# [***2018 FL Regulation Text 45511***](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5TWP-BYR0-01WK-91D1-00000-00&context=)

[*FAC 64K-1.001*](https://advance.lexis.com/api/document?collection=administrative-codes&id=urn:contentItem:5V44-7270-000N-T4NB-00000-00&context=), .002, .003, .004, .007, .008

Adopted Partial Rule, November 29, 2018

**Agency**

Department of Health / ***Prescription Drug Monitoring*** Program

**Text**

1. American Society for Automation in Pharmacy Standards and Formats.

The format for submission to the E-FORCSE¬ (R) database shall be in accordance with the electronic reporting standards of the American Society for Automation in Pharmacy (ASAP) contained in the "Implementation Guide ASAP Standard for ***Prescription Drug Monitoring*** Programs Version 4, Release 2A" (10/2016), incorporated by reference. E-FORCSE¬ (R) will continue to accept reports in the ASAP 2011 version 4.2 standard, incorporated by reference, for one year from the effective date of this rule (to be determined), after which all reports must be made using the ASAP 2016 version 4.2A standard. The format for submission to the E-FORCSE¬ (R) database if no controlled substances are dispensed shall be in accordance with the incorporated by reference ASAP Error and Zero Report Standard (10/2016). The agency has determined that posting the incorporated materials would be a violation of federal copyright law. The materials are available for public inspection at the Department of Health, 4052 Bald Cypress Way, Tallahassee, FL 32399, and the Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399. A copy of the electronic reporting Standard for ***Prescription Drug Monitoring*** Programs may be obtained from the American Society for Automation in Pharmacy, 492 Norristown Road, Suite 160, Blue Bell, Pennsylvania 19422, Telephone: (610)825-7783, Website: [*www.asapnet.org*](http://www.asapnet.org).

Rulemaking Authority [*893.055 FS.*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:8RB4-D1P2-D6RV-H0T3-00000-00&context=) Law Implemented [*893.055 FS.*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:8RB4-D1P2-D6RV-H0T3-00000-00&context=) History - New 2-20-12, Amended 10-21-15, 12-19-18.

