



Health & Human Services Committee

**Tuesday, February 21, 2012
10:30 AM – 12:30 PM
404 HOB**

Action Packet

**Dean Cannon
Speaker**

**Robert C. "Rob" Schenck
Chair**

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/21/2012 10:30:00AM

Location: 404 HOB

Summary:

Health & Human Services Committee

Tuesday February 21, 2012 10:30 am

CS/CS/HB 653 Favorable Yeas: 18 Nays: 0

HB 813 Favorable With Committee Substitute Yeas: 12 Nays: 6
Amendment 350871 Adopted Without Objection

CS/HB 1045 Favorable With Committee Substitute Yeas: 17 Nays: 0
Amendment 474597 Adopted Without Objection
Amendment 152773 Adopted Without Objection
Amendment 625057 Adopted Without Objection

CS/HB 1081 Favorable With Committee Substitute Yeas: 18 Nays: 0
Amendment 256375 Adopted Without Objection

CS/CS/HB 1163 Temporarily Deferred

CS/CS/HB 1401 Favorable Yeas: 13 Nays: 5
Amendment 444725 Failed to Adopt

Assisted Living Facilities and other Quality Initiatives
Workshopped

Committee meeting was reported out: Tuesday, February 21, 2012 2:59:25PM

COMMITTEE MEETING REPORT
Health & Human Services Committee
2/21/2012 10:30:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Robert Schenck (Chair)	X		
Dennis Baxley	X		
Mack Bernard	X		
Jason Brodeur	X		
Richard Corcoran	X		
Janet Cruz	X		
Eduardo Gonzalez	X		
Gayle Harrell	X		
Doug Holder	X		
Matt Hudson	X		
Mia Jones	X		
Ana Logan	X		
Mark Pafford	X		
Ronald Renuart	X		
Elaine Schwartz	X		
Carlos Trujillo	X		
Barbara Watson	X		
John Wood	X		
Totals:	18	0	0

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COMMITTEE MEETING REPORT
Health & Human Services Committee

2/21/2012 10:30:00AM

Location: 404 HOB

CS/CS/HB 653 : Health Care Fraud

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Mack Bernard	X				
Jason Brodeur	X				
Richard Corcoran	X				
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Mia Jones	X				
Ana Logan	X				
Mark Pafford	X				
Ronald Renuart	X				
Elaine Schwartz	X				
Carlos Trujillo	X				
Barbara Watson	X				
John Wood	X				
Robert Schenck (Chair)	X				
Total Yeas: 18		Total Nays: 0			

Appearances:

Snow, Alisa (Lobbyist) - Waive In Support
 Florida Nurses Association
 1030 E. Lafayette St.
 Tallahassee FL 32301
 Phone: (850) 443-1319

Pitts, Brian - Waive In Support
 Justice-2-Jesus
 1119 Newton Ave. S.
 St. Petersburg FL 33705
 Phone: (727) 897-9291

Committee meeting was reported out: Tuesday, February 21, 2012 2:59:25PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/21/2012 10:30:00AM

Location: 404 HOB

HB 813 : Eligibility for Temporary Cash Assistance and Food Assistance

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Mack Bernard		X			
Jason Brodeur	X				
Richard Corcoran	X				
Janet Cruz		X			
Eduardo Gonzalez	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Mia Jones		X			
Ana Logan	X				
Mark Pafford		X			
Ronald Renuart	X				
Elaine Schwartz		X			
Carlos Trujillo	X				
Barbara Watson		X			
John Wood	X				
Robert Schenck (Chair)	X				
Total Yeas: 12		Total Nays: 6			

HB 813 Amendments

Amendment 350871

Adopted Without Objection

Appearances:

Berner, Ann (Lobbyist) (State Employee) - Information Only

DCF
 1317 Winewood Blvd.
 Tallahassee Florida 32309
 Phone: (850) 717-4110

Pitts, Brian - Proponent
 Justice-2-Jesus
 1119 Newton Ave. S.
 St. Petersburg FL 33705
 Phone: (727) 897-9291

Committee meeting was reported out: Tuesday, February 21, 2012 2:59:25PM

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Health & Human Services
 2 Committee

3 Representative Smith offered the following:

4

5 **Amendment**

6 Remove lines 47-62 and insert:

7 (2) INELIGIBILITY DUE TO FELONY CONVICTION - Pursuant to
 8 Pub.L.No. 104-193, s. 115, an individual convicted, on or after
 9 July 1, 2012, of an offense classified as a felony for
 10 possession of a controlled substance, as defined in the
 11 Controlled Substances Act, 21 U.S.C., s. 802(6), is not eligible
 12 for temporary cash assistance or food assistance unless the
 13 department receives verification that the individual has
 14 satisfactorily completed a drug treatment program offered by a
 15 provider that meets the requirements of s. 397.401 and is
 16 licensed by the department. The department shall specify through
 17 rule, the criteria to determine satisfactory completion of a
 18 drug treatment program. An individual who has a felony

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 813 (2012)

Amendment No.1

19 conviction for drug trafficking, pursuant to s.893.135, is not
20 eligible for temporary cash assistance or food assistance.

