

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.

**Ron DeSantis**

Governor

Joseph A. Ladapo, MD, PhD

State Surgeon General

Vision: To be the Healthiest State in the Nation

February 2, 2022

Joseph A. Ladapo, MD, PhD
State Surgeon General
4052 Bald Cypress Way, Bin A-00
Tallahassee, Florida 32399

Dear Dr. Ladapo:

Pursuant to Section 20.055(6)(h), Florida Statutes, our office is to update you on the status of corrective actions taken since August 3, 2021, when the Office of the Auditor General published its Report Number 2022-006, *Office of Medical Marijuana Use, Prescription Drug Monitoring, and Selected Administrative Activities*.

We are pleased to announce that at six months after publication, management reports eight of the corrective action plans made in response to recommendations from the Office of the Auditor General have been closed and four are still in progress. We will update you on the status of the remaining open corrective actions again in six months.

If I may answer any questions, please let me know.

Sincerely,

Michael J. Bennett, CIA, CGAP, CIG
Inspector General

MJB/akm
Enclosure

cc: Melinda M. Miguel, Chief Inspector General, Executive Office of the Governor
Lisa Norman, CPA, Office of the Auditor General
Cassandra G. Pasley, BSN, JD, Chief of Staff
Kenneth A. Scheppke, MD, FAEMS, Deputy Secretary for Health
Mike Mason, Assistant Deputy Secretary for Health
Michele Tallent, Deputy Secretary for Operations
Antonio Dawkins, Assistant Deputy Secretary for Operations

Status of Corrective Action Plans



Report Number: 2022-006
Report Title: Office of Medical Marijuana Use, Prescription Drug Monitoring, and Selected Administrative Activities
Report Date: August 3, 2021
Status As Of: February 2, 2022

No.	Finding	Recommendation	Corrective Action Plan	Status of Corrective Action Plan
Office of Medical Marijuana Use				
1	Application records did not always evidence that caregivers satisfied statutory requirements to receive a Medical Marijuana Use Registry (MMUR) identification card or that parental or guardian consent was obtained for a minor to receive a MMUR identification card.	(1.1) We recommend that the Office of Medical Marijuana Use (Office) management enhance oversight controls to ensure that caregiver applications include all required information and are supported by appropriate documentation.	(1.1) The Office is currently drafting and implementing rules that will help facilitate any caregiver not considered to be a close relative to a qualified patient, to obtain a background screening pursuant to section 381.986(6)(b)6., Florida Statutes. To support the implementation of the process, the Office is making technical changes to the MMUR, to store certain background screening information for caregivers. In addition, to work on a new background screening process, the Office is adding an attestation section for a caregiver's agreement, to assist with a qualified patient's medical use of marijuana. Finally, to ensure that no caregivers are under the age of 21, the Office will add functionality to the MMUR to allow staff to review all driver licenses submitted with caregiver applications.	<p>(1.1) In progress.</p> <p>The Office is currently awaiting rule adoption that will help facilitate any caregiver, not considered to be a close relative to a qualified patient, to obtain a background screening pursuant to section 381.986(6)(b)6., Florida Statutes.</p> <p>To support the implementation of the developing process, the Office is making technical changes to the MMUR to store certain background screening information for caregivers. In addition to the ongoing work on a new background screening process, the Office is adding an attestation section, for a caregiver's agreement to assist with a qualified patient's medical use of marijuana. Finally, to ensure that no caregivers are under the age of 21, the Office will add functionality to the MMUR to allow staff to review all driver licenses submitted with caregiver applications.</p> <p><i>Anticipated Completion Date: March 31, 2022</i></p>

2022-006– Office of Medical Marijuana Use, Prescription Drug Monitoring, and Selected Administrative Activities
Six-Month Status as of February 2, 2022

