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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AD/3R

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05/01/2019 02:31 PM

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Senator Bean moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 456.42, Florida Statutes, is amended to  
read:

456.42 Written prescriptions for medicinal drugs.—

(1) A written prescription for a medicinal drug issued by a  
health care practitioner licensed by law to prescribe such drug  
must be legibly printed or typed so as to be capable of being  
understood by the pharmacist filling the prescription; must



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12 contain the name of the prescribing practitioner, the name and  
13 strength of the drug prescribed, the quantity of the drug  
14 prescribed, and the directions for use of the drug; must be  
15 dated; and must be signed by the prescribing practitioner on the  
16 day when issued. However, a prescription that is electronically  
17 generated and transmitted must contain the name of the  
18 prescribing practitioner, the name and strength of the drug  
19 prescribed, the quantity of the drug prescribed in numerical  
20 format, and the directions for use of the drug and must contain  
21 the date and an electronic signature, as defined in s.

22 668.003(4), ~~be dated and signed by the prescribing practitioner~~  
23 ~~only on the day issued, which signature may be in an electronic~~  
24 ~~format as defined in s. 668.003(4).~~

25 (2) A written prescription for a controlled substance  
26 listed in chapter 893 must have the quantity of the drug  
27 prescribed in both textual and numerical formats, must be dated  
28 in numerical, month/day/year format, or with the abbreviated  
29 month written out, or the month written out in whole, and must  
30 be either written on a standardized counterfeit-proof  
31 prescription pad produced by a vendor approved by the department  
32 or electronically prescribed as that term is used in s.  
33 408.0611. As a condition of being an approved vendor, a  
34 prescription pad vendor must submit a monthly report to the  
35 department that, at a minimum, documents the number of  
36 prescription pads sold and identifies the purchasers. The  
37 department may, by rule, require the reporting of additional  
38 information.

39 (3) A health care practitioner licensed by law to prescribe  
40 a medicinal drug who maintains a system of electronic health



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41 records as defined in s. 408.051(2)(a), or who prescribes  
42 medicinal drugs as an owner, an employee, or a contractor of a  
43 licensed health care facility or practice that maintains such a  
44 system and who is prescribing in his or her capacity as such an  
45 owner, an employee, or a contractor, may only electronically  
46 transmit prescriptions for such drugs. This requirement applies  
47 to such a health care practitioner upon renewal of the health  
48 care practitioner's license or by July 1, 2021, whichever is  
49 earlier, but does not apply if:

50 (a) The practitioner and the dispenser are the same entity;

51 (b) The prescription cannot be transmitted electronically  
52 under the most recently implemented version of the National  
53 Council for Prescription Drug Programs SCRIPT Standard;

54 (c) The practitioner has been issued a waiver by the  
55 department, not to exceed 1 year in duration, from the  
56 requirement to use electronic prescribing due to demonstrated  
57 economic hardship, technological limitations that are not  
58 reasonably within the control of the practitioner, or another  
59 exceptional circumstance demonstrated by the practitioner;

60 (d) The practitioner reasonably determines that it would be  
61 impractical for the patient in question to obtain a medicinal  
62 drug prescribed by electronic prescription in a timely manner  
63 and such delay would adversely impact the patient's medical  
64 condition;

65 (e) The practitioner is prescribing a drug under a research  
66 protocol;

67 (f) The prescription is for a drug for which the federal  
68 Food and Drug Administration requires the prescription to  
69 contain elements that may not be included in electronic



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70 prescribing; or

71 (g) The prescription is issued to an individual receiving  
72 hospice care or who is a resident of a nursing home facility.

73 (h) The practitioner determines that it is in the best  
74 interest of the patient, or the patient determines that it is in  
75 his or her own best interest, to compare prescription drug  
76 prices among area pharmacies. The practitioner must document  
77 such determination in the patient's medical record.

78  
79 The department, in consultation with the Board of Medicine, the  
80 Board of Osteopathic Medicine, the Board of Podiatric Medicine,  
81 the Board of Dentistry, the Board of Nursing, and the Board of  
82 Optometry, may adopt rules to implement this subsection.

83 Section 2. Section 456.43, Florida Statutes, is amended to  
84 read:

85 456.43 Electronic prescribing for medicinal drugs.—

86 (1) Electronic prescribing may ~~shall~~ not interfere with a  
87 patient's freedom to choose a pharmacy.