21 (a) If an individual is deemed ineligible for temporary
22 cash assistance or food assistance as a result of a felony drug
23 conviction, a protective payee shall be designated to receive
24 the assistance on behalf of the other members of the assistance
25 group.

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/21/2012 10:30:00AM

Location: 404 HOB

CS/HB 1045 : Mental Health

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Mack Bernard	X				
Jason Brodeur	X				
Richard Corcoran	X				
Janet Cruz				X	
Eduardo Gonzalez	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Mia Jones	X				
Ana Logan	X				
Mark Pafford	X				
Ronald Renuart	X				
Elaine Schwartz	X				
Carlos Trujillo	X				
Barbara Watson	X				
John Wood	X				
Robert Schenck (Chair)	X				
Total Yeas: 17		Total Nays: 0			

CS/HB 1045 Amendments

Amendment 474597

Adopted Without Objection

Amendment 152773

Adopted Without Objection

Amendment 625057

Adopted Without Objection

Appearances:

Proponent of Amendments 1 and 3
 Green, Carole (Lobbyist) - Waive In Support
 Florida Psychologists
 PO Box 07463
 Fort Myers Florida 33919
 Phone: (850) 590-2206

Committee meeting was reported out: Tuesday, February 21, 2012 2:59:25PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/21/2012 10:30:00AM

Location: 404 HOB

CS/HB 1045 : Mental Health (continued)

Appearances: (continued)

Proponent of Amendments 1 and 3

Miller, Holly (Lobbyist) - Waive In Support

Florida Medical Association

1430 E. Piedmont Drive

Tallahassee Florida 32308

Phone: (850) 224-6496

Proponent of Amendments 1 and 3

Lyon, Aimee Diaz (Lobbyist) - Waive In Support

Florida Psychiatric Society

215 South Monroe St.

Tallahassee FL 32301

Phone: (850) 205-9000

Proponent of Amendments 1 and 3

Winn, Stephen (Lobbyist) - Waive In Support

Florida Osteopathic Medical Association

2007 Apalachee Pky

Tallahassee FL 32301

Phone: (850) 878-7364

Committee meeting was reported out: Tuesday, February 21, 2012 2:59:25PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1045 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Schwartz offered the following:

4
5 **Amendment**

6 Remove lines 125-126 and insert:

7 (3) A forensic evaluator training course must be approved
8 by the department, or given by a state wide professional
9 association of physicians in Florida accredited to provide
10 educational activities designated for American Medical
11 Association Physician's Recognition Award Category I credit,
12 American Osteopathic Association Category 1-A credit, or
13 American Psychological Association continuing education credit,
14 using department approved curriculum. The course must be
15 provided at least annually to ensure that

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1045 (2012)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee
3 Representative Schwartz offered the following:

Amendment (with title amendment)

6 Remove lines 198-200

10 -----

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

12 Remove lines 16-20 and insert:
13 held; amending s. 916.15, F.S.; providing timeframes

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1045 (2012)

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Schwartz offered the following:

4
5 **Amendment**

6 Remove line 349 and insert:

7 Department of Children and Family Services, or given by a state
8 wide professional association of physicians in Florida
9 accredited to provide educational activities designated for
10 American Medical Association Physician's Recognition Award
11 Category I credit, American Osteopathic Association Category 1-A
12 credit, or American Psychological Association continuing
13 education credit, using department approved curriculum. Court
14 appointed experts must also comply with these

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/21/2012 10:30:00AM

Location: 404 HOB

CS/HB 1081 : Controlled Substances

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Mack Bernard	X				
Jason Brodeur	X				
Richard Corcoran	X				
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Mia Jones	X				
Ana Logan	X				
Mark Pafford	X				
Ronald Renuart	X				
Elaine Schwartz	X				
Carlos Trujillo	X				
Barbara Watson	X				
John Wood	X				
Robert Schenck (Chair)	X				
Total Yeas: 18		Total Nays: 0			

CS/HB 1081 Amendments

Amendment 256375

Adopted Without Objection

Appearances:

Large, Toni (Lobbyist) - Waive In Support
 Florida Society of Rheumatology
 519 E. Park Avenue
 Tallahassee Florida 32308
 Phone: (850) 556-1461