No.	Finding	Recommendation	Corrective Action Plan	Status of Corrective Action Plan
1	Application records did not always evidence that caregivers satisfied statutory requirements to receive a MMUR identification card or that parental or guardian consent was obtained for a minor to receive a MMUR identification card.	(1.2) Additionally, Office management should ensure that the third-party vendor obtains all required documentation prior to issuing a MMUR card.	(1.2) The Office made multiple updates to MMUR for caregivers in May 2020. The updates included correcting an issue that allows caregivers to become active when their password is reset. The update also included creating a new process for caregivers to complete their caregiver training prior to receiving approval of their application. The Office will implement a process to request consent forms for minor patients from the minor patient's parent or legal guardian, as well as adjust the system to allow caregivers to upload the consent forms to MMUR.	(1.2) In progress. In May 2020, the Office made multiple updates to the MMUR for caregivers. The updates included correcting an issue that allows caregivers to become active when their password is reset. The update also included creating a new process for caregivers to complete their caregiver training prior to receiving approval of their application. Finally, the Office will update the patient application rule to request consent forms from patients who are a minor. <i>Anticipated Completion Date: September 30, 2022</i>
2	Contrary to State law, the Office did not immediately suspend medical marijuana registrations for individuals charged with violations of State drug abuse prevention and control laws.	We recommend that Office management enhance controls to ensure that medical marijuana patient registrations are immediately suspended upon notification by law enforcement of a patient being charged with an applicable violation of State drug abuse prevention and control laws.	The Office reviewed the existing process for suspension of medical marijuana registrations for individuals, including caregivers, charged with violations of Chapter 893, Florida Statutes. The Office trained additional staff members in April 2021 on the process for valid suspensions for the medical marijuana registrations that required a suspension. There is now a larger team receiving and monitoring the submissions sent by law enforcement organizations. They utilize a shared tracker that has been modified to add additional tracking fields. The manager over the team has also implemented an internal audit he conducts weekly, for updates and to facilitate timely suspensions.	Previously Reported as Complete.

2022-006– Office of Medical Marijuana Use, Prescription Drug Monitoring, and Selected Administrative Activities
Six-Month Status as of February 2, 2022

No.	Finding	Recommendation	Corrective Action Plan	Status of Corrective Action Plan
3	Office controls for inspecting medical marijuana treatment centers need enhancement to ensure that inspections are appropriately documented, reviewed, and any noted deficiencies are appropriately resolved.	We recommend that Office management establish written policies and procedures for Medical Marijuana Treatment Center inspections and ensure that Office records include complete and adequate documentation of inspections performed, management review, and follow-up on issues noted on inspection.	<p>The Office implemented written policies and procedures in December 2020 for the proper handling of all inspections, to ensure that inspections are appropriately documented and reviewed. The Office implemented the Compliance, Licensing, Enforcement and Regulatory (CLEAR) online database in July 2020. CLEAR requires that all inspections be reviewed and signed off by management before the inspection is approved and closed.</p> <p>The Office created a compliance section in January 2021 to handle matters related to compliance and complaint inspections. This section sends out a Notice of Violation (NOV) for deficiencies observed during each inspection. The compliance section also reviews each corrective action plan to resolve the identified deficiencies in the NOV. Written policies and procedures were implemented for the compliance section. The policies and procedures are reviewed on a routine basis to reflect any changes made to the inspection process.</p>	Previously Reported as Complete.

2022-006– Office of Medical Marijuana Use, Prescription Drug Monitoring, and Selected Administrative Activities
Six-Month Status as of February 2, 2022

No.	Finding	Recommendation	Corrective Action Plan	Status of Corrective Action Plan
4	Office contract payment controls need enhancement to ensure that payments to the MMUR vendor are made only upon receipt and satisfaction of all deliverables and performance measures. Additionally, the Office did not assess penalties when the vendor did not satisfy established performance measures.	We recommend that Office management enhance controls to ensure that the MMUR vendor provides contract deliverables, meets established performance measures, and contract payments are made in accordance with contract terms.	The Office implemented a robust tracking system in March 2021 to ensure payments are made only when vendors have satisfied the established performance measures. The tracking system includes detailed trackers, multi-level reviews and manager level approval prior to payments being made. There are also monthly meetings for team calibrations of all invoices paid to vendors. Additionally, the Office has established controls, including budgeting review and revenue reconciliation, to ensure no overpayments to vendors. The controls also ensure that all revenue owed to vendors are released.	Previously Reported as Complete.
5	The Office did not take steps to reasonably ensure that service organization controls relevant to the processing of MMUR identification card applications were suitably designed and operating effectively. Additionally, the Office did not evaluate the adequacy and effectiveness of controls established by the subservice organization responsible for hosting MMUR data.	To promote the appropriate processing of MMUR card applications and ensure the security, availability, and confidentiality of MMUR data, we recommend that Office management make or obtain independent and periodic assessments of the effectiveness of service organization and subservice organization relevant internal controls.	Service organization controls reports have been received and assigned to staff for review.	Previously Reported as Complete.