88 (2) Electronic prescribing software may ~~shall~~ not use any  
89 means or permit any other person to use any means to influence  
90 or attempt to influence, through economic incentives or

91 otherwise, the prescribing decision of a prescribing  
92 practitioner or his or her agent at the point of care,

93 including, but not limited to, means such as advertising,  
94 instant messaging, ~~and~~ pop-up ads, and similar means ~~to~~

95 ~~influence or attempt to influence, through economic incentives~~  
96 ~~or otherwise, the prescribing decision of a prescribing~~

97 ~~practitioner at the point of care. Such means shall not be~~

98 triggered by or in specific response to the input, selection, or



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99 act of a prescribing practitioner or his or her agent in  
100 prescribing a certain medicinal drug pharmaceutical or directing  
101 a patient to a certain pharmacy. For purposes of this  
102 subsection, the term:

103 (a) ~~The term~~ "Prescribing decision" means a prescribing  
104 practitioner's or his or her agent's decision to prescribe any  
105 medicinal drug a certain pharmaceutical.

106 (b) ~~The term~~ "Point of care" means the time at which ~~that~~ a  
107 prescribing practitioner or his or her agent prescribes any  
108 medicinal drug is in the act of prescribing a certain  
109 pharmaceutical.

110 (3) Electronic prescribing software may display show  
111 information regarding a payor's formulary if as long as nothing  
112 is designed to preclude or make more difficult the selection of  
113 the act of a prescribing practitioner or patient selecting any  
114 particular pharmacy by a patient or the selection of a certain  
115 medicinal drug by a prescribing practitioner or his or her agent  
116 pharmaceutical.

117 Section 3. Paragraph (a) of subsection (5) of section  
118 409.912, Florida Statutes, is amended to read:

119 409.912 Cost-effective purchasing of health care.—The  
120 agency shall purchase goods and services for Medicaid recipients  
121 in the most cost-effective manner consistent with the delivery  
122 of quality medical care. To ensure that medical services are  
123 effectively utilized, the agency may, in any case, require a  
124 confirmation or second physician's opinion of the correct  
125 diagnosis for purposes of authorizing future services under the  
126 Medicaid program. This section does not restrict access to  
127 emergency services or poststabilization care services as defined



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128 in 42 C.F.R. s. 438.114. Such confirmation or second opinion  
129 shall be rendered in a manner approved by the agency. The agency  
130 shall maximize the use of prepaid per capita and prepaid  
131 aggregate fixed-sum basis services when appropriate and other  
132 alternative service delivery and reimbursement methodologies,  
133 including competitive bidding pursuant to s. 287.057, designed  
134 to facilitate the cost-effective purchase of a case-managed  
135 continuum of care. The agency shall also require providers to  
136 minimize the exposure of recipients to the need for acute  
137 inpatient, custodial, and other institutional care and the  
138 inappropriate or unnecessary use of high-cost services. The  
139 agency shall contract with a vendor to monitor and evaluate the  
140 clinical practice patterns of providers in order to identify  
141 trends that are outside the normal practice patterns of a  
142 provider's professional peers or the national guidelines of a  
143 provider's professional association. The vendor must be able to  
144 provide information and counseling to a provider whose practice  
145 patterns are outside the norms, in consultation with the agency,  
146 to improve patient care and reduce inappropriate utilization.  
147 The agency may mandate prior authorization, drug therapy  
148 management, or disease management participation for certain  
149 populations of Medicaid beneficiaries, certain drug classes, or  
150 particular drugs to prevent fraud, abuse, overuse, and possible  
151 dangerous drug interactions. The Pharmaceutical and Therapeutics  
152 Committee shall make recommendations to the agency on drugs for  
153 which prior authorization is required. The agency shall inform  
154 the Pharmaceutical and Therapeutics Committee of its decisions  
155 regarding drugs subject to prior authorization. The agency is  
156 authorized to limit the entities it contracts with or enrolls as



