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# **Health Care Appropriations Committee**

**April 9, 2010  
11:00 a.m. – 11:30 a.m.  
212 Knott  
(Webster Hall)**

# **Action Packet**

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

(AMENDED 4/9/2010 10:28:38AM)

Amended(1)

### Health Care Appropriations Committee

**Start Date and Time:** Friday, April 09, 2010 11:00 am

**End Date and Time:** Friday, April 09, 2010 11:30 am

**Location:** Webster Hall (212 Knott)

**Duration:** 0.50 hrs

#### Consideration of the following bill(s):

CS/HB 225 Controlled Substances by Health Care Regulation Policy Committee, Legg, Abruzzo

CS/CS/HB 355 Public Safety Telecommunicators by Military & Local Affairs Policy Committee, Health Care Regulation Policy Committee, Roberson, K.

CS/HB 945 Automated External Defibrillators in Assisted Living Facilities by Elder & Family Services Policy Committee, Anderson

#### Consideration of the following proposed council bill(s):

PCB HCA 10-08 -- Public Records

NOTICE FINALIZED on 04/09/2010 10:28 by LAL

**COMMITTEE MEETING REPORT**  
**Health Care Appropriations Committee**  
**4/9/2010 11:00:00AM**

**Location:** Webster Hall (212 Knott)

**Summary:**

**Health Care Appropriations Committee**

*Friday April 09, 2010 11:00 am*

CS/HB 225 Favorable With Committee Substitute Yeas: 7 Nays: 5

CS/CS/HB 355 Not Considered

CS/HB 945 Favorable With Committee Substitute Yeas: 9 Nays: 3

PCB HCA 10-08 Favorable Yeas: 9 Nays: 3

Committee meeting was reported out: Friday, April 09, 2010 1:42:59PM

**COMMITTEE MEETING REPORT**  
**Health Care Appropriations Committee**

**4/9/2010 11:00:00AM**

**Location:** Webster Hall (212 Knott)

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Denise Grimsley (Chair)	X		
Thomas Anderson	X		
Charles Chestnut IV	X		
Carl Domino	X		
Clay Ford	X		
James Frishe			X
Ed Homan			X
Matt Hudson	X		
Peter Nehr	X		
Kenneth Roberson	X		
Yolly Roberson	X		
Elaine Schwartz	X		
Kelly Skidmore	X		
Nicholas Thompson	X		
<b>Totals:</b>	<b>12</b>	<b>0</b>	<b>2</b>

Committee meeting was reported out: Friday, April 09, 2010 1:42:59PM

**COMMITTEE MEETING REPORT**  
**Health Care Appropriations Committee**

**4/9/2010 11:00:00AM**

**Location:** Webster Hall (212 Knott)

**CS/HB 225 : Controlled Substances**

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Charles Chestnut IV		X			
Carl Domino		X			
Clay Ford	X				
James Frishe			X		
Ed Homan			X		
Matt Hudson	X				
Peter Nehr	X				
Kenneth Roberson	X				
Yolly Roberson		X			
Elaine Schwartz		X			
Kelly Skidmore		X			
Nicholas Thompson	X				
Denise Grimsley (Chair)	X				
<b>Total Yeas: 7      Total Nays: 5</b>					

**Appearances:**

Prescription Drug Monitoring/Lite

Laurie Serra, NOPE Coordinator, Pinellas County - Opponent  
 3321 Waterford Drive  
 Clearwater FL 33761  
 Phone: 727-424-6906

PDMP-Prescription Drug Monitoring Program Lite

Barbara Helmintoller, Member - Opponent  
 NOPE (Narcotic Overdose Prevention/Education)  
 16115 Redington Drive  
 Redington Beach FL 33708  
 Phone: 727-455-3858

Controlled Substances

Jackie Viana (WAIVED IN SUPPORT) - Proponent  
 Hialeah Gordon Middle School--7th Grade Class  
 Hialeah Gardens FL

Network

Claude Shipley, Special Projects (Lobbyist) (State Employee) - Opponent  
 Office of Drug Control  
 400 South Monroe Street Suite 2105  
 Tallahassee FL 32399  
 Phone: 850-414-8820

