

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

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

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

12 440.13 Medical services and supplies; penalty for
 13 violations; limitations.—

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

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

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

38 | Section 2. This act shall take effect July 1, 2013.