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157 Medicaid providers by developing a provider network through  
158 provider credentialing. The agency may competitively bid single-  
159 source-provider contracts if procurement of goods or services  
160 results in demonstrated cost savings to the state without  
161 limiting access to care. The agency may limit its network based  
162 on the assessment of beneficiary access to care, provider  
163 availability, provider quality standards, time and distance  
164 standards for access to care, the cultural competence of the  
165 provider network, demographic characteristics of Medicaid  
166 beneficiaries, practice and provider-to-beneficiary standards,  
167 appointment wait times, beneficiary use of services, provider  
168 turnover, provider profiling, provider licensure history,  
169 previous program integrity investigations and findings, peer  
170 review, provider Medicaid policy and billing compliance records,  
171 clinical and medical record audits, and other factors. Providers  
172 are not entitled to enrollment in the Medicaid provider network.  
173 The agency shall determine instances in which allowing Medicaid  
174 beneficiaries to purchase durable medical equipment and other  
175 goods is less expensive to the Medicaid program than long-term  
176 rental of the equipment or goods. The agency may establish rules  
177 to facilitate purchases in lieu of long-term rentals in order to  
178 protect against fraud and abuse in the Medicaid program as  
179 defined in s. 409.913. The agency may seek federal waivers  
180 necessary to administer these policies.

181 (5) (a) The agency shall implement a Medicaid prescribed-  
182 drug spending-control program that includes the following  
183 components:

184 1. A Medicaid preferred drug list, which shall be a listing  
185 of cost-effective therapeutic options recommended by the



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186 Medicaid Pharmacy and Therapeutics Committee established  
187 pursuant to s. 409.91195 and adopted by the agency for each  
188 therapeutic class on the preferred drug list. At the discretion  
189 of the committee, and when feasible, the preferred drug list  
190 should include at least two products in a therapeutic class. The  
191 agency may post the preferred drug list and updates to the list  
192 on an Internet website without following the rulemaking  
193 procedures of chapter 120. Antiretroviral agents are excluded  
194 from the preferred drug list. The agency shall also limit the  
195 amount of a prescribed drug dispensed to no more than a 34-day  
196 supply unless the drug products' smallest marketed package is  
197 greater than a 34-day supply, or the drug is determined by the  
198 agency to be a maintenance drug in which case a 100-day maximum  
199 supply may be authorized. The agency may seek any federal  
200 waivers necessary to implement these cost-control programs and  
201 to continue participation in the federal Medicaid rebate  
202 program, or alternatively to negotiate state-only manufacturer  
203 rebates. The agency may adopt rules to administer this  
204 subparagraph. The agency shall continue to provide unlimited  
205 contraceptive drugs and items. The agency must establish  
206 procedures to ensure that:

207       a. There is a response to a request for prior consultation  
208 by telephone or other telecommunication device within 24 hours  
209 after receipt of a request for prior consultation; and

210       b. A 72-hour supply of the drug prescribed is provided in  
211 an emergency or when the agency does not provide a response  
212 within 24 hours as required by sub-subparagraph a.

213       2. Reimbursement to pharmacies for Medicaid prescribed  
214 drugs shall be set at the lowest of: the average wholesale price





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215 (AWP) minus 16.4 percent, the wholesaler acquisition cost (WAC)  
216 plus 1.5 percent, the federal upper limit (FUL), the state  
217 maximum allowable cost (SMAC), or the usual and customary (UAC)  
218 charge billed by the provider.

219 3. The agency shall develop and implement a process for  
220 managing the drug therapies of Medicaid recipients who are using  
221 significant numbers of prescribed drugs each month. The  
222 management process may include, but is not limited to,  
223 comprehensive, physician-directed medical-record reviews, claims  
224 analyses, and case evaluations to determine the medical  
225 necessity and appropriateness of a patient's treatment plan and  
226 drug therapies. The agency may contract with a private  
227 organization to provide drug-program-management services. The  
228 Medicaid drug benefit management program shall include  
229 initiatives to manage drug therapies for HIV/AIDS patients,  
230 patients using 20 or more unique prescriptions in a 180-day  
231 period, and the top 1,000 patients in annual spending. The  
232 agency shall enroll any Medicaid recipient in the drug benefit  
233 management program if he or she meets the specifications of this  
234 provision and is not enrolled in a Medicaid health maintenance  
235 organization.

236 4. The agency may limit the size of its pharmacy network  
237 based on need, competitive bidding, price negotiations,  
238 credentialing, or similar criteria. The agency shall give  
239 special consideration to rural areas in determining the size and  
240 location of pharmacies included in the Medicaid pharmacy  
241 network. A pharmacy credentialing process may include criteria  
242 such as a pharmacy's full-service status, location, size,  
243 patient educational programs, patient consultation, disease



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244 management services, and other characteristics. The agency may  
245 impose a moratorium on Medicaid pharmacy enrollment if it is  
246 determined that it has a sufficient number of Medicaid-  
247 participating providers. The agency must allow dispensing  
248 practitioners to participate as a part of the Medicaid pharmacy  
249 network regardless of the practitioner's proximity to any other  
250 entity that is dispensing prescription drugs under the Medicaid  
251 program. A dispensing practitioner must meet all credentialing  
252 requirements applicable to his or her practice, as determined by  
253 the agency.