**Committee meeting was reported out: Friday, April 09, 2010 1:42:59PM**

**COMMITTEE MEETING REPORT**  
**Health Care Appropriations Committee**

**4/9/2010 11:00:00AM**

**Location:** Webster Hall (212 Knott)

Controlled Substances

Bob Asztalos (WAIVED IN SUPPORT) (Lobbyist) - Proponent

Hollywood Injury & Rehab Center

713 East Park Avenue

Tallahassee FL 32301

Phone: 850-224-7946

Controlled Substances

Paul Lambert, General Counsel (WAIVED IN SUPPORT) (Lobbyist) - Proponent

FL Chiropractic Association/FL State Massage Therapy Association

502 North Adams Street

Tallahassee FL 32301

Phone: 850-224-9393

Health Care--Pill Mills

Sally West, Director (Lobbyist) - Opponent

Florida Retail Federation

Tallahassee FL

Phone: 850-222-4082

Prescription Drug Monitoring Program

Michael Jackson, Executive VP and CEO (WAIVED IN OPPOSITION) (Lobbyist) - Opponent

Florida Pharmacy Association

610 North Adams Street

Tallahassee FL 32301

Phone: 850-222-2400

**Committee meeting was reported out: Friday, April 09, 2010 1:42:59PM**

**COMMITTEE MEETING REPORT**  
**Health Care Appropriations Committee**

**4/9/2010 11:00:00AM**

**Location:** Webster Hall (212 Knott)

**CS/CS/HB 355 : Public Safety Telecommunicators**

*Not Considered*

**Committee meeting was reported out: Friday, April 09, 2010 1:42:59PM**

**COMMITTEE MEETING REPORT**  
**Health Care Appropriations Committee**

**4/9/2010 11:00:00AM**

**Location:** Webster Hall (212 Knott)

**CS/HB 945 : Automated External Defibrillators in Assisted Living Facilities**

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Charles Chestnut IV		X			
Carl Domino	X				
Clay Ford	X				
James Frishe			X		
Ed Homan			X		
Matt Hudson	X				
Peter Nehr	X				
Kenneth Roberson	X				
Yolly Roberson	X				
Elaine Schwartz	X				
Kelly Skidmore		X			
Nicholas Thompson	X				
Denise Grimsley (Chair)		X			
<b>Total Yeas: 9</b>		<b>Total Nays: 3</b>			

**Appearances:**

**AEDs in ALFs**

James Mosteller, State Advocacy Director (WAIVED IN SUPPORT) (Lobbyist) - Proponent  
 American Heart Association  
 317 East Park Avenue  
 Tallahassee FL 32301  
 Phone: 850-727-3712

**Amendment 3**

Paul Jess (WAIVED IN OPPOSITION) (Lobbyist) - Opponent  
 Florida Justice Association  
 218 South Monroe Street  
 Tallahassee FL 32301  
 Phone: 850-224-9403

**Controlled Substances**

Carol Berkowitz, Sr. Director of Regulations (WAIVED IN OPPOSITION) (Lobbyist) - Opponent  
 FL Association of Homes & Services for the Aging  
 1812 Riggins Road  
 Tallahassee FL 32309  
 Phone: 850-671-3700

Committee meeting was reported out: Friday, April 09, 2010 1:42:59PM



**COMMITTEE MEETING REPORT**  
**Health Care Appropriations Committee**  
**4/9/2010 11:00:00AM**

**Location:** Webster Hall (212 Knott)

**PCB HCA 10-08 : Public Records**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Charles Chestnut IV	X				
Carl Domino	X				
Clay Ford	X				
James Frishe			X		
Ed Homan			X		
Matt Hudson	X				
Peter Nehr	X				
Kenneth Roberson	X				
Yolly Roberson		X			
Elaine Schwartz		X			
Kelly Skidmore		X			
Nicholas Thompson	X				
Denise Grimsley (Chair)	X				
<b>Total Yeas: 9</b>		<b>Total Nays: 3</b>			

Committee meeting was reported out: Friday, April 09, 2010 1:42:59PM

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED  (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



1 Council/Committee hearing bill: Health Care Appropriations  
2 Committee

3 Representative(s) Legg offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 408.0513, Florida Statutes, is created  
8 to read:

9 408.0513 Access to prescription drug medication history.—

10 (1) By December 1, 2010, the agency shall contract with an  
11 entity that operates a multistate electronic prescribing network  
12 to provide the following agencies with access to the controlled  
13 substance information available on such network for the  
14 controlled substances listed in Schedules II and III of s.

15 893.03:

16 (a) A criminal justice agency as defined in s. 119.011  
17 that enforces the laws of this state or the United States and  
18 that initiates an active investigation involving a specific  
19 violation of law.

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20       (b) The Department of Health or the relevant health  
21 regulatory board responsible for the licensure, regulation, or  
22 discipline of practitioners, pharmacists, or other persons who  
23 are authorized to prescribe, administer, or dispense controlled  
24 substances and who are involved in a specific investigation  
25 involving a designated person.

