

By Senator Albritton

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1 A bill to be entitled
2 An act relating to the prescription drug monitoring
3 program; amending s. 893.055, F.S.; expanding the
4 exceptions to a requirement that a prescriber or
5 dispenser must consult the program to review a
6 patient's controlled substance dispensing history
7 before prescribing or dispensing a controlled
8 substance for a patient of a certain age; providing an
9 effective date.

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

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

15 893.055 Prescription drug monitoring program.—

16 (8) A prescriber or dispenser or a designee of a prescriber
17 or dispenser must consult the system to review a patient's
18 controlled substance dispensing history before prescribing or
19 dispensing a controlled substance for a patient age 16 or older.
20 This requirement does not apply when prescribing or dispensing a
21 controlled substance to a patient for the alleviation of pain
22 related to a terminal condition, as defined in s.
23 456.44(1)(a)2., when prescribing or dispensing a controlled
24 substance to a patient receiving palliative care for the relief
25 of symptoms related to an incurable, progressive illness or
26 injury, or when prescribing or dispensing a nonopioid controlled
27 substance listed in Schedule V of s. 893.03 or 21 U.S.C. 812.
28 For purposes of this subsection, a "nonopioid controlled
29 substance" is a controlled substance that does not contain any

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30 amount of a substance listed as an opioid in s. 893.03 or 21
31 U.S.C. 812.

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

- 34 1. Is determined by the department to be nonoperational; or
- 35 2. Cannot be accessed by the prescriber or dispenser or a
36 designee of the prescriber or dispenser because of a temporary
37 technological or electrical failure.

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

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

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