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

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

Section 1. Paragraph (b) of subsection (5) and subsection
(10) of section 893.055, Florida Statutes, are amended to read:
893.055 Prescription drug monitoring program.—
(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 involving prescribed controlled substances.

(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

CODING: Words stricken are deletions; words underlined are additions.
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 a Medicaid investigation regarding prescribed controlled substances. The Attorney General's Medicaid fraud investigators may not have direct access to the department's system. 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 may use all information maintained by the department, whether compiled before or after the effective date of this section, to pursue an investigation and 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
Section 3. This act shall take effect July 1, 2019.