254         5. The agency shall develop and implement a program that  
255 requires Medicaid practitioners who issue written prescriptions  
256 for medicinal ~~prescribe~~ drugs to use a counterfeit-proof  
257 prescription pad for Medicaid prescriptions. The agency shall  
258 require the use of standardized counterfeit-proof prescription  
259 pads by ~~Medicaid-participating prescribers or~~ prescribers who  
260 issue written ~~write~~ prescriptions for Medicaid recipients. The  
261 agency may implement the program in targeted geographic areas or  
262 statewide.

263         6. The agency may enter into arrangements that require  
264 manufacturers of generic drugs prescribed to Medicaid recipients  
265 to provide rebates of at least 15.1 percent of the average  
266 manufacturer price for the manufacturer's generic products.  
267 These arrangements shall require that if a generic-drug  
268 manufacturer pays federal rebates for Medicaid-reimbursed drugs  
269 at a level below 15.1 percent, the manufacturer must provide a  
270 supplemental rebate to the state in an amount necessary to  
271 achieve a 15.1-percent rebate level.

272         7. The agency may establish a preferred drug list as



273 described in this subsection, and, pursuant to the establishment  
274 of such preferred drug list, negotiate supplemental rebates from  
275 manufacturers that are in addition to those required by Title  
276 XIX of the Social Security Act and at no less than 14 percent of  
277 the average manufacturer price as defined in 42 U.S.C. s. 1936  
278 on the last day of a quarter unless the federal or supplemental  
279 rebate, or both, equals or exceeds 29 percent. There is no upper  
280 limit on the supplemental rebates the agency may negotiate. The  
281 agency may determine that specific products, brand-name or  
282 generic, are competitive at lower rebate percentages. Agreement  
283 to pay the minimum supplemental rebate percentage guarantees a  
284 manufacturer that the Medicaid Pharmaceutical and Therapeutics  
285 Committee will consider a product for inclusion on the preferred  
286 drug list. However, a pharmaceutical manufacturer is not  
287 guaranteed placement on the preferred drug list by simply paying  
288 the minimum supplemental rebate. Agency decisions will be made  
289 on the clinical efficacy of a drug and recommendations of the  
290 Medicaid Pharmaceutical and Therapeutics Committee, as well as  
291 the price of competing products minus federal and state rebates.  
292 The agency may contract with an outside agency or contractor to  
293 conduct negotiations for supplemental rebates. For the purposes  
294 of this section, the term "supplemental rebates" means cash  
295 rebates. Value-added programs as a substitution for supplemental  
296 rebates are prohibited. The agency may seek any federal waivers  
297 to implement this initiative.

298       8. The agency shall expand home delivery of pharmacy  
299 products. The agency may amend the state plan and issue a  
300 procurement, as necessary, in order to implement this program.  
301 The procurements must include agreements with a pharmacy or



302 pharmacies located in the state to provide mail order delivery  
303 services at no cost to the recipients who elect to receive home  
304 delivery of pharmacy products. The procurement must focus on  
305 serving recipients with chronic diseases for which pharmacy  
306 expenditures represent a significant portion of Medicaid  
307 pharmacy expenditures or which impact a significant portion of  
308 the Medicaid population. The agency may seek and implement any  
309 federal waivers necessary to implement this subparagraph.

310 9. The agency shall limit to one dose per month any drug  
311 prescribed to treat erectile dysfunction.

312 10.a. The agency may implement a Medicaid behavioral drug  
313 management system. The agency may contract with a vendor that  
314 has experience in operating behavioral drug management systems  
315 to implement this program. The agency may seek federal waivers  
316 to implement this program.

