

26 United States Department of Veterans Affairs, the United States
 27 Department of Defense, or the Indian Health Service if the
 28 prescription drug monitoring programs of such other states,
 29 districts, ~~or~~ territories, the United States Department of
 30 Veterans Affairs, the United States Department of Defense, or
 31 the Indian Health Service are compatible with the Florida
 32 program.

33 (a) In determining compatibility, the department shall
 34 consider:

35 1. The safeguards for privacy of patient records and the
 36 success of the program in protecting patient privacy.

37 2. The persons authorized to view the data collected by
 38 the program. Comparable entities and licensed health care
 39 practitioners in other states, districts, or territories of the
 40 United States; law enforcement agencies; the Attorney General's
 41 Medicaid Fraud Control Unit; medical regulatory boards; the
 42 United States Department of Veterans Affairs; the United States
 43 Department of Defense; the Indian Health Service; and, as
 44 needed, management staff who have similar duties as management
 45 staff who work with the prescription drug monitoring program as
 46 authorized in s. 893.0551 are authorized access upon approval by
 47 the department.

48 3. The schedules of the controlled substances that are
 49 monitored by the program.

50 4. The data reported to or included in the program's

51 system.

52 5. Any implementing criteria deemed essential for a
53 thorough comparison.

54 6. The costs and benefits to the state of sharing
55 prescription information.

56 (b) The department shall assess the prescription drug
57 monitoring program's continued compatibility every 4 years with
58 programs from other states ~~states~~, districts ~~districts~~,
59 territories, the United States Department of Veterans Affairs,
60 the United States Department of Defense, or the Indian Health
61 Service ~~or territories' programs every 4 years.~~

62 (c) Any agreements or contracts for sharing of
63 prescription drug monitoring information between the department
64 and other states, districts, ~~or~~ territories, the United States
65 Department of Veterans Affairs, the United States Department of
66 Defense, or the Indian Health Service shall contain the same
67 restrictions and requirements as this section or s. 893.0551,
68 and the information must be provided according to the
69 department's determination of compatibility.

70 (8) A prescriber or dispenser or a designee of a
71 prescriber or dispenser must consult the system to review a
72 patient's controlled substance dispensing history before
73 prescribing or dispensing a controlled substance for a patient
74 age 16 or older. This requirement does not apply when
75 prescribing or dispensing a nonopioid controlled substance

76 | listed in Schedule V of s. 893.03 or 21 U.S.C. 812 or
77 | prescribing or dispensing a controlled substance to a patient
78 | who has been admitted to hospice pursuant to s. 400.6095. For
79 | purposes of this subsection, a "nonopioid controlled substance"
80 | is a controlled substance that does not contain any amount of a
81 | substance listed as an opioid in s. 893.03 or 21 U.S.C. 812.

82 | (a) The duty to consult the system does not apply when the
83 | system:

84 | 1. Is determined by the department to be nonoperational;

85 | or

86 | 2. Cannot be accessed by the prescriber or dispenser or a
87 | designee of the prescriber or dispenser because of a temporary
88 | technological or electrical failure.

89 | (b) A prescriber or dispenser or designee of a prescriber
90 | or dispenser who does not consult the system under this
91 | subsection shall document the reason he or she did not consult
92 | the system in the patient's medical record or prescription
93 | record and shall not prescribe or dispense greater than a 3-day
94 | supply of a controlled substance to the patient.

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

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