Jacobs, Dr. Jeff - Waive In Support
 Florida Society of Anesthesiologists
 11041 Pine Lodge Trail
 Davie Florida 33328
 Phone: (954) 830-7270

Lyon, Aimee Diaz (Lobbyist) - Waive In Support
 Florida Psychiatric Society
 215 South Monroe St.
 Tallahassee FL 32301
 Phone: (850) 205-9000

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Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Health & Human Services
 2 Committee

3 Representative McBurney offered the following:

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

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraphs (a), (c) and (d) of subsection (1),
 8 paragraph (a) of subsection (2), and paragraph (e) of subsection
 9 (3) of section 456.44, Florida Statutes, are amended to read:

10 456.44 Controlled substance prescribing.—

11 (1) DEFINITIONS.—

12 (a) "Addiction medicine specialist" means a board-
 13 certified psychiatrist ~~physiatrist~~ with a subspecialty
 14 certification in addiction medicine or who is eligible for such
 15 subspecialty certification in addiction medicine, an addiction
 16 medicine physician certified or eligible for certification by
 17 the American Society of Addiction Medicine, or an osteopathic
 18 physician who holds a certificate of added qualification in
 19 Addiction Medicine through the American Osteopathic Association.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1081 (2012)

Amendment No. 1

20 (c) "Board-certified pain management physician" means a
21 physician who possesses board certification in pain medicine by
22 the American Board of Pain Medicine, board certification by the
23 American Board of Interventional Pain Physicians, or board
24 certification or subcertification in pain management by a
25 specialty board recognized by the American Association of
26 Physician Specialists or the American Board of Medical
27 Specialties or an osteopathic physician who holds a certificate
28 in Pain Management by the American Osteopathic Association.

29 (d) "Chronic nonmalignant pain" means pain unrelated to
30 cancer ~~or rheumatoid arthritis~~ which persists beyond the usual
31 course of disease or the injury that is the cause of the pain or
32 more than 90 days after surgery.

33 (2) REGISTRATION.—Effective January 1, 2012, a physician
34 licensed under chapter 458, chapter 459, chapter 461, or chapter
35 466 who prescribes any controlled substance, listed in Schedule
36 II, Schedule III, or Schedule IV as defined in s. 893.03, for
37 the treatment of chronic nonmalignant pain, must:

38 (a) Designate himself or herself as a controlled substance
39 prescribing practitioner on the physician's practitioner
40 profile.

41 (3) STANDARDS OF PRACTICE.—The standards of practice in
42 this section do not supersede the level of care, skill, and
43 treatment recognized in general law related to health care
44 licensure.

45 (e) The physician shall refer the patient as necessary for
46 additional evaluation and treatment in order to achieve
47 treatment objectives. Special attention shall be given to those

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48 patients who are at risk for misusing their medications and
49 those whose living arrangements pose a risk for medication
50 misuse or diversion. The management of pain in patients with a
51 history of substance abuse or with a comorbid psychiatric
52 disorder requires extra care, monitoring, and documentation and
53 requires consultation with or referral to an addictionologist or
54 psychiatrist ~~physiatrist~~.

55

56 This subsection does not apply to a board-certified
57 anesthesiologist, physiatrist, rheumatologist, or neurologist,
58 or to a board-certified physician who has surgical privileges at
59 a hospital or ambulatory surgery center and primarily provides
60 surgical services. This subsection does not apply to a board-
61 certified medical specialist who has also completed a fellowship
62 in pain medicine approved by the Accreditation Council for
63 Graduate Medical Education or the American Osteopathic
64 Association, or who is board certified in pain medicine by a
65 board approved by the American Board of Medical Specialties or
66 the American Osteopathic Association and performs interventional
67 pain procedures of the type routinely billed using surgical
68 codes.

69 Section 2. Paragraph (a) of subsection (1) of section
70 458.3265, Florida Statutes, is amended to read:

71 458.3265 Pain-management clinics.—

72 (1) REGISTRATION.—

73 (a)1. As used in this section, the term:

74 a. "Chronic nonmalignant pain" means pain unrelated to
75 cancer ~~or rheumatoid arthritis~~ which persists beyond the usual

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Amendment No. 1

76 course of disease or the injury that is the cause of the pain or
77 more than 90 days after surgery.

78 b. "Pain-management clinic" or "clinic" means any publicly
79 or privately owned facility:

80 (I) That advertises in any medium for any type of pain-
81 management services; or

82 (II) Where in any month a majority of patients are
83 prescribed opioids, benzodiazepines, barbiturates, or
84 carisoprodol for the treatment of chronic nonmalignant pain.

