

Judiciary Committee
Wednesday, September 21, 2011
9:00 AM
404 HOB

Meeting Packet

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Judiciary Committee

Start Date and Time: Wednesday, September 21, 2011 09:00 am
End Date and Time: Wednesday, September 21, 2011 10:30 am
Location: 404 HOB
Duration: 1.50 hrs

Presentation by the Florida Department of Law Enforcement on implementing CS/CS/HB 7095 (relating to prescription drugs)

Introduction and remarks by Ken Tucker, Secretary of the Florida Department of Corrections

NOTICE FINALIZED on 09/14/2011 16:11 by Jones.Missy

Pharmaceutical Drug Diversion in Florida

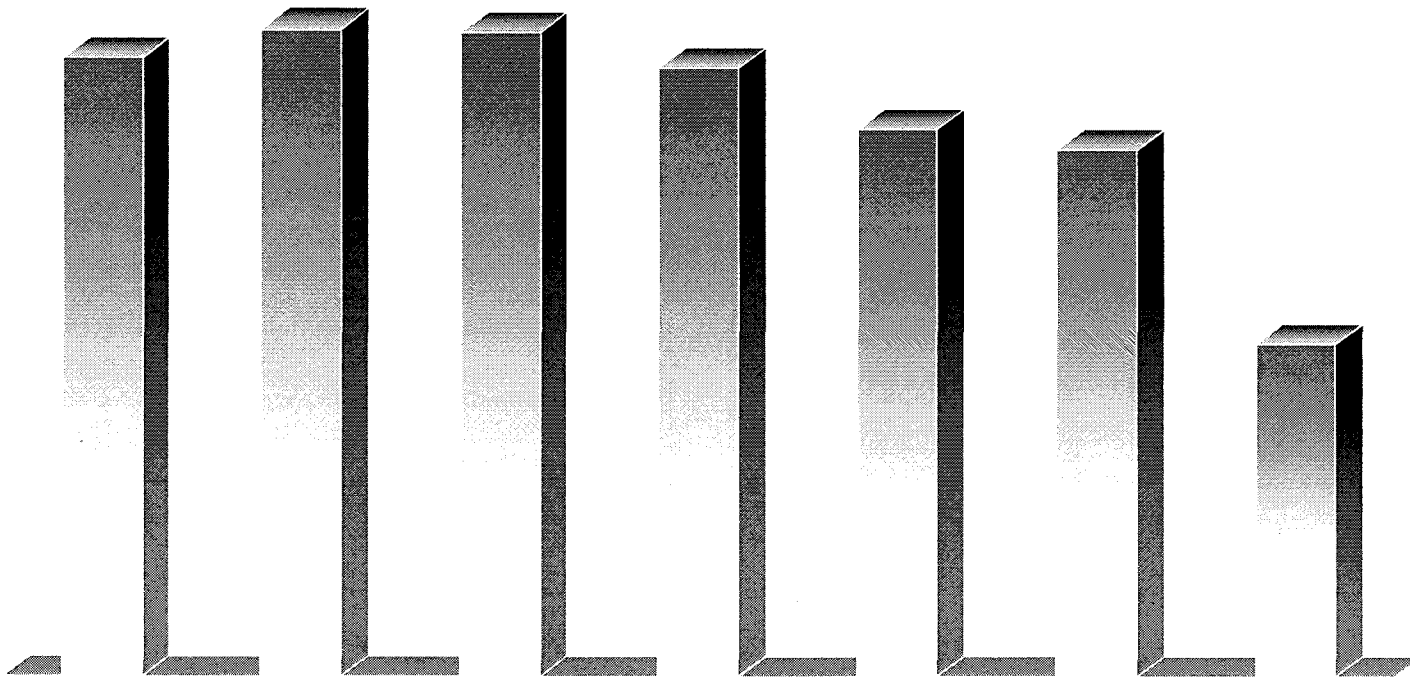


Presented by
Special Agent Supervisor Jeff Beasley
Florida Department of Law Enforcement