1. Accessing Database.
2. Definitions:
3. "Designee" means a person, preferably a licensed or certified health care professional, appointed to act as an agent of a prescriber or dispenser for the purposes of requesting or receiving information from the ***Prescription Drug Monitoring*** Program database, E-FORCSE¬ (R) .
4. "E-FORCSE¬ (R) " is the comprehensive electronic database system established by the Department of Health that has controlled substance prescribing and dispensing information reported to it and that provides the information to persons and entities allowed by law to access, request and receive this information.
5. "Electronic health record" is an electronic or digital version of a patient's medical history, maintained over time and may include all of the key administrative clinical data relevant to that person's medical care under a particular provider, including demographics, progress notes, problems, medications, vital signs, past medical history, immunizations, laboratory data and radiology reports. The electronic health record uses computer hardware and software for the storage, retrieval, sharing and use of health care information and data.
6. "Impaired practitioner consultant" means an impaired practitioner program designated by the department through contract with a consultant to evaluate, refer and monitor impaired practitioners. The department has designated the Intervention Project for Nurses (IPN) and Professionals Resource Network (PRN) as the Approved Impaired Practitioner Programs.
7. "Order" means a written, transmitted or oral direction from a prescriber for a controlled substance to be administered to a patient.
8. "Prescribe" means the act of a prescriber issuing, writing or transmitting a direction to a pharmacist to dispense a specified controlled substance to a specified patient.
9. Pharmacists, prescribers and dispensers, or their designees, are required to access and consult E-FORCSE¬ (R) to review a patient's controlled substance dispensing history each time a controlled substance, other than a nonopioid drug listed on Schedule V, is prescribed or dispensed, but not ordered, for a patient age 16 or older unless a statutory exception applies.
10. Pharmacists, prescribers and dispensers licensed in Florida may directly access the information in E-FORCSE¬ (R) by registering at [*https://florida.pmpaware.net/login*](https://florida.pmpaware.net/login). A pharmacist, prescriber or dispenser must review the "***PMP*** AWARxE User Support Manual," DH8009-***PDMP***, effective 7/2018, which is incorporated by reference and available at [*https://www.flrules.org/Gateway/reference.asp?No=Ref-10134*](https://www.flrules.org/Gateway/reference.asp?No=Ref-10134), prior to registering. Certification of this review is required before registration can be completed. A permanent user name and password will be emailed to the successful registrant. Registration denials, stating the reason for denial, will be emailed to the unsuccessful registrant.
11. A prescriber or dispenser may request and receive information from E-FORCSE¬ (R) using a secure recordkeeping system integration associated with his or her electronic health record. If the user is authenticated, E-FORCSE¬ (R) will return query results to the authorized user's electronic health record.
12. A designee of a prescriber or dispenser may directly access the information in E-FORCSE¬ (R) by registering at [*https://florida.pmpaware.net/login*](https://florida.pmpaware.net/login). A designee must review the "***PMP*** AWARxE User Support Manual" and the "Information Security and Privacy Training Course for Designees," DH8019-***PDMP***, effective 7/2016, incorporated by reference and available at [*https://www.flrules.org/Gateway/reference.asp?No=Ref-07629*](https://www.flrules.org/Gateway/reference.asp?No=Ref-07629), prior to registering. A permanent user name and password will be emailed to the successful registrant. Registration denials, stating the reason for the denial, will be emailed to the unsuccessful registrant.
13. A registered designee will not have access to E-FORCSE¬ (R) until the designating prescriber or dispenser affirmatively accepts responsibility for the designee and links the designee to a pharmacy, prescriber or dispenser E-FORCSE¬ (R) account as described in the "***PMP*** AWARxE User Support Manual." The linking process will require the prescriber or dispenser to certify that the designee has reviewed the "***PMP*** AWARxE User Support Manual" and the "Information Security and Privacy Training Course for Designees." The designating prescriber or dispenser shall maintain printed copies of the certification of these reviews and make them available to the program manager upon request.
14. Registered designees who do not access E-FORCSE¬ (R) for a period in excess of six months will be deactivated. Deactivated designees may reapply for access.
15. Prescribers and dispensers and their designees employed by the United States Department of Veterans Affairs (DVA), United States Department of Defense (DOD), and the Indian Health Service (IHS) who are authorized to prescribe or dispense controlled substance and are not licensed in Florida but provide health care services to patients in this state pursuant to such employment, may directly access E-FORCSE¬ (R) by registering at [*https://florida.pmpaware.net/login*](https://florida.pmpaware.net/login). An employee of the DVA, DOD and IHS must review the "***PMP*** AWARxE User Support Manual" prior to registering. A permanent user name will be emailed to the successful registrant. Registration denials, stating the reason for the denial, will be emailed to the unsuccessful registrant.
