



Florida's Prescription Drug Monitoring Program <a href="http://www.e-forcse.com">http://www.e-forcse.com</a>		
	<h1>FACT SHEET</h1>	
<h2>LAW ENFORCEMENT</h2>		

The Florida Prescription Drug Monitoring Program (PDMP), known as E-FORCSE (Electronic-Florida Online Reporting Controlled Substance Evaluation), became operational on September 1, 2011, when it began receiving controlled substance dispensing data from pharmacies and dispensing practitioners. On November 14, 2011, law enforcement officers began requesting reports based on an active investigation related to potential criminal activity, fraud, or theft regarding prescribed controlled substances.

Section 893.055, Florida Statutes (F.S.), establishes that the information collected in the database is available upon request and approval to law enforcement agencies during an active investigation regarding criminal activity fraud, or theft of prescribed controlled substances, the Attorney General for Medicaid fraud cases involving prescribed controlled substances, and the Department of Health during a specific controlled substance investigation.

**What is E-FORCSE®?** It is a database that collects and stores schedule II, III and IV controlled substance dispensing information, as defined in section 893.03, Florida Statutes (F.S.)

**What is an active investigation?** Section 893.055(1)(h), F.S., defines “active investigation” as an investigation that is being conducted with a reasonable, good faith belief that it could lead to the filing of administrative, civil, or criminal proceedings, or that is ongoing and continuing and for which there is a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future.

**May an authorized user submit a query request on behalf of another agency when not actively involved in the investigation?** No, protected health information in the database cannot be accessed and/or transmitted in any way to individuals not directly involved in the active investigation. The agency requesting the information and involved in the active investigation must register with the E-FORCSE® and make requests directly to E-FORCSE®.

**Reporting**

**Who is required to report controlled substance dispensing information to E-FORCSE®?** Any health care practitioner who has dispensed a controlled substance in schedule II, III, and IV, as defined in section 893.03, F.S. (e.g., OxyContin®, Percocet®, Vicodin®, Klonopin®, Xanax®, and Valium®), is required to report to the database within 7 days of dispensing the controlled substance. This includes pharmacies licensed under chapter 465, F.S., including mail order and Internet pharmacies; and health care practitioners licensed under chapters 458, 459, 461, 462, or 466, F.S.

**Who is not required to report controlled substance dispensing information to E-FORCSE®?** A health care practitioner is not required to report to E-FORCSE® when he/she:

- administers a controlled substance directly to a patient if the amount is adequate to treat the patient during that particular treatment session;
- administers a controlled substance to a patient or resident receiving care as a patient at a hospital, nursing home, ambulatory surgical center, hospice, or intermediate care facility for the developmentally disabled;
- administers or dispenses a controlled substance in the healthcare system of the Florida Department of Corrections;
- administers a controlled substance in the Emergency Room of a licensed hospital;
- administers or dispenses a controlled substance to a patient under the age of 16; or
- dispenses a one-time, 72-hour emergency re-supply of controlled substances.

**What information must be reported to E-FORCSE®?**

Each time a controlled substance is dispensed, the following information must be reported:

- Prescriber information: name, DEA registration number, NPI number (or other appropriate identification number)
- Prescription information: date prescribed, date dispensed, refill number, drug name, National Drug Control (NDC) number, quantity and strength of the controlled substance dispensed, and method of payment
- Patient information: name, address, telephone number, gender, date of birth
- Dispenser information: full name, DEA number, address

**Are physicians and pharmacists required to access E-FORCSE prior to prescribing or dispensing a controlled substance?** No, physicians and pharmacists are not required to access the database. It is voluntary; however, they are encouraged to use the database as a tool to improve patient care.

**What is the penalty if a dispenser does not report their schedule II-IV controlled substance dispensing data?** A dispenser who willfully and knowingly fails to report the dispensing of controlled substances as required by section 893.055, F. S., commits a first-degree misdemeanor.

**Law Enforcement Access**

**Which entities may request and receive information from E-FORCSE®?** The following entities do not have direct access to the controlled substance dispensing information maintained in the database but may register to request information from the Program manager or support staff:

- the Department of Health or appropriate health care regulatory board that is involved in a specific investigation involving a specific individual for one or more prescribed controlled substances;
- the Attorney General for Medicaid fraud cases involving prescribed controlled substances;
- a law enforcement agency during active investigations regarding potential criminal activity, fraud or theft relating to prescribed controlled substances.

Prior to making any requests for controlled substance dispensing information, each agency head or designee must identify one agency administrator by completing and submitting an Agency Administrator Appointment Form located at <http://www.floridahealth.gov/reports-and-data/e-forcse/law-enforcement-information/index.html>. The agency head must notify the Program manager if any personnel changes occur in the future by submitting an updated Agency Administrator Appointment Form making the appropriate designation for an addition or deletion.

**What is the purpose of an Agency Administrator?** An Agency Administrator determines which law enforcement officers within their agency are engaged in the administration, investigation, or enforcement of the laws governing scheduled controlled substances and drugs of concern, and are authorized to request controlled substance prescription information from the Program Manager, subject to a valid investigation under section 893.0551, F.S.

**How does an approved law enforcement officer engaged in an active investigation request information maintained in the database?** Once the authorized user has been credentialed by the Agency Administrator, the authorized user will complete a registration form at <http://www.hidinc.com/flpdmp/law-enforcement.html>, and perform the following steps to create an account:

- Click the Terms & Conditions link located on the left menu to open and read.
- After reading the Terms and Conditions, click the Training Guide for Law Enforcement Officers, Medicaid Fraud Control Unit Investigators, and Department of Health Regulatory Boards link.
- Use the information provided in the “Request an Account” topic to create your account.

If the registration request is approved by the E-FORCSE<sup>®</sup> program staff, the authorized user will receive two e-mail notifications including instructions for requesting and receiving information from the program staff. If the registration request is denied, the E-FORCSE<sup>®</sup> program staff will communicate the denial by email, and provide the reason for the denial.

**How does the Administrator notify the program staff if there are changes to appointed personnel?** If changes to personnel occur in the future (i.e., an officer leaves the agency or a new officer needs access), the Agency Administrator must submit an updated *Agency Authorized User Appointment Form*, making the appropriate designation for an addition or deletion.

## **Privacy**

**Is E-FORCSE<sup>®</sup> compliant with the federal Health Insurance Portability and Accountability Act (HIPAA)?** Yes. In addition to meeting the federal HIPAA requirements, E-FORCSE<sup>®</sup> complies with the confidentiality provisions contained in section 893.0551, F.S.

**Is accessibility to controlled substance prescription data a violation of patient confidentiality?** No. E-FORCSE<sup>®</sup> is HIPAA compliant. E-FORCSE<sup>®</sup> has procedures in place to safeguard patient confidentiality and access to controlled substance prescription information. The law prohibits unauthorized access to and use of confidential patient information. Any person who willfully and knowingly discloses confidential information commits a third degree felony.

**Does E-FORCSE<sup>®</sup> contain the controlled substance prescription history of patients less than 16 years old?** No. Controlled substance prescription information is collected for patients who are 16 years old or older.

**Where is the data stored?** The data is stored and maintained in a highly secure system that includes protection of patient health information, maintenance of confidentiality of records, and physical plant security. Confidentiality and protection of patient information is of utmost importance to the program.