Statistical Trend Data



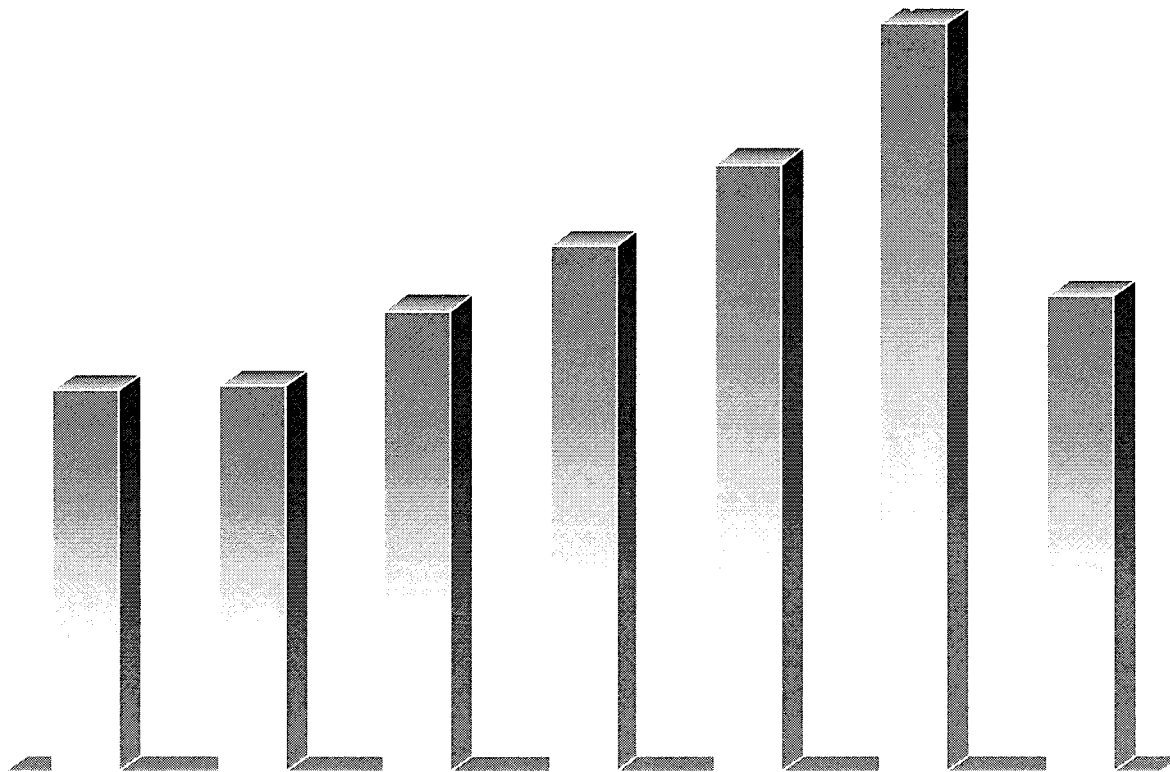
All Florida Drug Arrests 2005 – 2011 Year to Date



*As of 09/01/2011



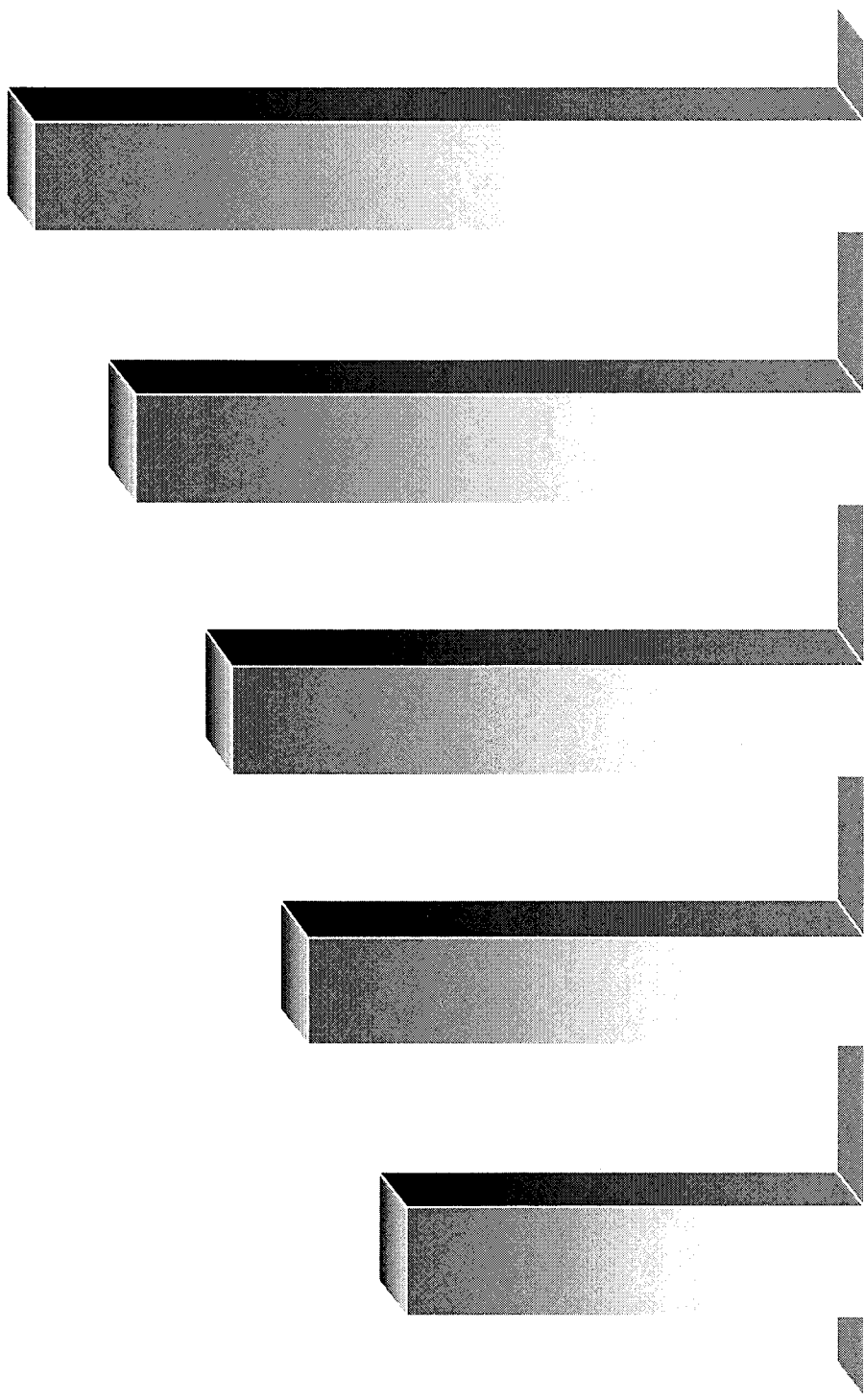
Florida Prescription Drug Arrests 2005 – 2011 Year to Date