317 b. The agency, in conjunction with the Department of  
318 Children and Families, may implement the Medicaid behavioral  
319 drug management system that is designed to improve the quality  
320 of care and behavioral health prescribing practices based on  
321 best practice guidelines, improve patient adherence to  
322 medication plans, reduce clinical risk, and lower prescribed  
323 drug costs and the rate of inappropriate spending on Medicaid  
324 behavioral drugs. The program may include the following  
325 elements:

326 (I) Provide for the development and adoption of best  
327 practice guidelines for behavioral health-related drugs such as  
328 antipsychotics, antidepressants, and medications for treating  
329 bipolar disorders and other behavioral conditions; translate  
330 them into practice; review behavioral health prescribers and



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331 compare their prescribing patterns to a number of indicators  
332 that are based on national standards; and determine deviations  
333 from best practice guidelines.

334 (II) Implement processes for providing feedback to and  
335 educating prescribers using best practice educational materials  
336 and peer-to-peer consultation.

337 (III) Assess Medicaid beneficiaries who are outliers in  
338 their use of behavioral health drugs with regard to the numbers  
339 and types of drugs taken, drug dosages, combination drug  
340 therapies, and other indicators of improper use of behavioral  
341 health drugs.

342 (IV) Alert prescribers to patients who fail to refill  
343 prescriptions in a timely fashion, are prescribed multiple same-  
344 class behavioral health drugs, and may have other potential  
345 medication problems.

346 (V) Track spending trends for behavioral health drugs and  
347 deviation from best practice guidelines.

348 (VI) Use educational and technological approaches to  
349 promote best practices, educate consumers, and train prescribers  
350 in the use of practice guidelines.

351 (VII) Disseminate electronic and published materials.

352 (VIII) Hold statewide and regional conferences.

353 (IX) Implement a disease management program with a model  
354 quality-based medication component for severely mentally ill  
355 individuals and emotionally disturbed children who are high  
356 users of care.

357 11. The agency shall implement a Medicaid prescription drug  
358 management system.

359 a. The agency may contract with a vendor that has



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360 experience in operating prescription drug management systems in  
361 order to implement this system. Any management system that is  
362 implemented in accordance with this subparagraph must rely on  
363 cooperation between physicians and pharmacists to determine  
364 appropriate practice patterns and clinical guidelines to improve  
365 the prescribing, dispensing, and use of drugs in the Medicaid  
366 program. The agency may seek federal waivers to implement this  
367 program.

368       b. The drug management system must be designed to improve  
369 the quality of care and prescribing practices based on best  
370 practice guidelines, improve patient adherence to medication  
371 plans, reduce clinical risk, and lower prescribed drug costs and  
372 the rate of inappropriate spending on Medicaid prescription  
373 drugs. The program must:

374       (I) Provide for the adoption of best practice guidelines  
375 for the prescribing and use of drugs in the Medicaid program,  
376 including translating best practice guidelines into practice;  
377 reviewing prescriber patterns and comparing them to indicators  
378 that are based on national standards and practice patterns of  
379 clinical peers in their community, statewide, and nationally;  
380 and determine deviations from best practice guidelines.

381       (II) Implement processes for providing feedback to and  
382 educating prescribers using best practice educational materials  
383 and peer-to-peer consultation.

384       (III) Assess Medicaid recipients who are outliers in their  
385 use of a single or multiple prescription drugs with regard to  
386 the numbers and types of drugs taken, drug dosages, combination  
387 drug therapies, and other indicators of improper use of  
388 prescription drugs.



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389 (IV) Alert prescribers to recipients who fail to refill  
390 prescriptions in a timely fashion, are prescribed multiple drugs  
391 that may be redundant or contraindicated, or may have other  
392 potential medication problems.

393 12. The agency may contract for drug rebate administration,  
394 including, but not limited to, calculating rebate amounts,  
395 invoicing manufacturers, negotiating disputes with  
396 manufacturers, and maintaining a database of rebate collections.

397 13. The agency may specify the preferred daily dosing form  
398 or strength for the purpose of promoting best practices with  
399 regard to the prescribing of certain drugs as specified in the  
400 General Appropriations Act and ensuring cost-effective  
401 prescribing practices.

402 14. The agency may require prior authorization for  
403 Medicaid-covered prescribed drugs. The agency may prior-  
404 authorize the use of a product:

- 405 a. For an indication not approved in labeling;
- 406 b. To comply with certain clinical guidelines; or
- 407 c. If the product has the potential for overuse, misuse, or  
408 abuse.