16. A registered employee of the DVA, DOD, and IHS will not have access to E-FORCSE¬ (R) until his or her employment is verified.
17. Direct access to the information in E-FORCSE¬ (R) is limited to the information that relates to a patient of such employee and may be accessed only for the purpose of reviewing that patient's controlled substance prescription history.
18. A prescriber or dispenser or designee employed by the DVA, DOD or IHS that is an authorized E-FORCSE¬ (R) user must notify E-FORSCE¬ (R) within 30 days of termination of employment.
19. Entities that do not have direct access to E-FORSCE¬ (R) may request information from the program manager by having the agency head or a person appointed by the agency head for this purpose execute an "Agency User Agreement," DH8017-***PDMP***, effective 7/2015, incorporated by reference and available at [*http://www.flrules.org/Gateway/reference.asp?No=Ref-06462*](http://www.flrules.org/Gateway/reference.asp?No=Ref-06462). If approved, the program manager will execute and return the agreement to the agency.
20. After approval of the Agency User Agreement, each agency head or person appointed by the agency head for this purpose shall appoint an agency administrator with an "Agency Administrator Appointment Form," DH 8010-***PDMP***, effective 1/2015, incorporated by reference and available at [*http://www.flrules.org/Gateway/reference.asp?No=Ref-06457*](http://www.flrules.org/Gateway/reference.asp?No=Ref-06457). Approved administrators will be notified and provided instructions for appointing authorized users.
21. Each agency head or person appointed by the agency head for this purpose shall immediately notify the program manager or support staff of a change in the agency administrator. Authority to request and receive information from E-FORCSE¬ (R) shall be suspended during an agency administrator vacancy.
22. Each agency administrator may appoint authorized users to request and receive information on behalf of the agency using an "Agency Authorized User Appointment Form," DH-8015-***PDMP***, effective 1/2015, incorporated by reference and available at [*http://www.flrules.org/Gateway/reference.asp?No=Ref-06460*](http://www.flrules.org/Gateway/reference.asp?No=Ref-06460). Prior to appointment each authorized user must review the "Training Guide for Enforcement and Investigative Agencies," DH-8012-***PDMP***, effective 7/2018, incorporated by reference and available at [*http://www.flrules.org/Gateway/reference.asp?No=Ref-10121*](http://www.flrules.org/Gateway/reference.asp?No=Ref-10121), and the " E-FORCSE¬ (R) Information Security and Privacy Training Course, effective 7/2016, incorporated by reference and available at [*http://www.flrules.org/Gateway/reference.asp?No=Ref-07631*](http://www.flrules.org/Gateway/reference.asp?No=Ref-07631). Certification of these reviews is required before registration can be completed. The authorized user must provide printed copies of the certifications from both courses to the agency administrator who shall maintain them for the duration of the appointment and make them available for examination upon request of the program manager. Approved authorized users will be notified by email and provided with instructions for requesting and receiving information from E-FORCSE¬ (R) .
23. An authorized user must have actual knowledge of an active investigation as defined by [*section 893.055(1)(a), F.S.*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:8RB4-D1P2-D6RV-H0T3-00000-00&context=), prior to submitting a request and is prohibited from requesting information on behalf of another law enforcement agency or entity.
24. Each agency administrator shall immediately notify the program manager or support staff by email of authorized user changes and verify the list of authorized users on or immediately prior to June 30 of each year.
25. Impaired practitioner consultants do not have direct access to E-FORCSE¬ (R) but may request and review information relating to persons referred to or participating in the approved impaired practitioner programs by having the Medical Director or Executive Director of the impaired practitioner program execute an "Impaired Practitioner Consultant User Agreement," DH8020-***PDMP***, effective 7/2016, incorporated by reference and available at [*http://www.flrules.org/Gateway/reference.asp?No=Ref-07632*](http://www.flrules.org/Gateway/reference.asp?No=Ref-07632). If approved, the program manager will execute and return the agreement to the Medical Director or Executive Director of the impaired practitioner program.
26. The impaired practitioner consultant shall immediately notify the program manager or support staff of a change of Medical Director or Executive Director. Authority to request and receive information from E-FORCSE¬ (R) shall be suspended while the position of Medical Director or Executive Director is vacant.