*As of 09/01/2011



Florida Prescription Drug Deaths

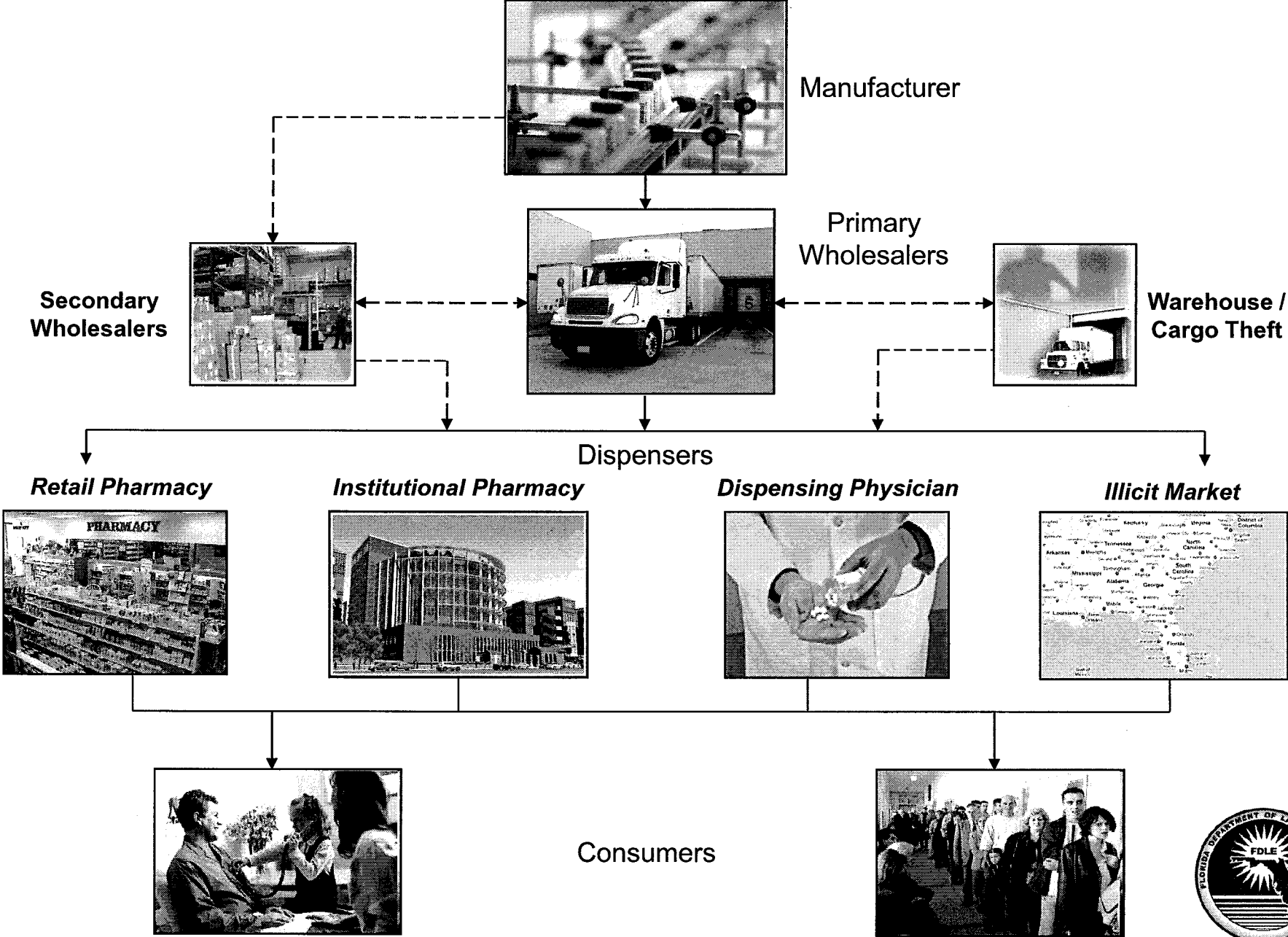


Source: Florida Medical Examiner's Report of Drugs Identified in Deceased Persons 2006-2010