85 2. Each pain-management clinic must register with the
86 department unless:

87 a. That clinic is licensed as a facility pursuant to
88 chapter 395;

89 b. The majority of the physicians who provide services in
90 the clinic primarily provide surgical services;

91 c. The clinic is owned by a publicly held corporation
92 whose shares are traded on a national exchange or on the over-
93 the-counter market and whose total assets at the end of the
94 corporation's most recent fiscal quarter exceeded \$50 million;

95 d. The clinic is affiliated with an accredited medical
96 school at which training is provided for medical students,
97 residents, or fellows;

98 e. The clinic does not prescribe controlled substances for
99 the treatment of pain;

100 f. The clinic is owned by a corporate entity exempt from
101 federal taxation under 26 U.S.C. s. 501(c)(3);

Amendment No. 1

102 g. The clinic is wholly owned and operated by one or more
103 board-certified anesthesiologists, physiatrists,
104 rheumatologists, or neurologists; or

105 h. The clinic is wholly owned and operated by a physician
106 multi-specialty practice where one or more board-certified
107 medical specialists who have also completed fellowships in pain
108 medicine approved by the Accreditation Council for Graduate
109 Medical Education, or who are also board-certified in pain
110 medicine by a board approved by the American Board of Medical
111 Specialties and perform interventional pain procedures of the
112 type routinely billed using surgical codes.

113 Section 3. Paragraph (a) of subsection (1) of section
114 459.0137, Florida Statutes, is amended to read:

115 459.0137 Pain-management clinics.—

116 (1) REGISTRATION.—

117 (a)1. As used in this section, the term:

118 a. "Chronic nonmalignant pain" means pain unrelated to
119 ~~cancer or rheumatoid arthritis~~ which persists beyond the usual
120 course of disease or the injury that is the cause of the pain or
121 more than 90 days after surgery.

122 b. "Pain-management clinic" or "clinic" means any publicly
123 or privately owned facility:

124 (I) That advertises in any medium for any type of pain-
125 management services; or

126 (II) Where in any month a majority of patients are
127 prescribed opioids, benzodiazepines, barbiturates, or
128 carisoprodol for the treatment of chronic nonmalignant pain.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1081 (2012)

Amendment No. 1

129 2. Each pain-management clinic must register with the
130 department unless:

131 a. That clinic is licensed as a facility pursuant to
132 chapter 395;

133 b. The majority of the physicians who provide services in
134 the clinic primarily provide surgical services;

135 c. The clinic is owned by a publicly held corporation
136 whose shares are traded on a national exchange or on the over-
137 the-counter market and whose total assets at the end of the
138 corporation's most recent fiscal quarter exceeded \$50 million;

139 d. The clinic is affiliated with an accredited medical
140 school at which training is provided for medical students,
141 residents, or fellows;

142 e. The clinic does not prescribe controlled substances for
143 the treatment of pain;

144 f. The clinic is owned by a corporate entity exempt from
145 federal taxation under 26 U.S.C. s. 501(c)(3);

146 g. The clinic is wholly owned and operated by one or more
147 board-certified anesthesiologists, physiatrists,
148 rheumatologists, or neurologists; or

149 h. The clinic is wholly owned and operated by a physician
150 multi-specialty practice where one or more board-certified
151 medical specialists who have also completed fellowships in pain
152 medicine approved by the Accreditation Council for Graduate
153 Medical Education or the American Osteopathic Association, or
154 who are also board-certified in pain medicine by a board
155 approved by the American Board of Medical Specialties or the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1081 (2012)

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156 American Osteopathic Association and perform interventional pain
157 procedures of the type routinely billed using surgical codes.

158 Section 4. Subsection (7) of section 893.13, Florida
159 Statutes, is amended to read:

160 893.13 Prohibited acts; penalties.—

161 (7) (a) A person may not:

162 1. Distribute or dispense a controlled substance in
163 violation of this chapter.

164 2. Refuse or fail to make, keep, or furnish any record,
165 notification, order form, statement, invoice, or information
166 required under this chapter.

167 3. Refuse entry into any premises for any inspection or
168 refuse to allow any inspection authorized by this chapter.

169 4. Distribute a controlled substance named or described in
170 s. 893.03(1) or (2) except pursuant to an order form as required
171 by s. 893.06.

172 5. Keep or maintain any store, shop, warehouse, dwelling,
173 building, vehicle, boat, aircraft, or other structure or place
174 which is resorted to by persons using controlled substances in
175 violation of this chapter for the purpose of using these
176 substances, or which is used for keeping or selling them in
177 violation of this chapter.

178 6. Use to his or her own personal advantage, or reveal,
179 any information obtained in enforcement of this chapter except
180 in a prosecution or administrative hearing for a violation of
181 this chapter.