26       (2) The agency shall adopt rules under ss. 120.536(1) and  
27 120.54 to administer this section, including the method and  
28 terms of access to the information provided under subsection  
29 (1).

30       (3) The agency shall seek federal grants and donations  
31 from private entities to implement this section.

32       Section 2. Subsection (4) of section 458.309, Florida  
33 Statutes, is amended to read:

34       458.309 Rulemaking authority.—

35       (4) All privately owned pain-management clinics,  
36 facilities, or offices, primarily engaged in the treatment of  
37 pain by prescribing or dispensing controlled substances,  
38 hereinafter referred to as "clinics," which advertise in any  
39 medium for any type of pain-management services, or employ a  
40 physician who is primarily engaged in the treatment of pain by  
41 prescribing or dispensing controlled substance medications, must  
42 register with the department by January 4, 2010, unless that  
43 clinic is licensed as a facility pursuant to chapter 395. The  
44 department shall refuse to register any clinic owned by or  
45 having any contractual or employment relationship with a  
46 physician whose federal Drug Enforcement Administration  
47 registration number has ever been suspended or revoked or

Amendment No. 1

48 against whom the board has taken final administrative action  
49 relating to the physician's impairment due to the misuse or  
50 abuse of alcohol or drugs; or any clinic the ownership or any  
51 controlling interest of which is held by any person who has been  
52 convicted of, or has entered a plea of guilty or nolo contendere  
53 to, regardless of adjudication, a felony under chapter 893. A  
54 physician may not practice medicine in a pain-management clinic  
55 that is required to register but has not registered with the  
56 department. Each clinic location shall be registered separately  
57 regardless of whether the clinic is operated under the same  
58 business name or management as another clinic. If the clinic is  
59 licensed as a health care clinic under chapter 400, the medical  
60 director is responsible for registering the facility with the  
61 department. If the clinic is not registered pursuant to chapter  
62 395 or chapter 400, the clinic shall, upon registration with the  
63 department, designate a physician who is responsible for  
64 complying with all requirements related to registration of the  
65 clinic. The designated physician shall be licensed under this  
66 chapter or chapter 459 and shall practice at the office location  
67 for which the physician has assumed responsibility. The  
68 department shall inspect the clinic annually to ensure that it  
69 complies with rules of the Board of Medicine adopted pursuant to  
70 this subsection and subsection (5) unless the office is  
71 accredited by a nationally recognized accrediting agency  
72 approved by the Board of Medicine. The actual costs for  
73 registration and inspection or accreditation shall be paid by  
74 the physician seeking to register the clinic.

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 225 (2010)

Amendment No. 1

75 Section 3. Paragraph (nn) of subsection (1) of section  
76 458.331, Florida Statutes, is redesignated as paragraph (qq),  
77 and new paragraphs (nn), (oo), and (pp) are added to that  
78 subsection to read:

79 458.331 Grounds for disciplinary action; action by the  
80 board and department.—

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

83 (nn) Practicing medicine in a clinic that is required to  
84 register but has not registered with the department pursuant to  
85 s. 458.309.

86 (oo) Promoting or advertising through any communication  
87 media the use, sale, or dispensing of any controlled substance  
88 appearing on any schedule in chapter 893.

89 (pp) Dispensing controlled substances in Schedules II, III,  
90 IV or V of s. 893.03 without being registered with the Board of  
91 Pharmacy as a controlled substance dispensing practitioner  
92 pursuant to s. 465.0276(3).

93 Section 4. Subsection (3) of section 459.005, Florida  
94 Statutes, is amended to read:

95 459.005 Rulemaking authority.—

96 (3) All privately owned pain-management clinics,  
97 facilities, or offices, primarily engaged in the treatment of  
98 pain by prescribing or dispensing controlled substances,  
99 hereinafter referred to as "clinics," which advertise in any  
100 medium for any type of pain-management services, or employ a  
101 physician who is licensed under this chapter and who is  
102 primarily engaged in the treatment of pain by prescribing or