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Six-Month Status as of February 2, 2022

No.	Finding	Recommendation	Corrective Action Plan	Status of Corrective Action Plan
6	Office information technology (IT) security administration policies and procedures for the MMUR did not encompass access by Department employees and vendors.	We recommend that Office management enhance security administration policies and procedures for the MMUR to include security requirements for Department and Department vendor MMUR users.	Due to some vendors' unwillingness to sign Form DH 1120, <i>Acceptable Use and Confidentiality</i> (form), IT is in the process of updating the form to accommodate vendor concerns. As soon as the form is approved, the Office will require all employees and vendors to sign the form before access is granted to the MMUR. In the meantime, an attestation outlining security and confidentiality requirements will be created for vendors' staff to sign requesting access to the MMUR and acknowledging requirements.	<p>In progress.</p> <p>Due to some vendors' unwillingness to sign the form, IT is in the process of updating the form to accommodate vendor concerns. As soon as the form is approved, the Office will require all employees and vendors to sign the form before access is granted to the MMUR. In the meantime, an attestation outlining security and confidentiality requirements will be created for vendors' staff to sign requesting access to the MMUR and acknowledging requirements.</p> <p><i>Anticipated Completion Date: April 30, 2022</i></p>
7	IT security controls for the MMUR need improvement to ensure that MMUR system administrator access privileges are appropriately restricted, all system administrators undergo required background screenings, periodic reviews of user access privileges are performed, and user access privileges are promptly removed upon a user's separation from Department employment.	(7.1) We recommend that Office management enhance controls to ensure that MMUR system administrator access privileges are appropriately restricted and that all system administrators undergo a background investigation in accordance with applicable rules.	(7.1) The Office is implementing a User Security policy and ticketing system for request to Office systems. Supervisors will be required to submit a ticket for all new Department employees. The tickets will be evaluated and approved before the user is added to the MMUR. The User Security policy will instruct all supervisors to submit a ticket for separated employees. A question was added about terminating access to systems on the Separation Checklist for all separated employees. In addition, the policy will ensure quarterly review of user access to ensure employees have appropriate access.	<p>(7.1) Completed.</p> <p>The Office implemented a process for requesting access to the MMUR. Supervisors are required to submit an email to the MMUR administrator. The request is evaluated and approved before the user is added to the MMUR. A question was added about terminating access to systems on the Separation Checklist for all separated employees. In addition, quarterly review of user access is completed to ensure employees have appropriate access.</p>

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Six-Month Status as of February 2, 2022

No.	Finding	Recommendation	Corrective Action Plan	Status of Corrective Action Plan
7	IT security controls for the MMUR need improvement to ensure that MMUR system administrator access privileges are appropriately restricted, all system administrators undergo required background screenings, periodic reviews of user access privileges are performed, and user access privileges are promptly removed upon a user's separation from Department employment.	(7.2) We also recommend that Office management conduct and document in Office records periodic reviews of MMUR user access privileges and ensure that MMUR user access privileges are promptly removed upon a user's separation from Department employment.	(7.2) The Office is implementing a User Security for processes and procedures. Supervisors will be required to submit a ticket for all new Department employees. The tickets will be evaluated and approved before the user is added to the MMUR. The User Security policy will instruct all supervisors to submit a ticket for separated employees. A question was added about terminating access to systems on the Separation Checklist for all separated employees. In addition, the policy will ensure quarterly review of user access to ensure employees have appropriate access.	(7.2) Completed. The Office implemented a process for requesting access to the MMUR. Supervisors are required to submit an email to the MMUR administrator. The request is evaluated and approved before the user is added to the MMUR. A question was added about terminating access to systems on the Separation Checklist for all separated employees. In addition, quarterly review of user access is completed to ensure employees have appropriate access.

