| 1  | A bill to be entitled  |
|----|--|
| 2  | An act relating to the prescription drug monitoring                              |
| 3  | program; amending s. 893.055, F.S.; authorizing the                              |
| 4  | Department of Health to enter into reciprocal                                    |
| 5  | agreements to share prescription drug monitoring                                 |
| 6  | information with the United States Department of                                 |
| 7  | Veterans Affairs, the United States Department of                                |
| 8  | Defense, or the Indian Health Service; providing                                 |
| 9  | requirements for such agreements; providing an                                   |
| 10 | exemption from the requirement to check a patient's                              |
| 11 | dispensing history before the prescribing of or                                  |
| 12 | dispensing of a controlled substance for prescribing                             |
| 13 | for or dispensing to patients admitted to hospice for                            |
| 14 | the alleviation of pain related to a terminal                                    |
| 15 | condition or to patients receiving palliative care for                           |
| 16 | terminal illnesses; providing an effective date.                                 |
| 17 |  |
| 18 | Be It Enacted by the Legislature of the State of Florida:                        |
| 19 |  |
| 20 | Section 1. Subsections (6) and (8) of section 893.055,                           |
| 21 | Florida Statutes, are amended to read:   |
| 22 | 893.055 Prescription drug monitoring program                                     |
| 23 | (6) The department may enter into one or more reciprocal                         |
| 24 | agreements or contracts to share prescription drug monitoring                    |
| 25 | information with other states, districts, <del>or</del> territories <u>, the</u> |
|    |  |
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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 In determining compatibility, the department shall (a) 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 United States; law enforcement agencies; the Attorney General's 40 Medicaid Fraud Control Unit; medical regulatory boards; the 41 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 authorized in s. 893.0551 are authorized access upon approval by 46 the department. 47 The schedules of the controlled substances that are 48 3. 49 monitored by the program. 50 The data reported to or included in the program's 4.

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51 system.

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

54 6. The costs and benefits to the state of sharing55 prescription information.

(b) The department shall assess the prescription drug monitoring program's continued compatibility <u>every 4 years</u> with <u>programs from</u> other <u>states</u> <del>states'</del>, <u>districts</u> <del>districts'</del>, <u>territories</u>, the United States Department of Veterans Affairs, <u>the United States Department of Defense</u>, or the Indian Health <u>Service</u> <del>or territories' programs every 4 years</del>.

62 (c) Any agreements or contracts for sharing of 63 prescription drug monitoring information between the department 64 and other states, districts, <del>or</del> 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.

(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

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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 purposes of this subsection, a "nonopioid controlled substance" 79 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: Is determined by the department to be nonoperational; 84 1. 85 or Cannot be accessed by the prescriber or dispenser or a 86 2. 87 designee of the prescriber or dispenser because of a temporary technological or electrical failure. 88 89 (b) A prescriber or dispenser or designee of a prescriber 90 or dispenser who does not consult the system under this subsection shall document the reason he or she did not consult 91 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 The department shall issue a nondisciplinary citation (C) 96 to any prescriber or dispenser who fails to consult the system 97 as required by this subsection for an initial offense. Each subsequent offense is subject to disciplinary action pursuant to 98 s. 456.073. 99 Section 2. This act shall take effect July 1, 2019. 100 Page 4 of 4

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