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103 dispensing controlled substance medications, must register with  
104 the department by January 4, 2010, unless that clinic is  
105 licensed as a facility under chapter 395. The department shall  
106 refuse to register any clinic owned by or having any contractual  
107 or employment relationship with a physician whose federal Drug  
108 Enforcement Administration registration number has ever been  
109 suspended or revoked or against whom the board has taken final  
110 administrative action relating to the physician's impairment due  
111 to the misuse or abuse of alcohol or drugs; or any clinic the  
112 ownership or any controlling interest of which is held by any  
113 person who has been convicted of, or has entered a plea of  
114 guilty or nolo contendere to, regardless of adjudication, a  
115 felony under chapter 893. A physician may not practice  
116 osteopathic medicine in a pain-management clinic that is  
117 required to register but has not registered with the department.  
118 Each clinic location shall be registered separately regardless  
119 of whether the clinic is operated under the same business name  
120 or management as another clinic. If the clinic is licensed as a  
121 health care clinic under chapter 400, the medical director is  
122 responsible for registering the facility with the department. If  
123 the clinic is not registered under chapter 395 or chapter 400,  
124 the clinic shall, upon registration with the department,  
125 designate a physician who is responsible for complying with all  
126 requirements related to registration of the clinic. The  
127 designated physician shall be licensed under chapter 458 or this  
128 chapter and shall practice at the office location for which the  
129 physician has assumed responsibility. The department shall  
130 inspect the clinic annually to ensure that it complies with

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 225 (2010)

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131 rules of the Board of Osteopathic Medicine adopted pursuant to  
132 this subsection and subsection (4) unless the office is  
133 accredited by a nationally recognized accrediting agency  
134 approved by the Board of Osteopathic Medicine. The actual costs  
135 for registration and inspection or accreditation shall be paid  
136 by the physician seeking to register the clinic.

137 Section 5. Paragraph (pp) of subsection (1) of section  
138 459.015, Florida Statutes, is redesignated as paragraph (ss),  
139 and new paragraphs (pp), (qq), and (rr) are added to that  
140 subsection to read:

141 459.015 Grounds for disciplinary action; action by the  
142 board and department.—

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

145 (pp) Practicing osteopathic medicine in a clinic that is  
146 required to register but has not registered with the department  
147 pursuant to s. 459.005.

148 (qq) Promoting or advertising through any communication  
149 media the use, sale, or dispensing of any controlled substance  
150 appearing on any schedule in chapter 893.

151 (rr) Dispensing controlled substances in Schedules II, III,  
152 IV or V of s. 893.03 without being registered with the Board of  
153 Pharmacy as a controlled substance dispensing practitioner  
154 pursuant to s. 465.0276(3).

155 Section 6. Section 465.018, Florida Statutes, is amended  
156 to read:

157 465.018 Community pharmacies; permits.—Any person desiring  
158 a permit to operate a community pharmacy shall apply to the

Amendment No. 1

159 department. If the board office certifies that the application  
160 complies with the laws of the state and the rules of the board  
161 governing pharmacies, the department shall issue the permit. A  
162 ~~No permit may not shall~~ be issued unless a licensed pharmacist  
163 is designated as the prescription department manager responsible  
164 for maintaining all drug records, providing for the security of  
165 the prescription department, and following such other rules as  
166 relate to the practice of the profession of pharmacy. The  
167 permittee and the newly designated prescription department  
168 manager shall notify the department within 10 days of any change  
169 in prescription department manager. Effective July 1, 2012, a  
170 permit may not be issued unless the applicant demonstrates the  
171 ability to participate in and transmit dispensing information  
172 through a multistate electronic prescribing network. Effective  
173 January 1, 2013, a permittee must transmit dispensing  
174 information through a multistate electronic prescribing network  
175 for each prescription of a controlled substance listed in  
176 Schedule II or Schedule III of s. 893.03.

177 Section 7. Subsection (1) of section 465.023, Florida  
178 Statutes, is amended to read:

179 465.023 Pharmacy permittee; disciplinary action.—

180 (1) The department or the board may revoke or suspend the  
181 permit of any pharmacy permittee, and may fine, place on  
182 probation, or otherwise discipline any pharmacy permittee if the  
183 permittee, or any affiliated person, partner, officer, director,  
184 or agent of the permittee, including a person fingerprinted  
185 under s. 465.022(3), has:



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- 186 (a) Obtained a permit by misrepresentation or fraud or  
187 through an error of the department or the board;
- 188 (b) Attempted to procure, or has procured, a permit for  
189 any other person by making, or causing to be made, any false  
190 representation;
- 191 (c) Violated any of the requirements of this chapter or  
192 any of the rules of the Board of Pharmacy; of chapter 499, known  
193 as the "Florida Drug and Cosmetic Act"; of 21 U.S.C. ss. 301-  
194 392, known as the "Federal Food, Drug, and Cosmetic Act"; of 21  
195 U.S.C. ss. 821 et seq., known as the Comprehensive Drug Abuse  
196 Prevention and Control Act; or of chapter 893;
- 197 (d) Been convicted or found guilty, regardless of  
198 adjudication, of a felony or any other crime involving moral  
199 turpitude in any of the courts of this state, of any other  
200 state, or of the United States;
- 201 (e) Been convicted or disciplined by a regulatory agency  
202 of the Federal Government or a regulatory agency of another  
203 state for any offense that would constitute a violation of this  
204 chapter;
- 205 (f) Been convicted of, or entered a plea of guilty or nolo  
206 contendere to, regardless of adjudication, a crime in any  
207 jurisdiction which relates to the practice of, or the ability to  
208 practice, the profession of pharmacy;
- 209 (g) Been convicted of, or entered a plea of guilty or nolo  
210 contendere to, regardless of adjudication, a crime in any  
211 jurisdiction which relates to health care fraud; ~~or~~
- 212 (h) Dispensed any medicinal drug based upon a  
213 communication that purports to be a prescription as defined by

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214 s. 465.003(14) or s. 893.02 when the pharmacist knows or has  
215 reason to believe that the purported prescription is not based  
216 upon a valid practitioner-patient relationship that includes a  
217 documented patient evaluation, including history and a physical  
218 examination adequate to establish the diagnosis for which any  
219 drug is prescribed and any other requirement established by  
220 board rule under chapter 458, chapter 459, chapter 461, chapter  
221 463, chapter 464, or chapter 466; or

222 (i) Failed to transmit dispensing information through a  
223 multistate electronic prescribing network pursuant to s. 465.018  
224 for any prescription of a controlled substance listed in  
225 Schedule II or Schedule III of s. 893.03.

226 Section 8. Subsections (3) and (4) of section 465.0276,  
227 Florida Statutes, are amended, and subsequent subsections are  
228 renumbered to read:

229 465.0276 Dispensing practitioner.—

230 (1) A person may not dispense medicinal drugs unless  
231 licensed as a pharmacist or otherwise authorized under this  
232 chapter to do so, except that a practitioner authorized by law  
233 to prescribe drugs may dispense such drugs to her or his  
234 patients in the regular course of her or his practice in  
235 compliance with this section.

236 (2) A practitioner who dispenses medicinal drugs for human  
237 consumption for fee or remuneration of any kind, whether direct  
238 or indirect, must:

239 (a) Register with her or his professional licensing board  
240 as a dispensing practitioner and pay a fee not to exceed \$100 at  
241 the time of such registration and upon each renewal of her or

Amendment No. 1

242 his license. Each appropriate board shall establish such fee by  
243 rule.

244 (b) Comply with and be subject to all laws and rules  
245 applicable to pharmacists and pharmacies, including, but not  
246 limited to, this chapter and chapters 499 and 893 and all  
247 federal laws and federal regulations.

248 (c) Before dispensing any drug, give the patient a written  
249 prescription and orally or in writing advise the patient that  
250 the prescription may be filled in the practitioner's office or  
251 at any pharmacy.

252 (3) To dispense controlled substances in Schedules II, III,  
253 IV or V of s. 893.03, practitioners authorized by law to  
254 prescribe controlled substances shall register with the Board of  
255 Pharmacy as a controlled substance dispensing practitioner and  
256 pay a fee not to exceed \$100. The department shall adopt rules  
257 establishing procedures for quadrennial renewal of registration.

258 (a) The department shall establish a statement of reference  
259 which shall inquire whether the referring entity:

260 1. Has personal knowledge of the practitioner;

261 2. Has had an opportunity to form an opinion of the  
262 practitioner's medical skills and ethics;

263 3. Is aware of any incidents in the practitioner's medical  
264 practice which reflect insufficient skill or medical ethics to  
265 properly dispense controlled substances;

266 4. Is aware of any facts or circumstances which indicate  
267 the practitioner is likely to dispense controlled substances  
268 without clinical justification; and

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269 5. Recommends the practitioner for controlled substance  
270 dispensing registration.

271 (b) Upon receiving a request for registration, the  
272 department shall send the statement of reference to the  
273 following persons:

274 1. The president of the Florida Medical Association.

275 2. The president of the Florida Osteopathic Medical  
276 Association.

277 3. The dean of any Florida medical school.

278 4. The hospital medical chief of every licensed hospital  
279 within 50 miles of the practitioner's practice location.

280 5. The president of the practitioner's state specialty  
281 society, if any.

282 6. The president of every county medical association  
283 geographically located in the practitioner's practice area.

284

285 The department shall establish and maintain an accurate listing  
286 of the persons described above. Persons receiving the statement  
287 of reference may decline to complete or return it. Completed  
288 statements must be notarized and returned to the department.

