

Physicians: What has changed for you since Senate Bill 8A passed?

AUGUST 2017

Qualified Physician

Previous Physicians - A physician who has previously met the physician education requirements of former s. 381.986(4), Florida Statutes 2016, before the effective date of this section, shall be deemed to be in compliance with this paragraph from the effective date of this act until 90 days after the course and examination required by this paragraph become available.

New Physicians - Before being approved as a new qualified physician, and before each license renewal, a physician must successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association. (Once this 2 Hour class is created) This shall be administered at least annually and may be offered in a distance learning format. The price of the course may not exceed \$500.

Previous Patients

An active order for low-THC cannabis or medical cannabis issued pursuant to former s. 381.986, Florida Statutes 2016, and registered with the compassionate use registry before the effective date of this section, is deemed a physician certification, and all patients possessing such orders are deemed qualified patients until the department begins issuing medical marijuana use registry ID cards.

Renewing a Patient Certification

A Qualified Physician must evaluate an existing qualified patient at least once every 30 weeks before issuing a new physician certification

A physician must:

- Determine if the patient still meets the requirements to be issued a physician certification
- Identify and document in the qualified patient's medical records whether the qualified patient experienced either of the following related to the medical use of marijuana:
 - a. An adverse drug interaction with any prescription or nonprescription medication; or
 - b. A reduction in the use of, or dependence on, other types of controlled substances in §893.02

Submit a report with the findings required pursuant to subparagraph 2 to the department. The department shall submit such reports to the Coalition for Medical Marijuana Research and Education established pursuant to s. 1004.4351

Issuing a New Patient Certification (Previously an "Order")

A qualified physician may issue a physician certification only if the qualified physician:

1. Conducted a physical examination while physically present in the same room as the patient and a full assessment of the medical history of the patient.
2. Diagnosed the patient with at least one qualifying medical condition.
3. Determined that the medical use of marijuana would likely outweigh the potential health risks for the patient, and such determination must be documented in the patient's medical record. If a patient is younger than 18 years of age, a second physician must concur with this determination, and such concurrence must be documented in the patient's medical record.
4. Determined whether the patient is pregnant and documented such determination in the patient's medical record physician may not issue a physician certification, except for low-THC cannabis, to a patient who is pregnant.
5. Reviewed the patient's controlled drug prescription history in the prescription drug monitoring program database established pursuant to s. 893.055.
6. Reviews the medical marijuana use registry and confirmed that the patient does not have an active physician certification from another qualified physician.
7. Registers as the issuer of the physician certification for the named qualified patient on the medical marijuana use registry in an electronic manner determined by the department, and:
 - a. Enters into the registry the contents of the physician certification, including the patient's qualifying condition and the dosage not to exceed the daily dose amount determined by the department, the amount and forms of marijuana authorized for the patient, and any types of marijuana delivery devices needed by the patient for the medical use of marijuana.
 - b. Updates the registry within 7 days after any change is made to the original physician certification to reflect such change. c. Deactivates the registration of the qualified patient and the patient's caregiver when the physician no longer recommends the medical use of marijuana for the patient.

Obtain Voluntary Consent

The qualified physician must use a standardized informed consent form adopted in rule by the Board of Medicine and the Board of Osteopathic Medicine which shall be maintained in the patient's medical record once this form becomes available.

Obtain the voluntary and informed written consent of the patient for medical use of marijuana each time the qualified physician issues a physician certification for the patient, which shall be maintained in the patient's medical record. The patient, or the patient's parent or legal guardian if the patient is a minor, must sign the informed consent acknowledging that the qualified physician has sufficiently explained its content.

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Current Qualifying Conditions

A patient must be diagnosed with at least one of the following conditions to qualify to receive marijuana or a marijuana delivery device:

- Cancer, Epilepsy, Glaucoma, Positive status for human immunodeficiency virus(HIV), Acquired immune deficiency syndrome(AIDS), Post-traumatic stress disorder (PTSD), Amyotrophic lateral sclerosis (ALS), Multiple sclerosis, Crohn's disease, Parkinson's disease.
- A terminal condition diagnosed by a physician other than the qualified physician issuing the physician certification.
- *Chronic nonmalignant pain.* Chronic nonmalignant pain means pain that is caused by a qualifying medical condition or that originates from a qualifying medical condition and persists beyond the usual course of that qualifying medical condition
- Medical conditions of the same kind or class as or comparable to those listed above***

Medical conditions of the Same Kind or Class***

If a qualified physician issues a physician certification for a qualified patient diagnosed with a qualifying medical condition "of the same kind or class as or comparable to those listed above", the physician must submit the following to the applicable board within 14 days after issuing the physician certification:

1. Documentation supporting the qualified physician's opinion that the medical condition is of the same kind or class as the conditions listed above.
2. Documentation that establishes the efficacy of marijuana as treatment for the condition.
3. Documentation supporting the qualified physician's opinion that the benefits of medical use of marijuana would likely outweigh the potential health risks for the patient.
4. Any other documentation as required by board rule. The department must submit such documentation to the Coalition for Medical Marijuana Research and Education established pursuant to s. 1004.4351.

Supply Limits

- Three 70 Day supply limit allowed (210 Days) and the Department of Health should decide the daily dose and equivalent dose amounts for each form. Patients must be re-evaluated once every 30 Weeks(210 Days)

- A Physician may request an exception to this supply limit under certain conditions

A physician must:

1. Determine if the patient still meets the requirements to be issued a physician certification under paragraph (a).
2. Identify and document in the qualified patient's medical records whether the qualified patient experienced either of the following related to the medical use of marijuana: a. An adverse drug interaction with any prescription or nonprescription medication; or b. A reduction in the use of, or dependence on, other types of controlled substances as defined in s. 893.02.
3. Submit a report with the findings required pursuant to subparagraph 2. (above) to the department. The department shall submit such reports to the Coalition for Medical Marijuana Research and Education established pursuant to s. 1004.4351.

HELPFUL LINKS

Office of Medical Marijuana Use Website

<http://www.floridahealth.gov/programs-and-services/office-of-medical-marijuana-use/index.html> Florida MMJ Statute

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL =0300-0399/0381/Sections/0381.986.html

List of Qualified Physicians http://www.floridahealth.gov/programs-and-services/office-of-compassionate-use/_documents/completed-cme.pdf

Current 8 Hour Class until 2 Hour is released <http://www.flcannabisce.com/>