

By Senator Hays

20-00558-12

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1                   A bill to be entitled  
2           An act relating to workers' compensation medical  
3           services; amending s. 440.13, F.S.; revising  
4           requirements for determining the amount of a  
5           reimbursement for repackaged or relabeled prescription  
6           medication; providing limitations; providing an  
7           effective date.

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9   Be It Enacted by the Legislature of the State of Florida:

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11           Section 1. Paragraph (c) of subsection (12) of section  
12   440.13, Florida Statutes, is amended to read:

13           440.13 Medical services and supplies; penalty for  
14   violations; limitations.—

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

17           (c) As to reimbursement for a prescription medication,  
18   regardless of the location or provider from whom the claimant  
19   receives the prescription medication, the reimbursement amount  
20   ~~for a prescription~~ shall be the average wholesale price plus  
21   \$4.18 for the dispensing fee, unless ~~except where~~ the carrier  
22   has contracted for a lower amount. If the drug has been  
23   repackaged or relabeled, the reimbursement amount shall be  
24   calculated by multiplying the number of units dispensed times  
25   the per-unit average wholesale price set by the original  
26   manufacturer of the underlying drug, which may not be the  
27   manufacturer of the repackaged or relabeled drug, plus a \$4.18  
28   dispensing fee, unless the carrier has contracted for a lower  
29   amount. The repackaged or relabeled drug price may not exceed

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30 the amount otherwise payable if the drug had not been repackaged  
31 or relabeled. Fees for pharmaceuticals and pharmaceutical  
32 services shall be reimbursable at the applicable fee schedule  
33 amount. If ~~Where~~ the employer or carrier has contracted for such  
34 services and the employee elects to obtain them through a  
35 provider not a party to the contract, the carrier shall  
36 reimburse at the schedule, negotiated, or contract price,  
37 whichever is lower. ~~No~~ Such contract may not ~~shall~~ rely on a  
38 provider that is not reasonably accessible to the employee.

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