289 (c) The persons listed in paragraph (b) are immune from  
290 civil liability for the information conveyed in a statement of  
291 reference, if provided in good faith.

292 (d) The Board of Pharmacy shall not register practitioners  
293 for which any statement of reference contains a negative  
294 recommendation, or for which no positive recommendation is  
295 returned to the department. The Board shall not consider any  
296 statement of reference which is not notarized. Administrative

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297 challenges made pursuant to ch. 120 for registration denials and  
298 renewal denials shall be to the practitioner's professional  
299 licensing board.

300 (d) The requirements of this subsection apply to physicians  
301 practicing in Broward, Dade and Palm Beach Counties on September  
302 1, 2010. For all other physicians, the requirements of this  
303 subsection apply at the time of the next licensure renewal.

304 (4) Effective July 1, 2012, the department may not register  
305 a controlled substance dispensing practitioner unless the  
306 practitioner demonstrates the ability to participate in and  
307 transmit dispensing information through a multistate electronic  
308 prescribing network. Effective January 1, 2013, controlled  
309 substance dispensing practitioners must transmit dispensing  
310 information through a multistate electronic prescribing network  
311 for each prescription of a controlled substance listed in  
312 Schedules II, III, IV or V of s. 893.03.

313 (53) The department shall inspect any facility where a  
314 practitioner dispenses medicinal drugs pursuant to subsection  
315 (2) in the same manner and with the same frequency as it  
316 inspects pharmacies for the purpose of determining whether the  
317 practitioner is in compliance with all statutes and rules  
318 applicable to her or his dispensing practice.

319 (64) The registration of any practitioner who has been  
320 found by her or his respective board to have dispensed medicinal  
321 drugs in violation of this chapter shall be subject to  
322 suspension or revocation.

323 (75) A practitioner who confines her or his activities to  
324 the dispensing of complimentary packages of medicinal drugs to

Amendment No. 1

325 the practitioner's own patients in the regular course of her or  
326 his practice, without the payment of fee or remuneration of any  
327 kind, whether direct or indirect, and who herself or himself  
328 dispenses such drugs is not required to register pursuant to  
329 this section. The practitioner must dispense such drugs in the  
330 manufacturer's labeled package with the practitioner's name,  
331 patient's name, and date dispensed, or, if such drugs are not  
332 dispensed in the manufacturer's labeled package, they must be  
333 dispensed in a container which bears the following information:

- 334 (a) Practitioner's name;
- 335 (b) Patient's name;
- 336 (c) Date dispensed;
- 337 (d) Name and strength of drug; and
- 338 (e) Directions for use.

339 Section 17. This act shall take effect July 1, 2010.

340

341

342

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343

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

344

Remove the entire title and insert:

345

An act relating to controlled substances; creating s. 408.0513,

346

F.S.; requiring the Agency for Health Care Administration to

347

contract with a multistate electronic prescribing network to

348

provide certain agencies with access to certain controlled

349

substance information; requiring the Agency for Health Care

350

Administration to adopt rules and seek grants and donations;

351

amending ss. 458.309 and 459.005, F.S.; revising requirements

352

for the registration of pain-management clinics; requiring the

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 225 (2010)

Amendment No. 1

353 Department of Health to refuse to register pain-management  
354 clinics under certain circumstances; amending ss. 458.331 and  
355 459.015, F.S.; specifying additional grounds for disciplinary  
356 action against practitioners licensed under ch. 458 or ch. 459,  
357 F.S.; amending s. 465.018, F.S.; requiring community pharmacy  
358 permit applicants to demonstrate the ability to participate in  
359 and transmit dispensing information through a multistate  
360 electronic prescribing network; requiring community pharmacy  
361 permittees to transmit dispensing information through such a  
362 network for prescriptions of certain controlled substances;  
363 amending s. 465.023, F.S.; specifying an additional ground for  
364 disciplinary action against community pharmacy permittees;  
365 amending s. 465.0276, F.S.; requiring registration by the Board  
366 of Pharmacy for dispensing certain controlled substances;  
367 requiring a fee; providing for quadrennial registration renewal;  
368 requiring the department to establish a statement of reference  
369 with certain inquiries; requiring the department to send the  
370 statement of reference to certain persons upon receiving a  
371 registration application; requiring the department to establish  
372 and maintain a list of such persons; providing for certain civil  
373 immunity; prohibiting the department from registering certain  
374 practitioners; specifying that administrative appeals under  
375 chapter 120 are to the professional licensing board; providing  
376 applicability for practitioners in Broward, Palm Beach and  
377 Miami-Dade Counties on September 1, 2010; providing  
378 applicability for other practitioners upon license renewal;  
379 prohibiting the department from registering practitioners who  
380 cannot demonstrate ability to transmit certain information

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 225 (2010)

Amendment No. 1

381 through a multi-state prescribing network, effective July 1,  
382 2012; requiring controlled substance dispensing practitioners to  
383 transmit certain information through a multi-state prescribing  
384 network effective January 1, 2013; providing an effective date.



