

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Mariano offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (b) of subsection (2) of section
8 893.055, Florida Statutes is redesignated as paragraph (c),
9 paragraph (b) of subsection (5) and subsection (10) of section
10 of that section are amended, and a new paragraph (b) is added to
11 subsection (2) of that section, to read:

12 893.055 Prescription drug monitoring program.—

13 (2)

14 (b) To protect personally identifiable information, the
15 department shall assign a unique identifier to each patient for
16 whom a record exists in the system. Such identifier may not

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17 identify or provide a reasonable basis to identify a patient by
18 any person not authorized under this section to access
19 personally identifiable information in the system.

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

23 (b) The Attorney General for:

24 1. Medicaid fraud cases involving prescribed controlled
25 substances.

26 2. An active investigation or pending civil or criminal
27 litigation involving prescribed controlled substances, other
28 than Medicaid fraud cases. The department may not release any
29 information pursuant to this subparagraph other than the
30 patient's unique identifier assigned pursuant to paragraph
31 (2)(b), year of birth, and the county, city, and zip code where
32 the patient resides.

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

36 (a) Except as provided in paragraph (b), the content of
37 the system is intended to be informational only. Information in
38 the system is not subject to discovery or introduction into
39 evidence in any civil or administrative action against a
40 prescriber, dispenser, pharmacy, or patient arising out of
41 matters that are the subject of information in the system. The

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42 program manager and authorized persons who participate in
43 preparing, reviewing, issuing, or any other activity related to
44 management of the system may not be permitted or required to
45 testify in any such civil or administrative action as to any
46 findings, recommendations, evaluations, opinions, or other
47 actions taken in connection with management of the system.

48 (b) The Attorney General may introduce information from
49 the system released pursuant to subparagraph (5)(b)2. as
50 evidence in a civil, criminal, or administrative action against
51 a dispenser or a pharmacy. The program manager and authorized
52 persons who participate in preparing, reviewing, issuing, or any
53 other activity related to the management of the system may
54 testify for purposes of authenticating the records introduced
55 into evidence pursuant to this paragraph.

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

58 893.0551 Public records exemption for the prescription
59 drug monitoring program.—

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

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

65 1. When working on Medicaid fraud cases involving
66 prescribed controlled substances or when the Attorney General

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67 has initiated a review of specific identifiers of Medicaid fraud
68 or specific identifiers that warrant a Medicaid investigation
69 regarding prescribed controlled substances. The Attorney
70 General's Medicaid fraud investigators may not have direct
71 access to the department's system. The Attorney General or his
72 or her designee may disclose to a criminal justice agency, as
73 defined in s. 119.011, only the information received from the
74 department that is relevant to an identified active
75 investigation that prompted the request for the information.

76 2. When pursuing an active investigation or pending civil
77 or criminal litigation involving prescribed controlled
78 substances, other than Medicaid fraud cases. The department may
79 not release any information pursuant to this subparagraph other
80 than the patient's unique identifier assigned pursuant to
81 paragraph (2) (b), year of birth, and the county, city, and zip
82 code where the patient resides.

83 (6) An agency or person who obtains any information
84 pursuant to this section must maintain the confidential and
85 exempt status of that information and may not disclose such
86 information unless authorized by law. Information shared with a
87 state attorney pursuant to paragraph (3) (f), ~~or~~ paragraph
88 (3) (h), or with the Attorney General or his or her designee
89 pursuant to subparagraph (3) (e)2. may be released only in
90 response to a discovery demand if such information is directly
91 related to the criminal case for which the information was

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92 requested. Unrelated information may be released only upon an
93 order of a court of competent jurisdiction.

94 Section 3. This act shall take effect upon becoming a law.

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

98 Remove everything before the enacting clause and insert:
99 An act relating to the prescription drug monitoring program;
100 amending s. 893.055, F.S.; requiring the Department of Health to
101 develop a unique identifier for each patient in the system;
102 prohibiting the unique identifier from identifying or providing
103 a basis for identification by unauthorized individuals;
104 authorizing the Attorney General to request information for an
105 active investigation or pending civil or criminal litigation
106 involving prescribed controlled substances; limiting the patient
107 information the department may provide; authorizing the Attorney
108 General to introduce as evidence in certain actions specified
109 information that is released to the Attorney General from the
110 prescription drug monitoring program; authorizing certain
111 persons to testify as to the authenticity of certain records;
112 amending s. 893.0551, F.S.; authorizing the Attorney General to
113 have access to records for active investigations or pending
114 civil or criminal litigation involving controlled substances;
115 limiting the patient information the department may provide;
116 authorizing the release of specified information shared with a

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117 | state attorney only in response to a discovery demand under
118 | certain circumstances; providing an effective date.