

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Bernard offered the following:

2
3 **Amendment to Amendment (247306) (with title amendment)**

4 Between lines 5 and 6 of the amendment, insert:

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

9 440.13 Medical services and supplies; penalty for
10 violations; limitations.—

11 (3) PROVIDER ELIGIBILITY; AUTHORIZATION.—

12 (a) As a condition to eligibility for payment under this
13 chapter, a health care provider who renders services must be a
14 certified health care provider and must receive authorization
15 from the carrier before providing treatment. This paragraph does
16 not apply to emergency care. An employer or a carrier may not

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17 refuse to authorize a physician to treat an injured employee
18 solely because the physician is a dispensing practitioner, as
19 defined in s. 465.0276. The department shall adopt rules to
20 implement the certification of health care providers.

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

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

33 (c) As to reimbursement for a prescription medication,
34 regardless of the location from which or the provider from whom
35 the claimant receives the prescription medication, the
36 reimbursement amount ~~for a prescription~~ shall be the average
37 wholesale price plus \$4.18 for the dispensing fee, ~~unless except~~
38 ~~where~~ the carrier has contracted for a lower amount. If the drug
39 has been repackaged or relabeled, the reimbursement amount shall
40 be calculated by multiplying the number of units dispensed times
41 the per-unit average wholesale price set by the original
42 manufacturer of the underlying drug, which may not be the
43 manufacturer of the repackaged or relabeled drug, plus a \$4.18
44 dispensing fee, unless the carrier has contracted for a lower

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

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64 **T I T L E A M E N D M E N T**

65 Remove line 400 of the amendment and insert:

66 An act relating to workers' compensation; amending s. 440.13,
67 F.S.; authorizing an authorized physician who is also a
68 dispensing physician to dispense and fill prescriptions;
69 prohibiting the Department of Financial Services, an employer,
70 or a carrier from selecting the pharmacy, pharmacist, or
71 dispensing practitioner a claimant must use in certain
72 circumstances; revising requirements for determining the amount
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73 of a reimbursement for repackaged or relabeled prescription
74 medication; providing limitations; amending s.

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