Amendment No. Am 1 to Am 1

COUNCIL/COMMITTEE ACTION

ADOPTED  (Y/N)  
ADOPTED AS AMENDED  (Y/N)  
ADOPTED W/O OBJECTION  (Y/N)  
FAILED TO ADOPT  (Y/N)  
WITHDRAWN  (Y/N)  
OTHER \_\_\_\_\_

A

1 Council/Committee hearing bill: Health Care Appropriations  
2 Committee

3 Representative(s) Abruzzo offered the following:

4  
5 **Amendment to Amendment (1) by Representative Legg**

6 Remove lines 53-115 and insert:

7 to, regardless of adjudication, a felony under chapter 893. The  
8 department shall refuse to register any clinic not fully owned  
9 by a physician or group of physicians licensed pursuant to this  
10 chapter or chapter 459, or a health care clinic licensed under  
11 part X of chapter 400. A physician may not practice medicine in  
12 a pain-management clinic that is required to register but has  
13 not registered with the department. Each clinic location shall  
14 be registered separately regardless of whether the clinic is  
15 operated under the same business name or management as another  
16 clinic. If the clinic is licensed as a health care clinic under  
17 chapter 400, the medical director is responsible for registering  
18 the facility with the department. If the clinic is not  
19 registered pursuant to chapter 395 or chapter 400, the clinic

Amendment No. Am 1 to Am 1

20 shall, upon registration with the department, designate a  
21 physician who is responsible for complying with all requirements  
22 related to registration of the clinic. The designated physician  
23 shall be licensed under this chapter or chapter 459 and shall  
24 practice at the office location for which the physician has  
25 assumed responsibility. The department shall inspect the clinic  
26 annually to ensure that it complies with rules of the Board of  
27 Medicine adopted pursuant to this subsection and subsection (5)  
28 unless the office is accredited by a nationally recognized  
29 accrediting agency approved by the Board of Medicine. The actual  
30 costs for registration and inspection or accreditation shall be  
31 paid by the physician seeking to register the clinic.

32 Section 3. Paragraph (nn) of subsection (1) of section  
33 458.331, Florida Statutes, is redesignated as paragraph (qq),  
34 and new paragraphs (nn), (oo), and (pp) are added to that  
35 subsection to read:

36 458.331 Grounds for disciplinary action; action by the  
37 board and department.—

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

40 (nn) Practicing medicine in a clinic that is required to  
41 register but has not registered with the department pursuant to  
42 s. 458.309.

43 (oo) Promoting or advertising through any communication  
44 media the use, sale, or dispensing of any controlled substance  
45 appearing on any schedule in chapter 893.

46 (pp) Dispensing controlled substances in Schedules II, III,  
47 IV or V of s. 893.03 without being registered with the Board of

Amendment No. Am 1 to Am 1

48 Pharmacy as a controlled substance dispensing practitioner  
49 pursuant to s. 465.0276(3).

50 Section 4. Subsection (3) of section 459.005, Florida  
51 Statutes, is amended to read:

52 459.005 Rulemaking authority.—

53 (3) All privately owned pain-management clinics,  
54 facilities, or offices, primarily engaged in the treatment of  
55 pain by prescribing or dispensing controlled substances,  
56 hereinafter referred to as "clinics," which advertise in any  
57 medium for any type of pain-management services, or employ a  
58 physician who is licensed under this chapter and who is  
59 primarily engaged in the treatment of pain by prescribing or  
60 dispensing controlled substance medications, must register with  
61 the department by January 4, 2010, unless that clinic is  
62 licensed as a facility under chapter 395. The department shall  
63 refuse to register any clinic owned by or having any contractual  
64 or employment relationship with a physician whose federal Drug  
65 Enforcement Administration registration number has ever been  
66 suspended or revoked or against whom the board has taken final  
67 administrative action relating to the physician's impairment due  
68 to the misuse or abuse of alcohol or drugs; or any clinic the  
69 ownership or any controlling interest of which is held by any  
70 person who has been convicted of, or has entered a plea of  
71 guilty or nolo contendere to, regardless of adjudication, a  
72 felony under chapter 893. The department shall refuse to  
73 register any clinic not fully owned by a physician or group of  
74 physicians licensed pursuant to this chapter or chapter 459, or

