



The FMA General Counsel's office has received numerous calls and emails regarding the new requirement in HB 21 to check the E-FORCSE database prior to prescribing a controlled substance. This requirement, which became effective on July 1, 2018, requires that "a prescriber or dispenser or a designee of a prescriber or dispenser must consult the system to review a patient's controlled substance dispensing history before prescribing or dispensing a controlled substance for a patient age 16 or older." This requirement does not apply when prescribing or dispensing a Schedule V non-opioid.

As noted in the [FMA's initial summary of HB 21](#), this new provision leaves many questions unanswered. In order to provide guidance to our members who have questions regarding the application of the law to their specific situations, the FMA set up a call with Department of Health representatives. The Department's responses to questions posed by the FMA are represented below in a Q&A format.

Refills And Multiple Prescriptions

Q: If I prescribe a 30-day supply of a controlled substance with 2 refills, do I have to check the E-FORCSE database prior to issuing the prescription AND prior to each refill being dispensed?

A: No, you only have to check the database prior to issuing the prescription. You do not have to check the database prior to each refill.

Q: If I give a patient three prescriptions, one to be filled immediately, the other two not to be filled until a date in the future, do I have to check the E-FORCSE database only once, prior to the three prescriptions being issued, or do I have to check the database again right before the date the other two prescriptions are to be filled?

A: You are only required to check the database prior to issuing the three prescriptions. You do not have to check again on or before the fill dates indicated for the other two prescriptions. The date of issuance on the three prescriptions must be the same – the date they were given to the patient.

Nursing Homes

Q: If I order a controlled substance to be administered to a patient in a skilled nursing facility, do I have to check the E-FORCSE database prior to ordering?

A: The Department has issued a preliminary rule, not yet in effect, that defines an “order” as a “written, transmitted or oral direction from a prescriber for a controlled substance to be administered to a patient in an inpatient setting.” The preliminary rule provides that you must consult the E-FORCSE database when a controlled substance is “prescribed or dispensed, but not ordered.” We hope this rule will be fleshed out to make it clear that an “inpatient setting” is not limited to hospitals, but also includes any setting in a licensed health care facility where the patient will be administered the controlled substance while in the facility. Until the rule is finalized and approved, the answer to this question is unclear. The FMA advises physicians who prescribe controlled substances to patients in skilled nursing facilities to consult the database prior to prescribing or ordering a controlled substance until this issue is clarified.

Medical Record Keeping

Q: Do I have to document in the patient’s medical records that I reviewed the patient’s controlled substance dispensing history in the E-FORCSE database prior to prescribing a controlled substance?

A: HB 21 does not require the checking of the database to be noted in the patient’s medical records. The FMA, however, advises physicians to document in the records for each patient prescribed a controlled substance that the database was checked, and include pertinent findings. If the physician is unable to check the database because it is not operational or there is temporary technological or electrical failure, the physician can only prescribe up to a 3-day supply of a controlled substance but must document in the medical records the reason he/she did not consult the database.

The E-FORCSE database will retain a record of each time the database is accessed and by whom, which will remain available indefinitely.

Q: Can I print out a copy of the E-FORCSE database report and include it in the patient’s medical records?

HB 21 does not require the checking of the database to be noted in the patient’s medical records. The FMA, however, advises physicians to document in the records for each patient prescribed a controlled substance that the database was checked, and include pertinent findings.

A: The law does not prohibit the printing of the report or including the report in the patient’s medical records. According to the Department, you may not give a copy of the report to the patient or a third party. Therefore, if you do include the report in the medical records, you will need to redact the report before providing a copy of the records to anyone or to any entity. Further, the report can only be viewed by the prescribing physician and the physician’s designee.

Q: Should I refrain from talking to the patient about the information contained in the E-FORCSE database report? Or including any information in the report in the patient’s medical records?

A: According to the Department, you can discuss the contents of the report with the patient, and include pertinent information in the report in the patient’s medical records. You just cannot provide the patient with a copy of the report. A patient who wants a copy of the report can obtain it from the E-FORCSE program manager by submitting a written, notarized request.

Q: If my electronic health record system is integrated with the E-FORCSE database, does the database report automatically become a part of the electronic health record?

A: According to the Department, it does, and you will need to ensure that you lock this information so that it is only able to be seen by the physician or his/her designee.

Query Timeframe

Q: Can I have my designee check the E-FORCSE database for all of the patients I will be seeing in a particular day the day prior to seeing them? How about a week in advance?

A: HB 21 does not impose any timeframes in which the E-FORCSE database must be checked in regard to a particular patient, other than to say that the database must be checked “before” prescribing or dispensing a controlled substance to a patient. According to the Department, the timeframe in which the database must be reviewed is up to the discretion of the prescribing physician, with the only guideline being that such timeframe must be reasonable.

Pharmacies

Q: Does HB 21 require a pharmacist to ensure that the prescribing physician has reviewed the E-FORCSE database before dispensing a controlled substance?

A: No.

Miscellaneous

Q: If a resident physician without a DEA number prescribes a controlled substance to a patient in a hospital under the DEA license of the attending physician, do both the resident and the attending physician have to review the E-FORCSE database prior to issuing the prescription?

A: According to the Department, whoever is listed on the prescription is the person responsible for reviewing the E-FORCSE database. Therefore, in this situation, the attending physician is the person responsible for ensuring that the E-FORCSE database is checked prior to prescribing the controlled substance. The resident, however, could register with E-FORCSE as the attending physician’s designee, and conduct the database review.

Q: Is there a smartphone app available for accessing the E-FORCSE database?

A: Not yet, but the Department is working on it and hopes to have one available by the beginning of August.

Q: How do I set up my medical assistants and physician assistants as designees authorized to review the E-FORCSE database?

A: Designees must register with their own unique email address and password. To register follow the process in the panel to the right.

Registration Process

1. To request a new account in PMP AWARxE, open an Internet browser window and navigate to: <https://florida.pmpaware.net>. If a password reset is needed, use the Reset Password link.
2. Click the Create Account link. The next screen requires the user to enter a valid email address and select a password. The password must be entered a second time for validation. Note: the password must contain 10 characters, including 1 capital letter and 1 special character (such as !, @, #, \$). Click Save and Continue.
3. Click on the +Healthcare Professional User Role as either a Prescriber Delegate- Unlicensed for the MAs and Prescriber Delegates- Licensed for the PAs without DEA registration numbers. Click Save and Continue.
4. Enter the following personal, employer and delegate (designee) information. Note: Required fields are indicated with a red asterisk.
 - » Personal Information: name, date of birth, last 4 digits of social security number, and primary contact phone.
 - » Employer Information: name, location and address, and phone.
 - » Delegate (Designee) Information: All designees must enter the email address(es) of their supervisor(s).
 - » Once complete, click Submit Your Registration.
5. Once your registration is approved, you will be notified via email. Please add no-reply-pmpaware@globalnotifications.com to your email address book to ensure that you receive system-generated emails.
6. Registration is complete. Supervisors with designees must authorize their access. The Supervisor may navigate to Menu > Dashboard > Delegate and click on the delegate name to approve.