

Opioid Prescribing Law: Quick Facts

In March, Florida signed into law a Controlled Substances bill which addressed the ongoing opioid-crisis. Going to effect on July 1, 2018, we have outlined the following changes that healthcare providers should be aware of.

1 Prescription Limits (3-Day Limit)

Prescriptions of a Schedule II opioid to alleviate acute pain are limited to a 3-day supply.

If a prescriber writes a prescription for a Schedule II opioid not related to treating acute pain, “nonacute pain” must be written on the script.

7-day supplies are allowed if:

- “Acute pain exception” is documented on script
- Basis for deviation documented in patient’s record
- Medically necessary

Must maintain patient data including:

- Complete medical record
- Controlled substance agreement
- Driver’s License

2 CMEs on Controlled Substance Prescribing

➤ All healthcare practitioners authorized to prescribe controlled substances must complete a 2-hour mandatory CME course before January 31, 2019.

➤ Course to be completed at each subsequent license renewal.

➤ The Florida Medical Association and the Florida Osteopathic Medical Society meet the criteria to offer the course.

3 DOH Increasing Regulations for Acute Pain Treatment

➤ The DOH will adopt rules establishing guidelines for prescribing controlled substances for acute pain. Physicians and Practitioners must remember to follow these upcoming rules.

➤ Additional rules will address patient evaluations, treatment plan regulations, consent and agreement for treatment, treatment plan reviews, consultations, record review, and legal compliance.

July 1, 2018

All Changes Take into Effect

4 *Certificate of Exemption*

Pain management clinics must either be registered with the DOH as a clinic or hold a certificate of exemption by January 1, 2019. The following is more information regarding the exemption:

- Under the law, there is no fee for the certificate of exemption.
- Certificate is not transferrable and a new one must be issued if the clinic changes addresses.
- 60 days notice for the following:
 - Change of ownership
 - Name Change
 - Relocation
- 3 days notice if the certificate holder becomes aware of any ineligibility.
- Must be renewed biennially.

5 *Prescription Drug Monitoring Program (PDMP)*

The Prescription Drug Monitoring Program has expanded to include the following:

- **Mandatory Consultation:** Prescriber or dispenser must consult the PDMP to review a patient's controlled substance dispensing history, for patients age 16 and older.
- PDMP is now required to purge information more than 4 years old
- Controlled substances for Schedule II through Schedule V prescriptions must be reported.
 - Schedule V non-opioids are excluded.
- **Penalties:** Failing to consult the system will result in a nondisciplinary citation to the healthcare practitioner for the first offense. Any subsequent offense will result in disciplinary action against the practitioner's license.

6 *Controlled Substances Additional Regulations*

- **Addition of Controlled Substances:** The new law aligns Florida's Controlled Substance Act with federal schedules of controlled substances, adding numerous substances to all Florida schedules. Please consult updated schedules for a more a full list of added substances.
 - **Criminal Penalties Heightened:** For intentionally providing prescribing medically unnecessary controlled substances, it is now raised from a third-degree felony to a second-degree felony.
 - It is now a crime to possess, purchase, deliver, or sell a tableting machine, encapsulating machine, or controlled substance counterfeiting material for illegal disbursement of controlled substances.



July 1, 2018

All Changes Take into Effect