409  
410 The agency may require the prescribing professional to provide  
411 information about the rationale and supporting medical evidence  
412 for the use of a drug. The agency shall post prior  
413 authorization, step-edit criteria and protocol, and updates to  
414 the list of drugs that are subject to prior authorization on the  
415 agency's Internet website within 21 days after the prior  
416 authorization and step-edit criteria and protocol and updates  
417 are approved by the agency. For purposes of this subparagraph,



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418 the term "step-edit" means an automatic electronic review of  
419 certain medications subject to prior authorization.

420 15. The agency, in conjunction with the Pharmaceutical and  
421 Therapeutics Committee, may require age-related prior  
422 authorizations for certain prescribed drugs. The agency may  
423 preauthorize the use of a drug for a recipient who may not meet  
424 the age requirement or may exceed the length of therapy for use  
425 of this product as recommended by the manufacturer and approved  
426 by the Food and Drug Administration. Prior authorization may  
427 require the prescribing professional to provide information  
428 about the rationale and supporting medical evidence for the use  
429 of a drug.

430 16. The agency shall implement a step-therapy prior  
431 authorization approval process for medications excluded from the  
432 preferred drug list. Medications listed on the preferred drug  
433 list must be used within the previous 12 months before the  
434 alternative medications that are not listed. The step-therapy  
435 prior authorization may require the prescriber to use the  
436 medications of a similar drug class or for a similar medical  
437 indication unless contraindicated in the Food and Drug  
438 Administration labeling. The trial period between the specified  
439 steps may vary according to the medical indication. The step-  
440 therapy approval process shall be developed in accordance with  
441 the committee as stated in s. 409.91195(7) and (8). A drug  
442 product may be approved without meeting the step-therapy prior  
443 authorization criteria if the prescribing physician provides the  
444 agency with additional written medical or clinical documentation  
445 that the product is medically necessary because:

446 a. There is not a drug on the preferred drug list to treat





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447 the disease or medical condition which is an acceptable clinical  
448 alternative;

449 b. The alternatives have been ineffective in the treatment  
450 of the beneficiary's disease; or

451 c. Based on historic evidence and known characteristics of  
452 the patient and the drug, the drug is likely to be ineffective,  
453 or the number of doses have been ineffective.

454

455 The agency shall work with the physician to determine the best  
456 alternative for the patient. The agency may adopt rules waiving  
457 the requirements for written clinical documentation for specific  
458 drugs in limited clinical situations.

459 17. The agency shall implement a return and reuse program  
460 for drugs dispensed by pharmacies to institutional recipients,  
461 which includes payment of a \$5 restocking fee for the  
462 implementation and operation of the program. The return and  
463 reuse program shall be implemented electronically and in a  
464 manner that promotes efficiency. The program must permit a  
465 pharmacy to exclude drugs from the program if it is not  
466 practical or cost-effective for the drug to be included and must  
467 provide for the return to inventory of drugs that cannot be  
468 credited or returned in a cost-effective manner. The agency  
469 shall determine if the program has reduced the amount of  
470 Medicaid prescription drugs which are destroyed on an annual  
471 basis and if there are additional ways to ensure more  
472 prescription drugs are not destroyed which could safely be  
473 reused.

474 Section 4. Section 456.0392, Florida Statutes, is amended  
475 to read:



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476 456.0392 Prescription labeling.-

477 (1) A prescription issued ~~written~~ by a practitioner who is  
478 authorized under the laws of this state to prescribe ~~write~~  
479 ~~prescriptions for~~ drugs that are not listed as controlled  
480 substances in chapter 893 but who is not eligible for a federal  
481 Drug Enforcement Administration number shall include that  
482 practitioner's name and professional license number. The  
483 pharmacist or dispensing practitioner must include the  
484 practitioner's name on the container of the drug that is  
485 dispensed. A pharmacist shall be permitted, upon verification by  
486 the prescriber, to document any information required by this  
487 section.

488 (2) A prescription for a drug that is not listed as a  
489 controlled substance in chapter 893 which is issued ~~written~~ by  
490 an advanced practice registered nurse licensed under s. 464.012  
491 is presumed, subject to rebuttal, to be valid and within the  
492 parameters of the prescriptive authority delegated by a  
493 practitioner licensed under chapter 458, chapter 459, or chapter  
494 466.

495 (3) A prescription for a drug that is not listed as a  
496 controlled substance in chapter 893 which is issued ~~written~~ by a  
497 physician assistant licensed under chapter 458 or chapter 459 is  
498 presumed, subject to rebuttal, to be valid and within the  
499 parameters of the prescriptive authority delegated by the  
500 physician assistant's supervising physician.