182 7. Possess a prescription form which has not been
183 completed and signed by the practitioner whose name appears

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COMMITTEE/SUBCOMMITTEE AMENDMENT

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184 | printed thereon, unless the person is that practitioner, is an
185 | agent or employee of that practitioner, is a pharmacist, or is a
186 | supplier of prescription forms who is authorized by that
187 | practitioner to possess those forms.

188 | 8. Knowingly use in another manner a Schedule II
189 | controlled substance intended by the prescriber to be
190 | administered orally.

191 | 9.8- Withhold information from a practitioner from whom
192 | the person seeks to obtain a controlled substance or a
193 | prescription for a controlled substance that the person making
194 | the request has received a controlled substance or a
195 | prescription for a controlled substance of like therapeutic use
196 | from another practitioner within the previous 30 days.

197 | 10.9- Acquire or obtain, or attempt to acquire or obtain,
198 | possession of a controlled substance by misrepresentation,
199 | fraud, forgery, deception, or subterfuge.

200 | 11.10- Affix any false or forged label to a package or
201 | receptacle containing a controlled substance.

202 | 12.11- Furnish false or fraudulent material information
203 | in, or omit any material information from, any report or other
204 | document required to be kept or filed under this chapter or any
205 | record required to be kept by this chapter.

206 | 13.12- Store anhydrous ammonia in a container that is not
207 | approved by the United States Department of Transportation to
208 | hold anhydrous ammonia or is not constructed in accordance with
209 | sound engineering, agricultural, or commercial practices.

210 | 14.13- With the intent to obtain a controlled substance or
211 | combination of controlled substances that are not medically

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1081 (2012)

Amendment No. 1

212 necessary for the person or an amount of a controlled substance
213 or substances that is not medically necessary for the person,
214 obtain or attempt to obtain from a practitioner a controlled
215 substance or a prescription for a controlled substance by
216 misrepresentation, fraud, forgery, deception, subterfuge, or
217 concealment of a material fact. For purposes of this
218 subparagraph, a material fact includes whether the person has an
219 existing prescription for a controlled substance issued for the
220 same period of time by another practitioner or as described in
221 subparagraph 9. 8.

222 (b) A health care practitioner, with the intent to provide
223 a controlled substance or combination of controlled substances
224 that are not medically necessary to his or her patient or an
225 amount of controlled substances that is not medically necessary
226 for his or her patient, may not provide a controlled substance
227 or a prescription for a controlled substance by
228 misrepresentation, fraud, forgery, deception, subterfuge, or
229 concealment of a material fact. For purposes of this paragraph,
230 a material fact includes whether the patient has an existing
231 prescription for a controlled substance issued for the same
232 period of time by another practitioner or as described in
233 subparagraph (a)9. (a)8.

234 (c) Any person who violates ~~the provisions of~~
235 subparagraphs (a)1.-8. (a)1.-7. commits a misdemeanor of the
236 first degree, punishable as provided in s. 775.082 or s.
237 775.083; except that, upon a second or subsequent violation, the
238 person commits a felony of the third degree, punishable as
239 provided in s. 775.082, s. 775.083, or s. 775.084.

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1081 (2012)

Amendment No. 1

240 (d) Any person who violates ~~the provisions of~~
241 subparagraphs (a)9.-13. ~~(a)8.-12.~~ commits a felony of the third
242 degree, punishable as provided in s. 775.082, s. 775.083, or s.
243 775.084.

244 (e) A person or health care practitioner who violates ~~the~~
245 ~~provisions of~~ subparagraph (a)14. ~~(a)13.~~ or paragraph (b)
246 commits a felony of the third degree, punishable as provided in
247 s. 775.082, s. 775.083, or s. 775.084, if any controlled
248 substance that is the subject of the offense is listed in
249 Schedule II, Schedule III, or Schedule IV.

250 Section 5. Paragraph (a) of subsection (1), paragraph (b)
251 of subsection (2), and paragraph (f) of subsection (7) of
252 section 893.055, Florida Statutes, are amended to read:

253 893.055 Prescription drug monitoring program.—

254 (1) As used in this section, the term:

255 (a) "Patient advisory report" or "advisory report" means
256 information provided by the department in writing, or as
257 determined by the department, to a prescriber, dispenser,
258 pharmacy, or patient concerning the dispensing of controlled
259 substances. All advisory reports are for informational purposes
260 only and impose no obligations of any nature or any legal duty
261 on a prescriber, dispenser, pharmacy, or patient. The patient
262 advisory report shall be provided in accordance with s.
263 893.13(7)(a)9. ~~893.13(7)(a)8.~~ The advisory reports issued by the
264 department are not subject to discovery or introduction into
265 evidence in any civil or administrative action against a
266 prescriber, dispenser, pharmacy, or patient arising out of
267 matters that are the subject of the report; and a person who

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Amendment No. 1

268 participates in preparing, reviewing, issuing, or any other
269 activity related to an advisory report may not be permitted or
270 required to testify in any such civil action as to any findings,
271 recommendations, evaluations, opinions, or other actions taken
272 in connection with preparing, reviewing, or issuing such a
273 report.

