

CONTROLLED SUBSTANCES

TREATMENT AGREEMENT FLORIDA

NOTE: This handout addresses legal requirements for physicians prescribing controlled substances, specifically requirements for informed consent and treatment agreements. However, the law in Florida has recently changed to allow APRNs and PAs to prescribe controlled substances. In regards to this change, please note the following:

- Effective 4-14-2016, psychiatric APRNs can prescribe psychotropic controlled substances for the treatment of mental disorders, per written protocol with a psychiatrist.
- Effective 1-1-2017, PAs and APRNs can prescribe schedule II, III, and IV controlled substances.

STATE SPECIFIC

Required by State:

- Controlled substances for the treatment of chronic nonmalignant pain shall be prescribed by a single treating physician unless otherwise authorized and documented in the medical record.¹
- Patient compliance and reasons for which drug therapy may be discontinued, such as violation of the treatment agreement.¹
- The physician's prescribing policies, including, for example, the number and frequency of prescription refills, a policy regarding early or urgent refills, a policy regarding replacement of lost or stolen medication, etc.¹
- The patient agrees to drug testing (blood, urine, hair, or saliva) when requested.²

Recommended by State:

No recommendations.

TO CONSIDER FROM OTHER STATES

Considerations:

- The patient is responsible for safely using medication, meaning that the patient should store the medication in a secure location and safely dispose of any unused medication.
- The goals of treatment.
- The physician will be available during emergencies or otherwise have a covering physician available in the event that unforeseen problems arise and to prescribe scheduled refills.
- Discuss any monitoring tools that the physician wishes to use, such as pill counts.
- The patient is prohibited from sharing, giving, or selling any medication to others.
- If the physician becomes concerned that there has been illegal activity, the physician may notify the authorities.
- The patient provides informed, written consent for release of the agreement to local emergency departments and/or pharmacies; therefore, other providers such as ER personnel or pharmacists may report violations of the agreement back to the prescribing physician.
- The prescriber's responsibility to provide referrals to substance abuse counseling when the abuse potential is present and also for failed drug screens.
- The patient may be responsible for keeping a pain diary or a diary of daily accomplishments.
- If the patient violates the terms of the agreement, those violations and the physician's response to them will be documented along with the rationale for changes in the treatment plan.

INFORMED CONSENT FLORIDA

STATE SPECIFIC

Required by State:¹

- The physician shall discuss the risks and benefits of the use of controlled substances with:
 - The patient;
 - Persons designated by the patient; or
 - The patient's surrogate or guardian if the patient is incompetent.

- Inform the patient of the risks of abuse
- Inform the patient of the risks of addiction and physical dependence.

Recommended by State:
No recommendations.

TO CONSIDER FROM OTHER STATES

Considerations:

- Inform the patient of potential side effects (short- and long-term) of the prescribed medication.
- The patient's diagnosis.
- Inform the patient of the likelihood that tolerance to the prescribed medication will develop.
- Inform the patient of the risk of the prescribed medication interacting with other drugs and of over-sedation.
- Inform the patient of the risks of impaired motor skills that affect driving among other tasks.
- Inform the patient of the limited evidence as to the benefit of long-term opioid therapy.
- Inform the patient of the risks of opioid misuse, dependence, and overdose.
- Inform female patients of the risks during pregnancy and after delivery.
- Inform the patient of alternative treatment options to opioid therapy.
- Inform the patient that one of the risks of opioid therapy is death.
- Inform the patient of the risks of withdrawal.
- Alcohol should not be used in combination with the prescribed opioid.
- All medications from other sources, including over the counters and medical marijuana, should be discussed and documented in the medical record.
- Note that compliance with all components of the overall treatment plan is expected.
- Periodic re-evaluation of treatment is needed.
- The patient has the option to consent to the sharing of information with family members and other providers, as necessary.

- Educate the patient and caregivers about the danger signs of respiratory depression and that someone should summon medical help immediately if a person demonstrates signs of respiratory depression while on opioids.

- Ensure the patient does not have any absolute contraindications and review risks and benefits related to any relative contraindications with the patient.

NOTE: This resource covers only informed consent and treatment plan requirements; there may be many other requirements, such as limitations on the quantity of medication prescribed, etc.

¹ **32 F.S.A. § 456.44. Controlled Substance Prescribing.**

² **64 F.A.C. § 64B8-9.013. Standards for the Use of Controlled Substances for the Treatment of Pain.**

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