

By the Committee on Health Care and Senator Hargrett

317-2114-98

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A bill to be entitled
An act relating to pharmacy practice; amending
s. 409.908, F.S.; deleting a requirement that
the Agency for Health Care Administration
implement a variable dispensing fee for
payments for prescribed medicines for Medicaid
recipients; amending s. 465.003, F.S.; revising
the definition of the term "practice of the
profession of pharmacy"; providing an effective
date.

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

Section 1. Subsection (14) of section 409.908, Florida
Statutes, is amended to read:

409.908 Reimbursement of Medicaid providers.--Subject
to specific appropriations, the agency shall reimburse
Medicaid providers, in accordance with state and federal law,
according to methodologies set forth in the rules of the
agency and in policy manuals and handbooks incorporated by
reference therein. These methodologies may include fee
schedules, reimbursement methods based on cost reporting,
negotiated fees, competitive bidding pursuant to s. 287.057,
and other mechanisms the agency considers efficient and
effective for purchasing services or goods on behalf of
recipients. Payment for Medicaid compensable services made on
behalf of Medicaid eligible persons is subject to the
availability of moneys and any limitations or directions
provided for in the General Appropriations Act or chapter 216.
Further, nothing in this section shall be construed to prevent
or limit the agency from adjusting fees, reimbursement rates,

1 lengths of stay, number of visits, or number of services, or
2 making any other adjustments necessary to comply with the
3 availability of moneys and any limitations or directions
4 provided for in the General Appropriations Act, provided the
5 adjustment is consistent with legislative intent.

6 (14) A provider of prescribed drugs shall be
7 reimbursed the least of the amount billed by the provider, the
8 provider's usual and customary charge, or the Medicaid maximum
9 allowable fee established by the agency, plus a dispensing
10 fee. ~~The agency is directed to implement a variable dispensing
11 fee for payments for prescribed medicines while ensuring
12 continued access for Medicaid recipients. The variable
13 dispensing fee may be based upon, but not limited to, either
14 or both the volume of prescriptions dispensed by a specific
15 pharmacy provider and the volume of prescriptions dispensed to
16 an individual recipient.~~The agency is authorized to limit
17 reimbursement for prescribed medicine in order to comply with
18 any limitations or directions provided for in the General
19 Appropriations Act, which may include implementing a
20 prospective or concurrent utilization review program.

21 Section 2. Subsection (12) of section 465.003, Florida
22 Statutes, is amended to read:

23 465.003 Definitions.--As used in this chapter, the
24 term:

25 (12) "Practice of the profession of pharmacy" includes
26 compounding, dispensing, and consulting concerning contents,
27 therapeutic values, and uses of any medicinal drug; ~~and~~
28 consulting concerning therapeutic values and interactions of
29 patent or proprietary preparations, whether pursuant to
30 prescriptions or in the absence and entirely independent of
31 such prescriptions or orders; and other pharmaceutical

1 services. For purposes of this subsection, "other
2 pharmaceutical services" means the evaluation and monitoring
3 of the patient's health as it relates to drug therapy and
4 assisting the patient in the management of his or her drug
5 therapy, and includes the assessment of the patient's drug
6 therapy and communication with the patient and the patient's
7 prescribing health care provider as licensed under chapter
8 458, chapter 459, chapter 461, or chapter 466, or similar
9 statutory provision in another jurisdiction, or such
10 provider's agent or such other persons as specifically
11 authorized by the patient, regarding the drug therapy.
12 "Practice of the profession of pharmacy"~~The phrase~~ also
13 includes any other act, service, operation, research, or
14 transaction incidental to, or forming a part of, any of the
15 foregoing acts, requiring, involving, or employing the science
16 or art of any branch of the pharmaceutical profession, study,
17 or training, and shall expressly permit a pharmacist to
18 transmit information from persons authorized to prescribe
19 medicinal drugs to their patients. In addition to the
20 authority to order and dispense medicinal drugs independently
21 of an established protocol as set forth in s. 465.186, a
22 pharmacist may also administer immunizations within the
23 framework of an established protocol under a supervisory
24 practitioner who is a physician licensed under chapter 458 or
25 chapter 459 or by written agreement with a county health
26 department. The decision by a supervisory practitioner to
27 enter into such a protocol is a professional decision of the
28 practitioner, and no person may interfere with a supervisory
29 practitioner's decision as to whether to enter into such a
30 protocol. A pharmacist may not enter into a protocol that is
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1 to be performed while acting as an employee without the
2 written approval of the owner of the pharmacy.

3 Section 3. This act shall take effect July 1, 1998.

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5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
6 COMMITTEE SUBSTITUTE FOR
7 Senate Bill 2126

8 The bill no longer: creates a new pharmacy licensure category,
9 for the pharmacist practitioner, whose scope of practice would
10 have included providing primary care professional referral and
11 consulting services for the evaluation and testing of blood
12 pressure and cholesterol levels, diabetes, anticoagulation
13 therapy monitoring, and asthma; or requires the Board of
14 Pharmacy to adopt rules relating to the functions of a
15 pharmacist and responsibilities of a pharmacy.