



766998

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/23/2012	.	
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The Committee on Health Regulation (Gaetz) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (3) and paragraph (c) of subsection (12) of section 440.13, Florida Statutes, are amended, and paragraph (k) is added to subsection (3) of that section, to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(3) PROVIDER ELIGIBILITY; AUTHORIZATION.—

(a) As a condition for ~~to~~ eligibility for payment under



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13 this chapter, a health care provider who renders services must  
14 be a certified health care provider and must receive  
15 authorization from the carrier before providing treatment. This  
16 paragraph does not apply to emergency care. An employer or a  
17 carrier may not refuse to authorize a physician to treat an  
18 injured employee solely because the physician is a dispensing  
19 practitioner, as defined in s. 465.0276. The department shall  
20 adopt rules to implement the certification of health care  
21 providers.

22 (k) If a physician who is a dispensing practitioner as  
23 defined in s. 465.0276 receives authorization from an employer  
24 or a carrier to treat a claimant pursuant to paragraph (a), the  
25 physician may dispense and fill prescriptions for medicines  
26 under this chapter. For the purposes of dispensing and filling  
27 prescriptions for medicines, the department, the employer or  
28 carrier, or an agent or representative of the department, the  
29 employer, or the carrier may not select the pharmacy,  
30 pharmacist, or dispensing practitioner, as defined in s.  
31 465.0276, that the claimant must use.

32 (12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM  
33 REIMBURSEMENT ALLOWANCES.—

34 (c) As to reimbursement for a prescription medication,  
35 regardless of the location from which or the provider from whom  
36 the claimant receives the prescription medication, the  
37 reimbursement amount for a prescription shall be the average  
38 wholesale price plus \$4.18 for the dispensing fee, unless except  
39 where the carrier has contracted for a lower amount. If the drug  
40 has been repackaged or relabeled, the reimbursement amount is  
41 calculated by multiplying the number of units dispensed times



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42 the per-unit average wholesale price set by the original  
43 manufacturer of the underlying drug, which may not be the  
44 manufacturer of the repackaged or relabeled drug, plus a \$4.18  
45 dispensing fee, unless the carrier has contracted for a lower  
46 amount. The repackaged or relabeled drug price may not exceed  
47 the amount otherwise payable had the drug not been repackaged or  
48 relabeled. Fees for pharmaceuticals and pharmaceutical services  
49 shall be reimbursable at the applicable fee schedule amount. If  
50 ~~where~~ the employer or carrier has contracted for such services  
51 and the employee elects to obtain them through a provider not a  
52 party to the contract, the carrier must ~~shall~~ reimburse at the  
53 schedule, negotiated, or contract price, whichever is lower.  
54 However, if the employee elects to fill a prescription for  
55 medicines with a dispensing practitioner as defined in s.  
56 465.0276 who is not a party to such contract, reimbursement  
57 shall be at the applicable fee schedule amount. ~~No~~ Such contract  
58 may not ~~shall~~ rely on a provider that is not reasonably  
59 accessible to the employee.

60 Section 2. This act shall take effect July 1, 2012.

61  
62 ===== T I T L E A M E N D M E N T =====

63 And the title is amended as follows:

64 Delete everything before the enacting clause  
65 and insert:

66 A bill to be entitled  
67 An act relating to workers' compensation; amending s.  
68 440.13, F.S.; authorizing an authorized physician who  
69 is also a dispensing physician to dispense and fill  
70 prescriptions; prohibiting the Department of Financial



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71 Services, an employer, or a carrier from selecting the  
72 pharmacy, pharmacist, or dispensing practitioner a  
73 claimant must use in certain circumstances; revising  
74 requirements for determining the amount of a  
75 reimbursement for repackaged or relabeled prescription  
76 medication; providing limitations; providing an  
77 effective date.