27. Upon approval of the impaired practitioner consultant user agreement, the Medical Director or Executive Director of the approved practitioner program may appoint up to three (3) authorized users who are employees of the impaired practitioner consultant to request and receive information on behalf of the impaired practitioner program using an "Impaired Practitioner Program Authorized User Appointment Form," DH8022-***PDMP***, effective 7/2016, incorporated by reference and available at [*http://www.flrules.org/Gateway/reference.asp?No=Ref-07633*](http://www.flrules.org/Gateway/reference.asp?No=Ref-07633). Prior to appointment, each authorized user must review the "Training Guide for Impaired Practitioner Consultants," DH8021-***PDMP***, effective 7/2018, incorporated by reference and available at [*http://www.flrules.org/Gateway/reference.asp?No=Ref-10122*](http://www.flrules.org/Gateway/reference.asp?No=Ref-10122). Certification of this review is required before registration can be completed. The authorized user must provide a printed copy of this certification to the Medical Director or Executive Director of the impaired practitioner program who shall maintain them for the duration of the appointment and make them available for examination upon request of the program manager. Approved authorized users will be notified by email and provided with instructions for requesting and receiving information from E-FORCSE¬ (R) . Registration denials, stating the reason for the denial, will be emailed to the Medical Director or Executive Director.
28. The Medical Director or Executive Director of the impaired practitioner consultant shall immediately notify the program manager or support staff by email of authorized user changes and verify the list of authorized users on or immediately prior to June 30 of each year.
29. The person referred to or participating in the impaired practitioner program must provide written authorization for the impaired practitioner consultant to request and review information from E-FORCSE¬ (R) relating to that person. The referred or participating person shall use the "Authorization for Impaired Practitioner Consultant Access," Form DH8023-***PDMP***, effective 7/2016, incorporated by reference and available at [*http://www.flrules.org/Gateway/reference.asp?No=Ref-07635*](http://www.flrules.org/Gateway/reference.asp?No=Ref-07635), to provide this authorization. The impaired practitioner consultant or authorized user must upload the executed authorization form with the request for information from E-FORCSE¬ (R) relating to the referred or participating person. Each access for a referred person requires a new authorization form. Authorizations for impaired practitioner program participants can be in effect no longer than the duration of the monitoring contract with the impaired practitioner program. If approved, the program manager will return the information on the referred or participating person from E-FORCSE¬ (R) to the impaired practitioner consultant or authorized user. If denied, the program manager will notify the impaired practitioner consultant or authorized user with the reason for the denial.
30. Impaired practitioner program consultants and authorized users may only query information relating to the referred or participating person who has given authorization to access the information, and not any prescriber or dispenser. An impaired practitioner program consultant may make a notation of the query in the impaired practitioner program file.
31. Information in E-FORCSE¬ (R) relating to referred and participating persons accessed by impaired practitioner consultants and authorized users is confidential and exempt and shall not be disclosed or transmitted to any other person, program or entity, including the Department. To prevent inadvertent disclosure, the information should not be included in the referred or participating person's impaired practitioner program file, downloaded or printed.
32. A patient or the legal guardian or designated health care surrogate of an incapacitated patient may request information from E-FORCSE¬ (R) to verify the accuracy of the information by contacting the ***Prescription Drug Monitoring*** Program by mail at 4052 Bald Cypress Way, Bin #C-16, Tallahassee, FL 32399-3254, or by telephone at (850)245-4797 and submitting form DH 2143, "Patient Information Request," effective 7/2018, incorporated by reference and available at [*http://www.flrules.org/Gateway/reference.asp?No=Ref-10123*](http://www.flrules.org/Gateway/reference.asp?No=Ref-10123).

Rulemaking Authority, [*893.055 FS.*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:8RB4-D1P2-D6RV-H0T3-00000-00&context=) Law Implemented [*893.055*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:8RB4-D1P2-D6RV-H0T3-00000-00&context=), [*893.0551 FS.*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:8RB4-D9J2-D6RV-H0V4-00000-00&context=) History - New 11-24-11, Amended 2-17-16, 2-14-17, 12-19-18.

**Classification**

**Subject:** MANAGERS & SUPERVISORS (59%); PHARMACEUTICALS ASSOCIATIONS (59%); PHARMACEUTICALS & BIOTECHNOLOGY REGULATION & POLICY (59%); EXECUTIVES (59%); CONTROLLED SUBSTANCES (59%); CONSULTING SERVICES (59%); APPROVALS (59%); ELECTRONIC HEALTH RECORDS (59%); PHYSICIANS & SURGEONS (59%); HEALTH CARE INFORMATION TECHNOLOGY (59%); APPOINTMENTS (59%); PHARMACISTS (59%); PRESCRIPTION DRUGS (59%)

**State:** FLORIDA, USA (92%)

**Load-Date:** December 5, 2018

Florida Regulation Full Text

**End of Document**