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A bill to be entitled
 An act relating to the prescription drug monitoring
 program; amending s. 893.055, F.S.; providing an
 exemption from the requirement to check a patient's
 dispensing history before the prescribing of or
 dispensing of a controlled substance for prescribing
 for or dispensing to patients for the alleviation of
 pain related to a terminal condition or to patients
 receiving palliative care for terminal illnesses;
 providing an effective date.

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

Section 1. Subsection (8) of section 893.055, Florida
 Statutes, is amended to read:

893.055 Prescription drug monitoring program.—

(8) A prescriber or dispenser or a designee of a
 prescriber or dispenser must consult the system to review a
 patient's controlled substance dispensing history before
 prescribing or dispensing a controlled substance for a patient
 age 16 or older. This requirement does not apply when
 prescribing or dispensing a nonopioid controlled substance
listed in Schedule V of s. 893.03 or 21 U.S.C. 812; prescribing
or dispensing a controlled substance to a patient for the
alleviation of pain related to a terminal condition, as defined

26 | in s. 456.44(1)(a)2.; or prescribing or dispensing a controlled
27 | substance to a patient receiving palliative care for the relief
28 | of symptoms related to an incurable, progressive illness or
29 | injury. For purposes of this subsection, a "nonopioid controlled
30 | substance" is a controlled substance that does not contain any
31 | amount of a substance listed as an opioid in s. 893.03 or 21
32 | U.S.C. 812.

33 | (a) The duty to consult the system does not apply when the
34 | system:

35 | 1. Is determined by the department to be nonoperational;
36 | or

37 | 2. Cannot be accessed by the prescriber or dispenser or a
38 | designee of the prescriber or dispenser because of a temporary
39 | technological or electrical failure.

40 | (b) A prescriber or dispenser or designee of a prescriber
41 | or dispenser who does not consult the system under this
42 | subsection shall document the reason he or she did not consult
43 | the system in the patient's medical record or prescription
44 | record and shall not prescribe or dispense greater than a 3-day
45 | supply of a controlled substance to the patient.

46 | (c) The department shall issue a nondisciplinary citation
47 | to any prescriber or dispenser who fails to consult the system
48 | as required by this subsection for an initial offense. Each
49 | subsequent offense is subject to disciplinary action pursuant to
50 | s. 456.073.

HB 375

2019

51 | Section 2. This act shall take effect July 1, 2019. |