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 225 (2010)

Amendment No. Am 1 to Am 1

75 a health care clinic licensed under part X of chapter 400. A

76 physician may not practice

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 945 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

(A)

1 Council/Committee hearing bill: Health Care Appropriations  
2 Committee

3 Representative(s) Anderson offered the following:

4  
5 **Amendment (with title amendment)**

6 Between lines 48 and 49, insert:

7 Section 2. The sum of \$22,447 in recurring funds and  
8 \$11,200 in nonrecurring funds from the General Revenue Fund and  
9 two full-time equivalent positions with associated salary rate  
10 of 70,229 is appropriated to the Agency for Health Care  
11 Administration for Fiscal Year 2010-2011 to implement the  
12 provisions of this act. An additional \$113,030 in recurring  
13 funds is appropriated to the Agency for Health Care  
14 Administration for Fiscal Year 2011-2012 from the General  
15 Revenue Fund for the same purpose.

16  
17  
18 -----  
19 **T I T L E A M E N D M E N T**

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 945 (2010)

Amendment No. 1

20 Remove line 12 and insert:  
21 the use of automated external defibrillators; providing  
22 appropriations; providing an

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 945 (2010)

Amendment No. 2

COUNCIL/COMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	



1 Council/Committee hearing bill: Health Care Appropriations  
2 Committee  
3 Representative(s) Anderson offered the following:

4  
5 **Amendment**

6 Remove line 49 and insert:

7 Section 3. Except as otherwise expressly provided in this  
8 act, this act shall take effect July 1, 2011.

Amendment No. 3

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN  (Y/N)  
OTHER \_\_\_\_\_

W/D

1 Council/Committee hearing bill: Health Care Appropriations  
2 Committee  
3 Representative(s) Chestnut offered the following:  
4

**Amendment (with title amendment)**

6 Remove lines 31-45 and insert:

7 (4) (a) Any employee or contractor of the facility who uses  
8 or attempts to use an automated external defibrillator on a  
9 victim of a perceived medical emergency, without objection of  
10 the victim of the perceived medical emergency, is immune from  
11 civil liability for any harm resulting from the use of such  
12 device, unless the harm results from that person's willful or  
13 criminal misconduct, gross negligence, reckless disregard or  
14 misconduct, or a conscious, flagrant indifference to the rights  
15 or safety of the victim who was harmed.

16 (b) Any facility that acquires the device and makes it  
17 available for use is immune from civil liability if the harm was  
18 not due to the failure of such facility to:  
19



Amendment No. 3

- 20        1. Properly maintain and test the device; or  
21        2. Provide appropriate training in the use of the device  
22        to an employee or contractor of the facility when the employee  
23        or contractor was the person who used the device on the victim.

24        (c) The owner or administrator of a facility may establish  
25        policies and procedures for the use of an automated external  
26        defibrillator. Residents must comply with policies and  
27        procedures adopted by the facility that allow for the  
28        identification of residents with an order not to resuscitate.

29        (5)-(4) Facility staff may withhold or withdraw  
30        cardiopulmonary resuscitation or the use of an automated  
31        external defibrillator if presented with an order not to  
32        resuscitate executed pursuant to s. 401.45. The department shall  
33        adopt rules providing for the implementation of such orders.  
34        Facility staff and facilities shall not be subject to criminal  
35        prosecution or civil liability, nor be considered to have  
36        engaged in negligent or unprofessional conduct, for withholding  
37        or withdrawing cardiopulmonary resuscitation or use of an  
38        automated external defibrillator pursuant to such an order and  
39        rules adopted by the department. The absence of an order to  
40        resuscitate executed pursuant to s. 401.45 does not preclude a  
41        physician from withholding or withdrawing cardiopulmonary  
42        resuscitation or use of an automated external defibrillator as  
43        otherwise permitted by law. Any employee or person under  
44        contract with the facility and the facility shall be immune from  
45        civil liability arising from the use of an automated external  
46        defibrillator on a person with such an order where the person  
47        using the automated external defibrillator does not personally

Amendment No. 3

48 | have actual knowledge of the existence and validity of this  
49 | order.

50 | (6) The provisions of this section shall control over any  
51 | conflicting provisions contained in s. 768.1325.

52 |

53 |

54 | -----

55 |

**T I T L E   A M E N D M E N T**

56 |

Remove line 10 and insert:

57 |

the Cardiac Arrest Survival Act; providing immunity from

58 |

liability for persons employed by or under contract with

59 |

assisted living facilities; authorizing the