



Rick Scott
Governor

H. Frank Farmer, Jr., M.D., Ph.D.
State Surgeon General

STATE OF FLORIDA
DEPARTMENT OF HEALTH
DECLARATION OF PUBLIC HEALTH EMERGENCY

A. Pursuant to CS/CS/HB 7095, n/k/a Ch. 2011-____, Laws of Fla., section 28, the Florida Legislature has determined that:

1. Prescription drug overdose has been declared a public health epidemic by the United States Centers for Disease Control and Prevention.
2. Prescription drug abuse results in an average of seven deaths in this state each day.
3. Physicians in this state purchased more than 85 percent of the oxycodone purchased by all practitioners in the United States in 2006.
4. Physicians in this state purchased more than 93 percent of the methadone purchased by all practitioners in the United States in 2006.
5. Some physicians in this state dispense medically unjustifiable amounts of controlled substances to addicts and to people who intend to illegally sell the drugs.
6. Physicians in this state who have purchased large quantities of controlled substances may have significant inventory 30 days after the effective date of this act.
7. Thirty days after the effective date of this act, the only legal method for a dispensing practitioner to sell or otherwise transfer controlled substances listed in Schedule II or Schedule III as provided in s. 893.03, Florida Statutes, purchased for dispensing, is through the abandonment procedures of subsection (1) or as authorized under s. 465.0276, Florida Statutes.
8. It is likely that the same physicians who purchase and dispense medically unjustifiable amounts of drugs will not legally dispose of the remaining inventory.
9. The actions of such dispensing practitioners may result in substantial injury to the public health.

B. For the reasons, stated above, the Florida Legislature has directed the undersigned to declare this Public Health Emergency and furthermore orders the following actions:

1. Within 2 days after the effective date of this act, in consultation with wholesale distributors as defined in s. 499.003, Florida Statutes, the Department of Health shall identify dispensing practitioners who purchased more than an average of 2,000 unit doses of controlled substances listed in Schedule II or Schedule III as provided in s. 893.03, Florida Statutes, per month in the previous 6 months, and shall identify the dispensing practitioners in that group who pose the greatest threat to the public health based on an assessment of:
 - a. The risk of noncompliance with subsection (1).
 - b. The purchase amounts.
 - c. The manner of medical practice.
 - d. Any other factor set by the State Health Officer.

C. This Order is an exercise of the Police Power of the State of Florida.

As a consequence of the Florida Legislature's findings and directions, and the federal declaration of a public health epidemic, there is a risk of substantial injury or harm from prescription drug overdose threatening the Florida public's health.

After consultation with Governor Rick Scott and public health officials within the Department of Health, I, H. Frank Farmer, Jr., M.D., Ph.D., State Surgeon General, pursuant to the authority vested in me under section 381.00315(1)(b), Florida Statutes, do hereby determine that a public health emergency exists in the State of Florida.

In order to protect the public health, I hereby suspend the statutes and rules governing returns under Ch. 499, Florida Statutes of controlled substances listed in Schedule II or Schedule III of Section 893.03, Florida Statutes, as needed to cope with this emergency.

In order to protect the public health, I hereby order all Florida-licensed wholesale pharmaceutical distributors [or list prepared by MQA DD&C] to consult with _____, Department of Health, Division of Medical Quality Assurance, regarding dispensing practitioners [will they know this? Or will they just know who they shipped to and who paid?] who purchased controlled substances listed in Schedule II or Schedule III as provided in s. 893.03, Florida Statutes, during the months January 2011 through June 2011 by those dispensing practitioners.

In accordance with section 381.00315(1)(b), Florida Statutes, this Declaration shall remain in effect for sixty days unless amended, rescinded, or renewed with the concurrence of the Governor.

H. Frank Farmer, Jr., M.D., Ph.D.
State Surgeon General

date