Challenges



Pharmaceutical Distribution Model



Investigative Challenges

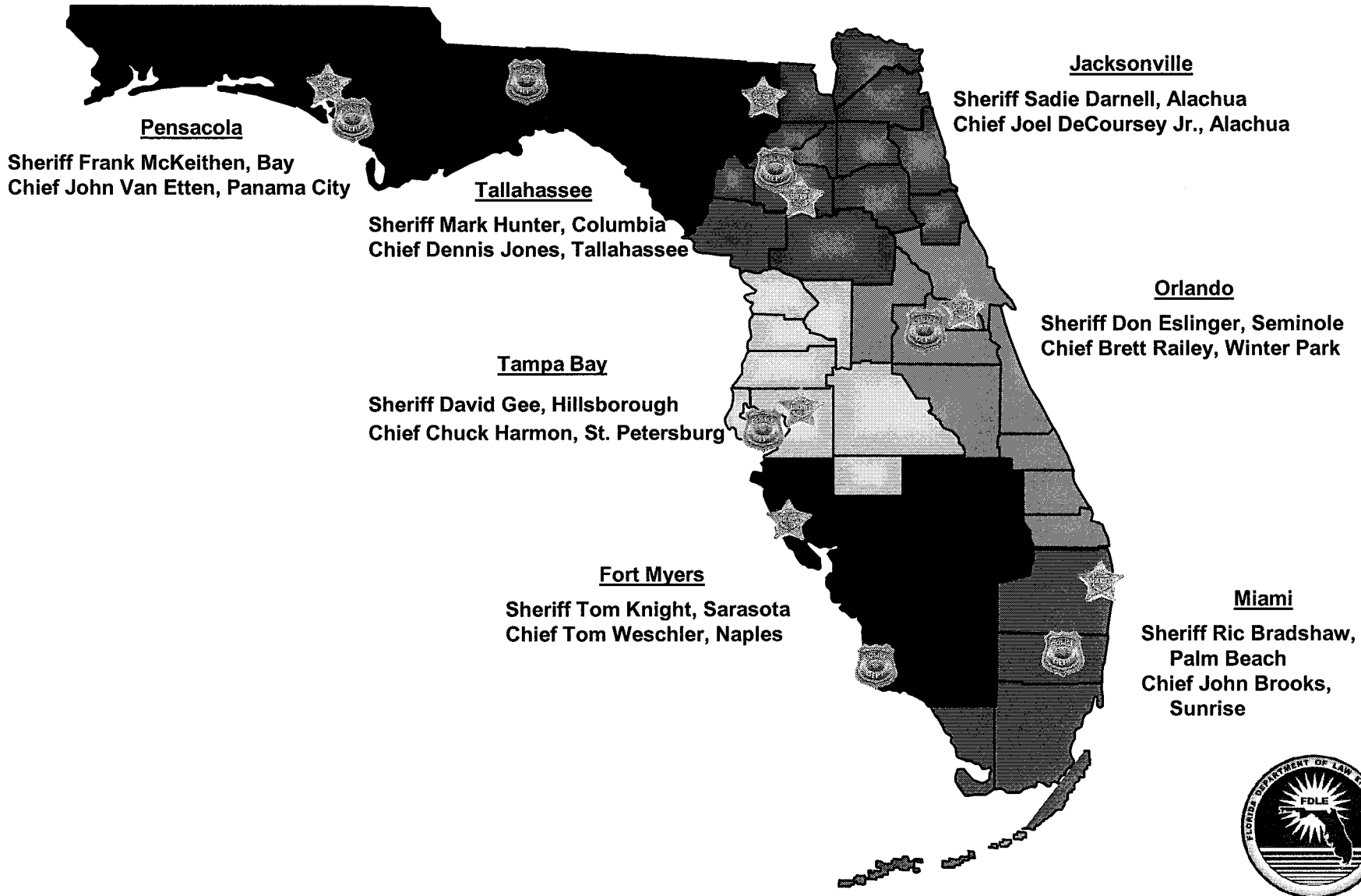
- Criminal vs. Legitimate
- Legal/Privacy Concerns
- Non-traditional Drug Investigations
- Resource Intensive
- Multi-Disciplinary Approach
- Prosecutorial Issues (Expert Witnesses/Jury Concerns)
- Asset Forfeiture
- Target Selection