274 (2)

275 (b) The department, when the direct support organization
276 receives at least \$20,000 in nonstate moneys or the state
277 receives at least \$20,000 in federal grants for the prescription
278 drug monitoring program, shall adopt rules as necessary
279 concerning the reporting, accessing the database, evaluation,
280 management, development, implementation, operation, security,
281 and storage of information within the system, including rules
282 for when patient advisory reports are provided to pharmacies and
283 prescribers. The patient advisory report shall be provided in
284 accordance with s. 893.13(7)(a)9. ~~893.13(7)(a)8.~~ The department
285 shall work with the professional health care licensure boards,
286 such as the Board of Medicine, the Board of Osteopathic
287 Medicine, and the Board of Pharmacy; other appropriate
288 organizations, such as the Florida Pharmacy Association, the
289 Florida Medical Association, the Florida Retail Federation, and
290 the Florida Osteopathic Medical Association, including those
291 relating to pain management; and the Attorney General, the
292 Department of Law Enforcement, and the Agency for Health Care
293 Administration to develop rules appropriate for the prescription
294 drug monitoring program.

295 (7)

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296 (f) The program manager, upon determining a pattern
297 consistent with the rules established under paragraph (2)(d) and
298 having cause to believe a violation of s. 893.13(7)(a)9.
299 ~~893.13(7)(a)8.~~, (8)(a), or (8)(b) has occurred, may provide
300 relevant information to the applicable law enforcement agency.

301 Section 6. Subsection (4) of section 893.0551, Florida
302 Statutes, is amended to read:

303 893.0551 Public records exemption for the prescription
304 drug monitoring program.—

305 (4) The department shall disclose such confidential and
306 exempt information to the applicable law enforcement agency in
307 accordance with s. 893.055(7)(f). The law enforcement agency may
308 disclose the confidential and exempt information received from
309 the department to a criminal justice agency as defined in s.
310 119.011 as part of an active investigation that is specific to a
311 violation of s. 893.13(7)(a)9. ~~893.13(7)(a)8.~~, s. 893.13(8)(a),
312 or s. 893.13(8)(b).

313 Section 5. Paragraph (c) of subsection (3) of section
314 921.0022, Florida Statutes, is amended to read:

315 921.0022 Criminal Punishment Code; offense severity
316 ranking chart.—

317 (3) OFFENSE SEVERITY RANKING CHART

318 (c) LEVEL 3

319

Florida Statute	Felony Degree	Description
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320

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1081 (2012)

Amendment No. 1

- | | | | |
|-----|--------------------------|-----|---|
| 321 | 119.10 (2) (b) | 3rd | Unlawful use of confidential information from police reports. |
| 322 | 316.066
(3) (b) - (d) | 3rd | Unlawfully obtaining or using confidential crash reports. |
| 323 | 316.193 (2) (b) | 3rd | Felony DUI, 3rd conviction. |
| 24 | 316.1935 (2) | 3rd | Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated. |
| 325 | 319.30 (4) | 3rd | Possession by junkyard of motor vehicle with identification number plate removed. |
| 326 | 319.33 (1) (a) | 3rd | Alter or forge any certificate of title to a motor vehicle or mobile home. |
| 327 | 319.33 (1) (c) | 3rd | Procure or pass title on stolen vehicle. |
| | 319.33 (4) | 3rd | With intent to defraud, possess, sell, etc., a blank, |

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1081 (2012)

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forged, or unlawfully obtained
title or registration.

328

327.35(2)(b) 3rd Felony BUI.

329

328.05(2) 3rd Possess, sell, or counterfeit
fictitious, stolen, or
fraudulent titles or bills of
sale of vessels.

330

328.07(4) 3rd Manufacture, exchange, or
possess vessel with counterfeit
or wrong ID number.

331

376.302(5) 3rd Fraud related to reimbursement
for cleanup expenses under the
Inland Protection Trust Fund.

332

379.2431 3rd Taking, disturbing, mutilating,
(1)(e)5. destroying, causing to be
destroyed, transferring,
selling, offering to sell,
molesting, or harassing marine
turtles, marine turtle eggs, or
marine turtle nests in
violation of the Marine Turtle
Protection Act.

