

1 A bill to be entitled
 2 An act relating to the prescription drug monitoring
 3 program; amending s. 893.055, F.S.; authorizing the
 4 Attorney General to access the system for more types
 5 of cases; deleting dispensers and pharmacies from the
 6 list of parties against whom information in the system
 7 may not be used in discovery or introduced in civil or
 8 administrative actions; specifying persons who may
 9 authenticate records contained in the system;
 10 893.0551, F.S.; providing the Attorney General with
 11 access to information in the system for additional
 12 types of cases; providing that information in the
 13 system may not be used in any civil or administrative
 14 action against a prescriber or patient arising out of
 15 matters that are the subject of system information;
 16 providing that information released to the Attorney
 17 General may be released only in specified
 18 circumstances; providing an effective date.

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

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 22 Section 1. Paragraph (b) of subsection (5) and subsection
 23 (10) of section 893.055, Florida Statutes, are amended to read:
 24 893.055 Prescription drug monitoring program.—
 25 (5) The following entities may not directly access

26 | information in the system, but may request information from the
27 | program manager or designated program and support staff:

28 | (b) The Attorney General for ~~Medicaid fraud~~ cases
29 | involving prescribed controlled substances.

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

48 | Section 2. Paragraph (e) of subsection (3) and subsection
49 | (6) of section 893.0551, Florida Statutes, are amended to read:
50 | 893.0551 Public records exemption for the prescription

51 drug monitoring program.—

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

56 (e) The Attorney General or his or her designee when
57 working on ~~Medicaid fraud~~ cases involving prescribed controlled
58 substances or when the Attorney General has initiated a review
59 of specific identifiers ~~of Medicaid fraud or specific~~
60 ~~identifiers~~ that warrant an a Medicaid investigation regarding
61 prescribed controlled substances. The Attorney General's
62 Medicaid fraud investigators may not have direct access to the
63 department's system. The Attorney General or his or her designee
64 may disclose to a criminal justice agency, as defined in s.
65 119.011, only the information received from the department that
66 is relevant to an identified active investigation that prompted
67 the request for the information. The Attorney General may use
68 all information maintained by the department, whether compiled
69 before or after the effective date of this section, to pursue an
70 investigation and criminal or civil litigation.

71 (6) An agency or person who obtains any information
72 pursuant to this section must maintain the confidential and
73 exempt status of that information and may not disclose such
74 information unless authorized by law. Information in the system
75 is not subject to discovery or introduction into evidence in any

76 civil or administrative action against a prescriber or patient
77 arising out of matters that are the subject of information in
78 the system. Information shared with a state attorney pursuant to
79 paragraph (3) (f) or paragraph (3) (h), or the Attorney General or
80 his or her designee pursuant to paragraph (3) (e), may be
81 released only in response to a discovery demand if such
82 information is directly related to the criminal case for which
83 the information was requested. Unrelated information may be
84 released only upon an order of a court of competent
85 jurisdiction.

86 Section 3. This act shall take effect July 1, 2019.