Law Enforcement Response



Regional Strike Force Co-Chairs



Regional Drug Enforcement Strike Force

Regional Activity

September 15, 2011

Region	Arrest	Pills	Vehicles	Weapons	Currency	Clinics Closed	Doctors Arrested
Pensacola	64	4,516	1	0	31,129	1	0
Tampa	51	5,619.5	1	9	34,919	0	0
Jax	86	5,934.5	3	3	14,418	0	1
Orlando	435	76,606.5	3	17	1,275,906	4	9
Tampa	243	20,511	11	7	82,251	20	2
Ft. Myers	65	2,593	0	3	3,500	0	1
Miami	155	154,859.25	16	12	815,486	0	5
TOTAL	1,099	270,639.75	35	51	2,257,609	25	18

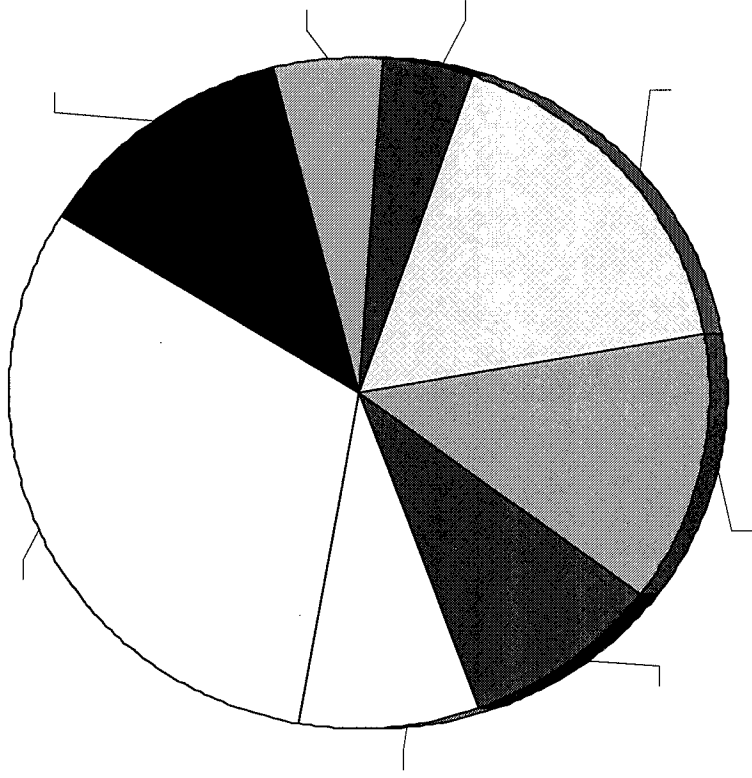


HB 7095 General Revenue Allocations & Federal Justice Assistance Grants

	Justice Assistance Grant Allocation	General Revenue Allocation	Total
Local Reserve Funds	0	500,000	500,000
Ft. Myers	91,668	254,316	345,984
Jacksonville	104,056	222,189	326,245
Miami	201,470	987,344	1,188,813
Orlando	135,026	330,290	465,316
Pensacola	64,640	125,128	189,768
Tallahassee	56,757	107,101	163,858
Tampa	174,442	473,633	648,074
Total	828,059	3,000,000	3,828,059



HB 7095 General Revenue Allocations & Federal Justice Assistance Grants



Legislative Response



HB 7095 Public Health Emergency & Controlled Substance Operation “Quarantine”

- On July 1, 2011 the State Health Officer did declare a public health emergency pursuant to s. 381.00315, Florida Statutes.
- The Department of Law Enforcement shall coordinate the efforts of local law enforcement agencies.
- On the 3rd day after the effective date of this act, the Department of Law Enforcement or local law enforcement agencies shall enter the business premises of the dispensing practitioners identified as posing the greatest threat to public health and quarantine any inventory of controlled substances listed in Schedule II or Schedule III.
- The Department of Law Enforcement or local law enforcement agencies shall ensure the security of such inventory 24 hours a day until the inventory is seized as contraband or deemed to be lawfully possessed for dispensing by the physician in accordance
- On the 31st day after the effective date of this act, any remaining inventory of controlled substances listed in Schedule II or Schedule III purchased for dispensing by practitioners is deemed contraband under s. 893.12, Florida Statutes.
The Department of Law Enforcement or local law enforcement agencies shall seize the inventory and destroy it.
- In order to implement this subsection, the sum of \$3 million of nonrecurring funds from the General Revenue Fund is appropriated to the Department of Law Enforcement for the 2010-2011 fiscal year.
 - The Department of Law Enforcement shall expend the appropriation by reimbursing local law enforcement agencies for the overtime-hour costs associated with securing the quarantined controlled substance inventory as provided in paragraph
 - Activities related to investigation and prosecution of crimes related to prescribed controlled substances.



