or introduction into evidence in any civil or
administrative action against a prescriber, dispenser, pharmacy,
or patient arising out of matters that are the subject of
information in the system. The program manager and authorized
persons who participate in preparing, reviewing, issuing, or any
other activity related to management of the system may not be
permitted or required to testify in any such civil or
administrative action as to any findings, recommendations, evaluations, opinions, or other actions taken in connection with management of the system. The program manager and authorized persons who participate in preparing, reviewing, issuing, or any other activity related to management of the system may testify for purposes of authenticating the records contained in the system.

Section 2. Paragraph (e) of subsection (3) and subsection (6) of section 893.0551, Florida Statutes, are amended to read:

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

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

(e) The Attorney General or his or her designee when working on Medicaid fraud cases involving prescribed controlled substances or when the Attorney General has initiated a review of specific identifiers of Medicaid fraud or specific identifiers that warrant an Medicaid investigation regarding prescribed controlled substances. The Attorney General's Medicaid fraud investigators may not have direct access to the department's system. Other than for Medicaid fraud cases, the department may not provide personally identifiable patient information, but may provide the unique identifier assigned

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Published On: 3/18/2019 6:43:53 PM

Page 3 of 5
pursuant to s. 893.055(2)(b) and a patient’s year of birth, gender, and county, city, and zip code of residence. The Attorney General or his or her designee may disclose to a criminal justice agency, as defined in s. 119.011, only the information received from the department that is relevant to an identified active investigation that prompted the request for the information. The Attorney General or his or her designee may use information maintained by the department, whether compiled before or after the date of this section, to investigate or pursue criminal or civil litigation.

(6) An agency or person who obtains any information pursuant to this section must maintain the confidential and exempt status of that information and may not disclose such information unless authorized by law. Information in the system is not subject to discovery or introduction into evidence in any civil or administrative action against a prescriber or patient arising out of matters that are the subject of information in the system. Information shared with a state attorney pursuant to paragraph (3)(f) or paragraph (3)(h) or the Attorney General or his or her designee pursuant to paragraph (3)(e) may be released only in response to a discovery demand if such information is directly related to the criminal case for which the information was requested. Unrelated information may be released only upon an order of a court of competent jurisdiction.

Section 3. This act shall take effect upon becoming a law.
Committee/Subcommittee Amendment
Bill No. HB 1253 (2019)

Amendment No.

Title Amendment
Remove everything before the enacting clause and insert:
An act relating to prescription drug monitoring program;
amending s. 893.055, F.S.; requiring the Department of Health to
develop a unique identifier for each patient in the system;
prohibiting the unique identifier from identifying or providing
a basis for identification by unauthorized individuals;
authorizing the Attorney General to receive information in any
case involving controlled substances; limiting the information
the department may provide to the Attorney General in cases
other than Medicaid fraud cases; repealing a prohibition on
using system information in civil or administrative cases
against dispensers and pharmacies; authorizing the program
manager and other individuals to testify for the purpose of
authenticating records; amending s. 893.0551, F.S.; authorizing
the Attorney General to have access to records for cases
involving controlled substances; limiting the information the
department may provide to the Attorney General in cases other
than Medicaid fraud cases; authorizing the Attorney General to
use information regardless of the date compiled; providing that
certain information may only be released pursuant to discovery
request; providing an effective date.

086053 - h1253-strike.docx
Published On: 3/18/2019 6:43:53 PM
Page 5 of 5