501 Section 5. Paragraph (d) of subsection (3) of section  
502 458.3265, Florida Statutes, is amended to read:

503 458.3265 Pain-management clinics.-

504 (3) PHYSICIAN RESPONSIBILITIES.-These responsibilities



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505 apply to any physician who provides professional services in a  
506 pain-management clinic that is required to be registered in  
507 subsection (1).

508 (d) A physician authorized to prescribe controlled  
509 substances who practices at a pain-management clinic is  
510 responsible for maintaining the control and security of his or  
511 her prescription blanks or electronic prescribing software ~~and~~  
512 ~~any other method~~ used for prescribing controlled substance pain  
513 medication. A The physician who issues written prescriptions  
514 shall comply with the requirements for counterfeit-resistant  
515 prescription blanks in s. 893.065 and the rules adopted pursuant  
516 to that section. A The physician shall notify, in writing, the  
517 department within 24 hours after ~~following~~ any theft or loss of  
518 a prescription blank or breach of his or her electronic  
519 prescribing software used ~~any other method~~ for prescribing pain  
520 medication.

521 Section 6. Paragraph (qq) of subsection (1) of section  
522 458.331, Florida Statutes, is amended to read:

523 458.331 Grounds for disciplinary action; action by the  
524 board and department.—

525 (1) The following acts constitute grounds for denial of a  
526 license or disciplinary action, as specified in s. 456.072(2):

527 (qq) Failing to timely notify the department of the theft  
528 of prescription blanks from a pain-management clinic or a breach  
529 of a physician's electronic prescribing software ~~other methods~~  
530 ~~for prescribing~~ within 24 hours as required by s. 458.3265(3).

531 Section 7. Paragraph (d) of subsection (3) of section  
532 459.0137, Florida Statutes, is amended to read:

533 459.0137 Pain-management clinics.—



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534 (3) PHYSICIAN RESPONSIBILITIES.—These responsibilities  
535 apply to any osteopathic physician who provides professional  
536 services in a pain-management clinic that is required to be  
537 registered in subsection (1).

538 (d) An osteopathic physician authorized to prescribe  
539 controlled substances who practices at a pain-management clinic  
540 is responsible for maintaining the control and security of his  
541 or her prescription blanks or electronic prescribing software  
542 ~~and any other method~~ used for prescribing controlled substance  
543 pain medication. An ~~The~~ osteopathic physician who issues written  
544 prescriptions shall comply with the requirements for  
545 counterfeit-resistant prescription blanks in s. 893.065 and the  
546 rules adopted pursuant to that section. An ~~The~~ osteopathic  
547 physician shall notify, in writing, the department within 24  
548 hours after ~~following~~ any theft or loss of a prescription blank  
549 or breach of his or her electronic prescribing software used ~~any~~  
550 ~~other method~~ for prescribing pain medication.

551 Section 8. Paragraph (ss) of subsection (1) of section  
552 459.015, Florida Statutes, is amended to read:

553 459.015 Grounds for disciplinary action; action by the  
554 board and department.—

555 (1) The following acts constitute grounds for denial of a  
556 license or disciplinary action, as specified in s. 456.072(2):

557 (ss) Failing to timely notify the department of the theft  
558 of prescription blanks from a pain-management clinic or a breach  
559 of an osteopathic physician's electronic prescribing software  
560 ~~other methods for prescribing~~ within 24 hours as required by s.  
561 459.0137(3).

562 Section 9. This act shall take effect January 1, 2020.



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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to electronic prescribing; amending s.  
456.42, F.S.; requiring certain health care  
practitioners to electronically generate and transmit  
prescriptions for medicinal drugs upon license renewal  
or by a specified date; providing exceptions;  
authorizing the Department of Health, in consultation  
with the Board of Medicine, the Board of Osteopathic  
Medicine, the Board of Podiatric Medicine, the Board  
of Dentistry, the Board of Nursing, and the Board of  
Optometry, to adopt rules; amending s. 456.43, F.S.;  
revising the definitions of the terms "prescribing  
decision" and "point of care"; revising the authority  
for electronic prescribing software to display  
information regarding a payor's formulary under  
certain circumstances; amending ss. 409.912, 456.0392,  
458.3265, 458.331, 459.0137, and 459.015, F.S.;  
conforming provisions to changes made by the act;  
providing an effective date.