Public Health Emergency & Controlled Substance Operation “Quarantine”

Criteria for Identification of Dispensing Practitioners

- Risk of Non-Compliance
- Purchase Amounts
- Manner of Medical Services
- Other Factors:
 - Complaint history of controlled substance prescribing or dispensing violations
 - Wholesaler reports of suspicious purchasing
 - Law enforcement reports of suspicious behavior
 - Dispensing practitioner inspection information



Operation Quarantine

- July 5, 2011 FDOH, FDLE, and Regional Strike Forces conducted coordinated inspections across state
- 23 physicians in 24 locations were inspected
- List of locations included practitioners identified due to past purchasing and dispensing levels of prescription drugs to include oxycodone
- Under the operational directives of “Operation Quarantine” approximately 357,000 dosage units of Schedule II and III prescription pills were ultimately quarantined
- Quarantined pills were subsequently destroyed pursuant to court order destruction orders



Operation Quarantine Results

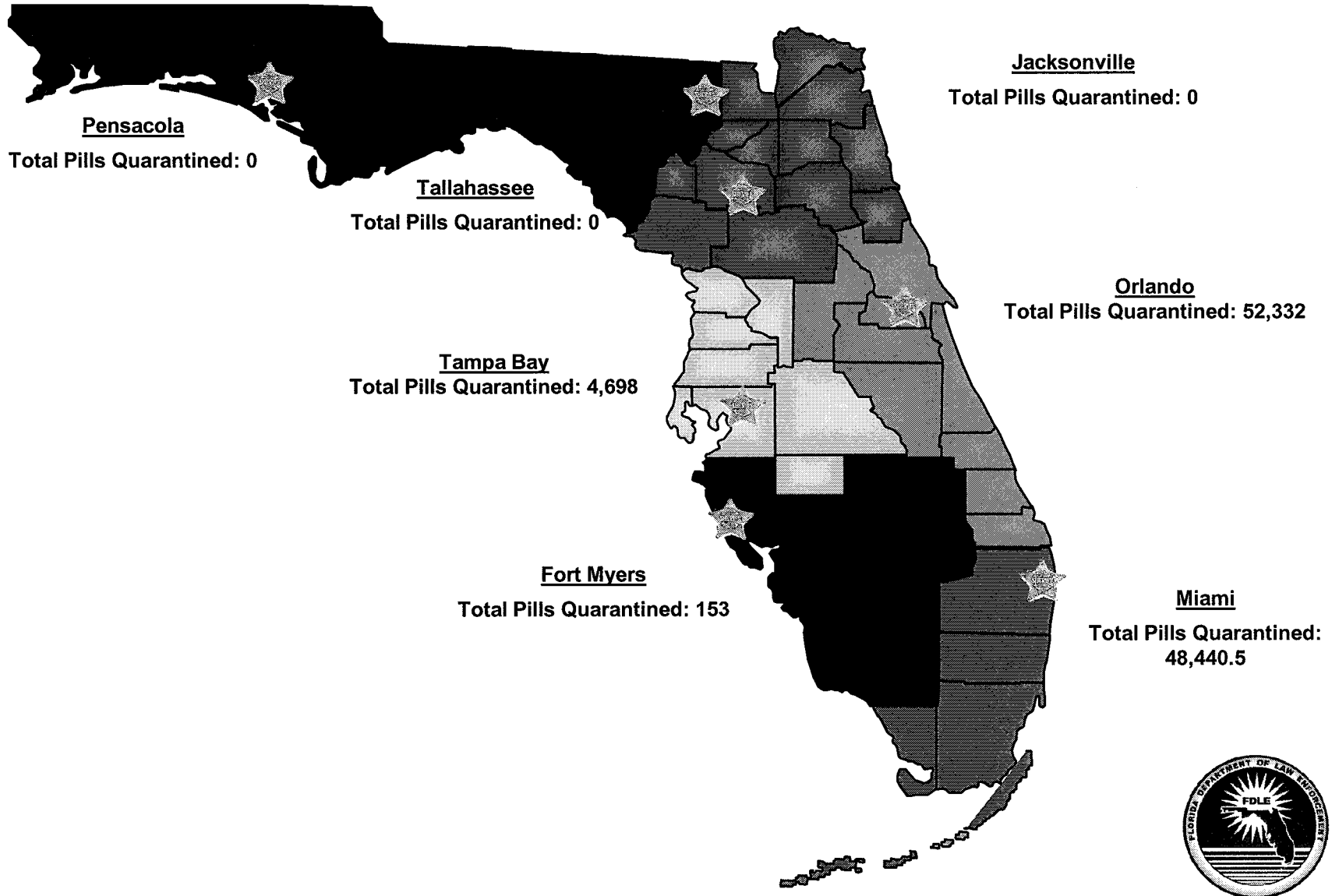
105,579.5 Dosage units of Schedule II & III Controlled drugs were located within the 23 identified sites.

- 6,172 Transported to UPS by FDLE for Reverse Distributor
- 99,407.5 Quarantined Off Site by FDLE



Operation Quarantine

July 5, 2011



HB 7095 LE Perspective

- Sharing Data:
 - Requiring the Department of Health to share the reported data with law enforcement agencies; requiring the Department of Law Enforcement to make investigations based on the reported data; providing credentialing requirements for distribution of controlled substances to certain entities by wholesale distributors.