333

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Amendment No. 1

379.2431

3rd Soliciting to commit or
conspiring to commit a
violation of the Marine Turtle
Protection Act.

(1) (e) 6.

334

400.9935(4)

3rd Operating a clinic without a
license or filing false license
application or other required
information.

335

440.1051(3)

3rd False report of workers'
compensation fraud or
retaliation for making such a
report.

336

501.001(2)(b)

2nd Tamper with a consumer product
or the container using
materially false/misleading
information.

337

624.401(4)(a)

3rd Transacting insurance without a
certificate of authority.

338

624.401(4)(b)1.

3rd Transacting insurance without a
certificate of authority;
premium collected less than
\$20,000.

339

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340	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
341	697.08	3rd	Equity skimming.
342	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
343	796.05(1)	3rd	Live on earnings of a prostitute.
344	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
345	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
346	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
347	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.

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Amendment No. 1

348	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
349	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
350	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
51	817.233	3rd	Burning to defraud insurer.
352	817.234 (8)(b)-(c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
353	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
354	817.236	3rd	Filing a false motor vehicle insurance application.
	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle

COMMITTEE/SUBCOMMITTEE AMENDMENT

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			insurance card.
355			
	817.413(2)	3rd	Sale of used goods as new.
356			
	817.505(4)	3rd	Patient brokering.
357			
	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
358			
	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
359			
	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
360			
	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
361			
	843.19	3rd	Injure, disable, or kill police dog or horse.
362			

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1081 (2012)

Amendment No. 1

363	860.15(3)	3rd	Overcharging for repairs and parts.
364	870.01(2)	3rd	Riot; inciting or encouraging.
365	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
366	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of university.
367	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.

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Bill No. CS/HB 1081 (2012)

Amendment No. 1

- | | | | |
|-----|--|-----|--|
| 368 | 893.13(6)(a) | 3rd | Possession of any controlled substance other than felony possession of cannabis. |
| 369 | <u>893.13(7)(a)9.</u>
893.13(7)(a)8. | 3rd | Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance. |
| 370 | <u>893.13(7)(a)10.</u>
893.13(7)(a)9. | 3rd | Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc. |
| 371 | <u>893.13(7)(a)11.</u>
893.13(7)(a)10. | 3rd | Affix false or forged label to package of controlled substance. |
| 372 | <u>893.13(7)(a)12.</u>
893.13(7)(a)11. | 3rd | Furnish false or fraudulent material information on any document or record required by chapter 893. |
| | 893.13(8)(a)1. | 3rd | Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through |

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1081 (2012)

Amendment No. 1

deceptive, untrue, or
fraudulent representations in
or related to the
practitioner's practice.

373

893.13 (8) (a)2. 3rd Employ a trick or scheme in the
practitioner's practice to
assist a patient, other person,
or owner of an animal in
obtaining a controlled
substance.

374

893.13 (8) (a)3. 3rd Knowingly write a prescription
for a controlled substance for
a fictitious person.

375

893.13 (8) (a)4. 3rd Write a prescription for a
controlled substance for a
patient, other person, or an
animal if the sole purpose of
writing the prescription is a
monetary benefit for the
practitioner.

376

918.13 (1) (a) 3rd Alter, destroy, or conceal
investigation evidence.

377

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1081 (2012)

Amendment No. 1

944.47 3rd Introduce contraband to
(1)(a)1.-2. correctional facility.

944.47(1)(c) 2nd Possess contraband while upon
the grounds of a correctional
institution.

985.721 3rd Escapes from a juvenile
facility (secure detention or
residential commitment
facility).

Section 6. This act shall take effect October 1, 2012.

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

Remove the entire title and insert:

A bill to be entitled

An act relating to controlled substances; amending s. 456.44,
F.S.; removing physiatrist; adding psychiatrist and
rheumatologist; amending definition of chronic non-malignant
pain; adding the American Board of Medical Specialties to
recognized certification entities; amending definition of
controlled substances; amending s. 458.3265, F.S.; amending
definition of chronic non-malignant pain; permitting a
rheumatologist to own pain clinics; adding multi-specialty

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Amendment No. 1

397 | practice to permitted ownership forms of pain clinics; amending
398 | s. 459.0137, F.S.; amending definition of chronic non-malignant
399 | pain; permitting a rheumatologist to own pain clinics; adding
400 | multi-specialty practice to permitted ownership forms of pain
401 | clinics amending s. 893.13, F.S.; prohibiting the knowing use in
402 | another manner of a Schedule II controlled substance intended to
403 | be administered orally; providing criminal penalties; amending
404 | ss. 893.055, 893.0551, and 921.0022, F.S.; conforming cross-
405 | references; providing an effective date.