No.	Finding	Recommendation	Corrective Action Plan	Status of Corrective Action Plan
Prescription Drug Monitoring				
8	Department efforts to effectively assess whether pharmacies, pharmacists, and dispensing practitioners report controlled substance dispensing information to the Department within the time frame prescribed by State law continue to need enhancement.	We recommend that Department management continue to enhance procedures to capture, analyze, and monitor controlled substance dispensing data to ensure that pharmacies, pharmacists, and health care practitioners comply with statutory reporting requirements.	<ol style="list-style-type: none"> 1. Sent the following message through electronic mail to dispensers July 1, 2021: "Transactions that do not contain the American Society for Automation in Pharmacy (ASAP) version 4, release 2A fields will be flagged as errors, and the prescription record will not be imported into the <i>Prescription Drug Monitoring Program</i> (PDMP) database." 2. Office of the General Counsel is to publish notice of rule development to amend Florida Administrative Code rule 64K-1.002, <i>American Society for Automation in Pharmacy Standards and Formats</i>, revising the format and reporting requirements for dispensing of controlled substances to ASAP version 4 release 2B. Dispensers will be given six months from the effective date to comply. 3. Management is to review, revise, and enhance non-compliance auditing procedures. 4. The contract manager is to amend the vendor's scope of work to include the following PDMP database enhancements: 	<p>In progress.</p> <p>The Department has successfully completed portion one of the corrective action plan and continues to implement the remaining three portions of the corrective action plan as outlined in the third column.</p> <p><i>Anticipated Completion Date: June 30, 2022</i></p>
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Six-Month Status as of February 2, 2022

No.	Finding	Recommendation	Corrective Action Plan	Status of Corrective Action Plan
8			<ul style="list-style-type: none">• Create an online waiver application process to identify dispensers that are exempt from reporting according to section 893.055(3)(b), Florida Statutes.• Enhance communication of non-compliant entities within the PDMP database.• Enhance Rx Management screen in Appriss' PMP AWARxE proprietary software to add "created date" to the prescription record.• Request contractor to create a compliance discrepancy report containing the following fields: 1) file name; 2) dispenser's Drug Enforcement Administration registration number, National Provider Identifier number, and permit number; 3) prescription number; 4) date prescription was written, filled, and sold; 5) date prescription record was created for submission to the PDMP database; 6) "create date" compared to "date sold value"; and 7) telephone number of dispenser.	

No.	Finding	Recommendation	Corrective Action Plan	Status of Corrective Action Plan
Selected Administrative Activities				
9	As similarly noted in prior audit reports, most recently in our report No. 2018-213, the Department did not always timely cancel purchasing cards upon a cardholder's separation from Department employment.	We again recommend that Department management promptly cancel purchasing cards upon a cardholder's separation from Department employment.	A <i>People First Separation Report</i> is generated every business day to identify employee separations. An email is sent to the employee's supervisor to make sure the employee has left the Department and not just changed positions within the agency. Once confirmation of separation has been received, the Purchasing Card Administration staff cancel the purchasing card within one business day. The <i>FLHealthDesk-HR</i> system and the Purchasing Card Change Champion emails are used as a secondary source of separations that will be verified via emailing the supervisor, if not on the official <i>People First Separation Report</i> .	Previously Reported as Complete.
10	Department controls over employee access to the Florida Accounting Information Resource Subsystem (FLAIR) continue to need improvement to help prevent any improper or unauthorized use of FLAIR access privileges.	We again recommend that Department management ensure that FLAIR access privileges are promptly deactivated when an employee separates from Department employment or when an employee no longer requires the access privileges previously granted.	A <i>People First Separation Report</i> is generated every business day to identify employee separations. It is emailed to the Administration and Finance Application (AFAM) team to determine if any separated employees have FLAIR access which should be terminated. This task is completed every business day by the AFAM team.	Previously Reported as Complete.