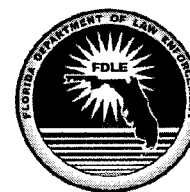
- Burglary / Theft
 - Authorizing separate judgments and sentences for burglary with the intent to commit theft.
 - Authorizing separate judgments and sentences for theft of a controlled substance under specified provisions and for any applicable possession of controlled substance offense under specified provisions in certain circumstances.
 - Requires the reporting of the discovery of any theft or loss of controlled substances to the sheriff having jurisdiction within a 24 hour period.

- Failure to Report Fraud
 - It is unlawful for any pharmacist to knowingly fail to report to the sheriff or other chief law enforcement agency of the county where the pharmacy is located within 24 hours after learning of any instance in which a person obtained or attempted to obtain a controlled substance.
 - Any pharmacist who knowingly fails to make such a report within 24 hours after learning of the fraud or attempted fraud or at the close of business on the next business day, whichever is later, commits a misdemeanor of the first degree.



HB 7095 LE Perspective cont.

- Records
 - Community pharmacies that dispense controlled substances must maintain a record of all controlled substance dispensed and must make the record available to the Department of Health and law enforcement agencies upon request.
 - Providing that law enforcement officers are not required to obtain a subpoena, court order, or search warrant in order to obtain access to or copies of specified controlled substance inventory records.
- Data & High levels of purchasing
 - The Department of Health must share the reported data with the Department of Law Enforcement and local law enforcement agencies upon request and must monitor purchasing to identify purchasing levels that are inconsistent with the purchasing entity's clinical needs.
 - The Department of Law Enforcement shall investigate purchases at levels that are inconsistent with the purchasing entity's clinical needs to determine whether violations of chapter 893 have occurred.
- Law Enforcement Agencies using PDMP
 - A law enforcement agency during active investigations regarding potential criminal activity, fraud, or theft regarding prescribed controlled substances.
 - Providing that law enforcement officers are not required to obtain a subpoena, court order, or search warrant in order to request information or copies of specified information contained within the PDMP.



Future Concerns

Future Concerns

- Supply vs. Demand
- Natural shift from dispensing practitioners to pharmacies
- Increase in pharmacy robberies / burglaries as a means of pharmaceutical diversion
- Concern over opioid addicts shifting to Heroin in lieu of pharmaceuticals.



Florida Pharmacies & Practitioners Monthly Purchases of Oxycodone

Month	2010 Pharmacies	2010 Practitioners	2011 Pharmacies	2011 Practitioners
Jan	43,270,530	5,629,672	43,865,092	307,670
Feb	43,967,400	5,994,694	45,160,780	177,780
March	47,823,130	7,568,606	49,145,100	197,674
April	51,290,320	7,787,033	43,304,430	163,350
May	49,926,600	8,283,396	43,650,850	78,780
Total	236,277,980	35,263,401	225,126,252	925,274

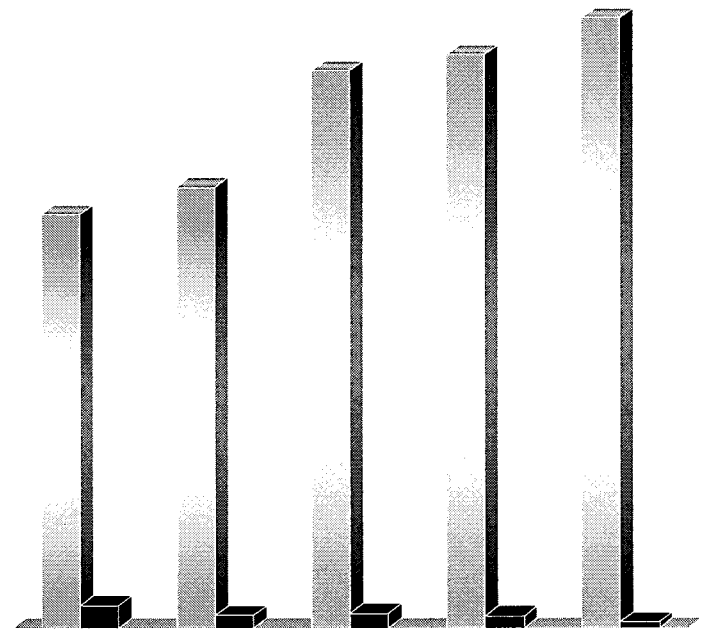
2010 Total Oxy Purchases: 271,541,381	2011 Total Oxy Purchases: 226,051,526
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Source: Data provided by DEA via ARCOS



Florida Practitioners Monthly Purchases of Oxycodone

MDs, DOs, Podiatrists, & Dentists		
Month	2010	2011
Jan	5,629,672	307,670
Feb	5,994,694	177,780
March	7,568,606	197,674
April	7,787,033	163,350
May	8,283,396	78,800
Total	35,263,401	925,274