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/21/2012 10:30:00AM

Location: 404 HOB

CS/CS/HB 1163 : Adoption

Temporarily Deferred

8

Committee meeting was reported out: Tuesday, February 21, 2012 2:59:25PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/21/2012 10:30:00AM

Location: 404 HOB

CS/CS/HB 1401 : Public Assistance

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Mack Bernard	X				
Jason Brodeur	X				
Richard Corcoran	X				
Janet Cruz		X			
Eduardo Gonzalez	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Mia Jones		X			
Ana Logan	X				
Mark Pafford		X			
Ronald Renuart	X				
Elaine Schwartz		X			
Carlos Trujillo	X				
Barbara Watson		X			
John Wood	X				
Robert Schenck (Chair)	X				
Total Yeas: 13		Total Nays: 5			

CS/CS/HB 1401 Amendments

Amendment 444725

Failed to Adopt

Appearances:

Berner, Ann (Lobbyist) (State Employee) - Information Only
 DCF
 1317 Winewood Blvd.
 Tallahassee Florida 32309
 Phone: (850) 717-4110

Harbin, Martha (Lobbyist) - Waive In Support
 Florida Beverage Association
 PO Box 4307
 Tallahassee FL 32315-4307
 Phone: (850) 251-2803

Pitts, Brian - Opponent
 Justice-2-Jesus
 1119 Newton Ave. S.
 St. Petersburg FL 33705
 Phone: (727) 897-9291

Committee meeting was reported out: Tuesday, February 21, 2012 2:59:25PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1401 (2012)

Amendment No.1

COMMITTEE/SUBCOMMITTEE 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 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Pafford offered the following:

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

6 Remove lines 29-30 and insert:

7 benefit transfer card to purchase alcohol or tobacco products or
8 to use in,

9
10
11 -----
12 **T I T L E A M E N D M E N T**

13 Remove lines 4-5 and insert:

14 benefit transfer card to prohibit the purchase of certain
15 products and its use in certain places; amending s. 414.095,
16 F.S.; revising
17

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/21/2012 10:30:00AM

Location: 404 HOB

Workshop

Assisted Living Facilities and other Quality Initiatives

Workshopped

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/21/2012 10:30:00AM

Location: 404 HOB

Presentation/Workshop/Other Business Appearances:

PCB HHSC 12-04

Goldfield, M.D., Norbert - Information Only
3M Health Information Systems
100 Barnes Rd.
Wallingford Ct. 06492
Phone: (203) 949-6330

PCB HHSC 12-04

Berkowitz, Carol (Lobbyist) - Information Only
Leading Age Fla (Formerly FAHSA)
1812 Riggins Rd
Tallahassee FL 32308
Phone: (850) 671-3700

PCB HHSC 12-04

Lange, Pat (Lobbyist) - Information Only
Florida Assisted Living Assn.
2447 Millcreek Court
Tallahassee Florida 32308
Phone: (850) 383-1159

PCB HHSC 12-04

Adams, Bobbie - Information Only
Five Oaks Rest Home
611 Old Welaka Rd.
Welaka Florida 32193
Phone: (386) 467-2004

PCB HHSC 12-04

Damiani, Donna - Information Only
Heather Haven I & II
725 Edgewater Drive
Dunedin Florida 34698
Phone: (727) 733-3510

PCB HHSC 12-04

Toland, Diane - Information Only
Sunshine Christian Home ALF
5250 Whippoorwill Dr.
Holiday Florida 34698
Phone: (727) 934-8052

PCB HHSC 12-04

Hall, Sandra - Information Only
Happy Acres ALF, Inc.
700 Anderson Dr.
Bonifay Florida 32425
Phone: (850) 258-4560

Committee meeting was reported out: Tuesday, February 21, 2012 2:59:25PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/21/2012 10:30:00AM

Location: 404 HOB

Presentation/Workshop/Other Business Appearances: (continued)

PCB HHSC 12-04

Easterling, Frank - Information Only

Oak Valley ALF

4488 Hwy 79

Vernon Florida 32462

Phone: (850) 849-7575

PCB HHSC 12-04

McRay, Jack (Lobbyist) - Information Only

AARP

200 W College Ave Ste 304

Tallahassee FL 32301

Phone: (850) 577-5187

PCB HHSC 12-04

Bay, Michael - Information Only

Eastside Care ALF

142 S.W. Round Table Ct.

Lake City Florida 32024

Phone: (386) 623-3606

PCB HHSC 12-04

Rousey, Sharon (General Public) - Information Only

Families

512 Oakhurst St

Altamonte Springs FL 32707

Phone: (407) 712-5467

Committee meeting was reported out: Tuesday, February 21, 2012 2:59:25PM