

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Mariano offered the following:

Amendment (with title amendment)

Remove lines 60-111 and insert:

than Medicaid fraud cases, upon the granting of a petition or motion by a trial court. Notice to any party regarding such petition or motion is not required, except in cases of pending civil litigation. The trial court shall grant the petition or motion and authorize release of information when the information appears reasonably calculated to lead to the discovery of admissible evidence. The department may not release any patient information pursuant to this subparagraph other than the patient's unique identifier assigned pursuant to paragraph

789873

Approved For Filing: 4/19/2019 1:28:17 PM

Amendment No.

14 (2) (b), year of birth, and the county, city, and zip code where
15 the patient resides.

16 (10) Information in the prescription drug monitoring
17 program's system may be released only as provided in this
18 section and s. 893.0551.

19 (a) Except as provided in paragraph (b), the content of
20 the system is intended to be informational only. Information in
21 the system is not subject to discovery or introduction into
22 evidence in any civil or administrative action against a
23 prescriber, dispenser, pharmacy, or patient arising out of
24 matters that are the subject of information in the system. The
25 program manager and authorized persons who participate in
26 preparing, reviewing, issuing, or any other activity related to
27 management of the system may not be permitted or required to
28 testify in any such civil or administrative action as to any
29 findings, recommendations, evaluations, opinions, or other
30 actions taken in connection with management of the system.

31 (b) The Attorney General may introduce information from
32 the system released pursuant to subparagraph (5) (b)2. as
33 evidence in a civil, criminal, or administrative action against
34 a dispenser or a pharmacy. The program manager and authorized
35 persons who participate in preparing, reviewing, issuing, or any
36 other activity related to the management of the system may
37 testify for purposes of authenticating the records introduced
38 into evidence pursuant to this paragraph.

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Amendment No.

39 Section 2. Paragraph (e) of subsection (3) and subsection
40 (6) of section 893.0551, Florida Statutes, are amended to read:
41 893.0551 Public records exemption for the prescription
42 drug monitoring program.—

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

47 (e) The Attorney General or his or her designee:

48 1. When working on Medicaid fraud cases involving
49 prescribed controlled substances or when the Attorney General
50 has initiated a review of specific identifiers of Medicaid fraud
51 or specific identifiers that warrant a Medicaid investigation
52 regarding prescribed controlled substances. The Attorney
53 General's Medicaid fraud investigators may not have direct
54 access to the department's system. The Attorney General or his
55 or her designee may disclose to a criminal justice agency, as
56 defined in s. 119.011, only the information received from the
57 department that is relevant to an identified active
58 investigation that prompted the request for the information.

59 2. When pursuing an active investigation or pending civil
60 or criminal litigation involving prescribed controlled
61 substances, other than Medicaid fraud cases, upon granting of a
62 petition or motion by a trial court. Notice to any party
63 regarding such petition or motion is not required, except in

789873

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Amendment No.

64 cases of pending civil litigation. The trial court shall grant
 65 the petition or motion and authorize release of information when
 66 the information appears reasonably calculated to lead to the
 67 discovery of admissible evidence. The department may not release
 68 any patient information pursuant to this subparagraph other

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71 **T I T L E A M E N D M E N T**

72 Remove lines 12-22 and insert:
 73 controlled substances; requiring such information to
 74 be released upon the granting of a petition or motion
 75 by a trial court; providing exceptions; requiring a
 76 trial court to grant a petition or motion under
 77 certain circumstances; limiting the patient
 78 information the department may provide; authorizing
 79 the Attorney General to introduce as evidence in
 80 certain actions specified information that is released
 81 to the Attorney General from the prescription drug
 82 monitoring program; authorizing certain persons to
 83 testify as to the authenticity of certain records;
 84 amending s. 893.0551, F.S.; authorizing the Attorney
 85 General to have access to records for active
 86 investigations or pending civil or criminal litigation
 87 involving controlled substances; requiring such
 88 information to be released upon the granting of a

789873

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Amendment No.

89 | petition or motion by a trial court; providing
90 | exceptions; requiring a trial court to grant a
91 | petition or motion under certain circumstances;
92 | limiting the patient

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