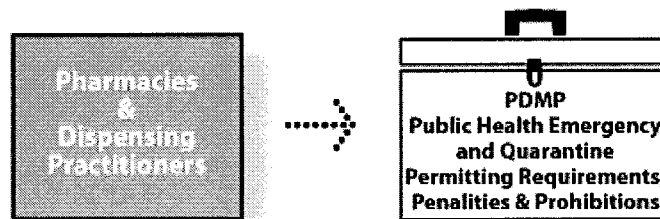
Source: Data provided by DEA via ARCOS



Community Pharmacies

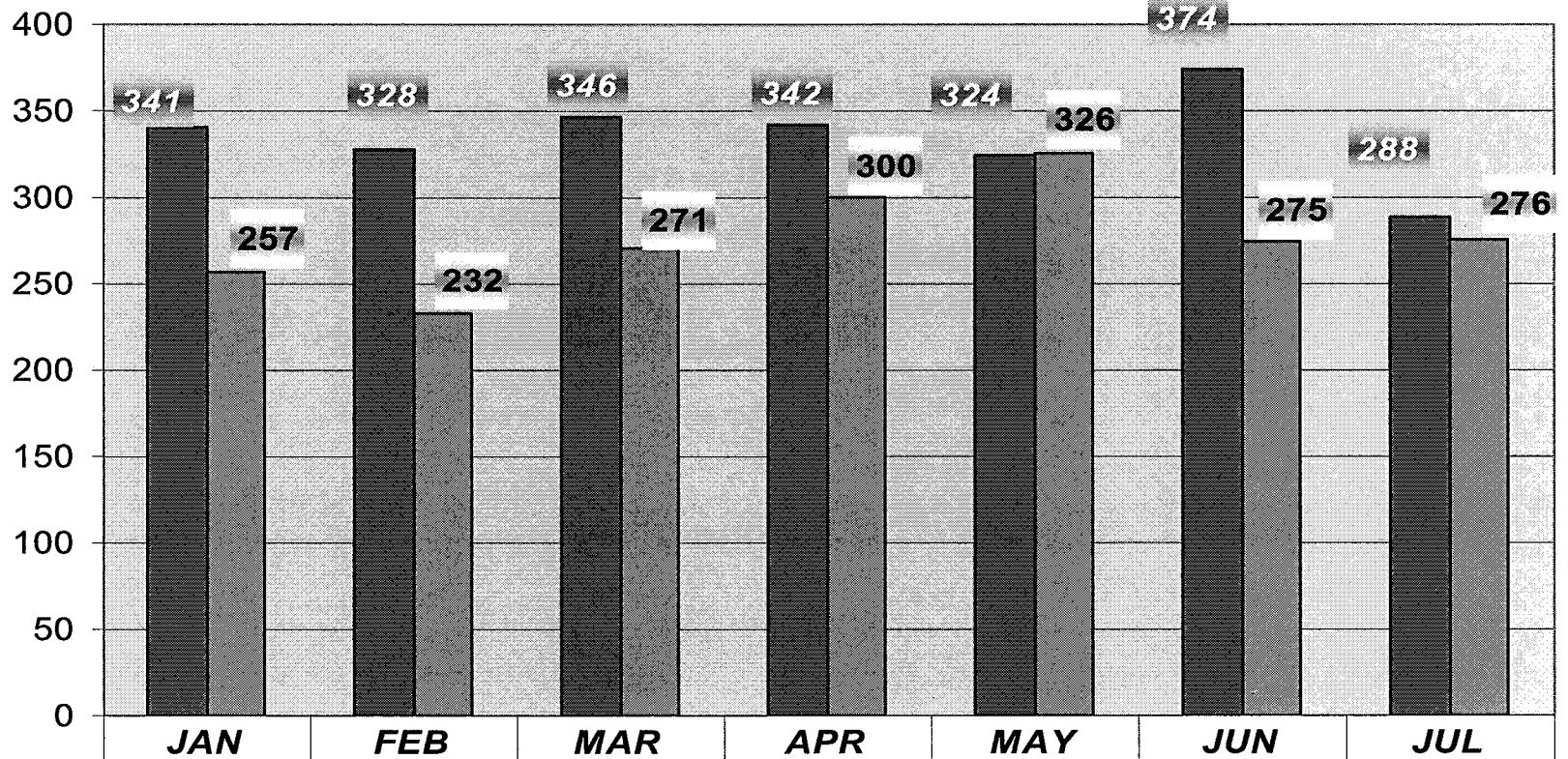
As of July 1, 2012, community pharmacies must be permitted under new requirements to dispense controlled substances listed in Schedules II or III

- Requires fingerprints and background screens
- Requires on-site inspection within 90 days
- Prohibits pharmacy permit transfer
- Grants authority to deny or revoke a permit for prescription processing errors
- Establishes additional grounds for denying a permit
- Requires pharmacists to report to law enforcement within 24 hours any attempt to obtain a controlled substance from a pharmacy by fraud.



Heroin Arrest Trends

2010 vs. 2011 Heroin Arrests (Jan thru July)



■ 2010	341	328	346	342	324	374	288
■ 2011	257	232	271	300	326	275	276

Questions?

