

By Representative Gay

1 A bill to be entitled
2 An act relating to pharmacy practice; amending
3 s. 409.908, F.S., relating to reimbursement of
4 Medicaid providers; deleting a requirement that
5 the Agency for Health Care Administration
6 implement a variable dispensing fee for
7 payments for prescribed medicines for Medicaid
8 recipients; amending s. 465.003, F.S.; revising
9 the definition of the term "practice of the
10 profession of pharmacy"; creating s. 465.0123,
11 F.S.; providing requirements for licensure as a
12 pharmacist practitioner; providing fees;
13 providing the scope of practice of such a
14 licensee; providing rulemaking authority for
15 such licensure to the Board of Pharmacy;
16 amending s. 465.022, F.S.; requiring the board
17 to adopt rules relating to pharmacist duties
18 and pharmacy responsibilities; providing an
19 effective date.

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

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

25 409.908 Reimbursement of Medicaid providers.--Subject
26 to specific appropriations, the agency shall reimburse
27 Medicaid providers, in accordance with state and federal law,
28 according to methodologies set forth in the rules of the
29 agency and in policy manuals and handbooks incorporated by
30 reference therein. These methodologies may include fee
31 schedules, reimbursement methods based on cost reporting,

1 negotiated fees, competitive bidding pursuant to s. 287.057,
2 and other mechanisms the agency considers efficient and
3 effective for purchasing services or goods on behalf of
4 recipients. Payment for Medicaid compensable services made on
5 behalf of Medicaid eligible persons is subject to the
6 availability of moneys and any limitations or directions
7 provided for in the General Appropriations Act or chapter 216.
8 Further, nothing in this section shall be construed to prevent
9 or limit the agency from adjusting fees, reimbursement rates,
10 lengths of stay, number of visits, or number of services, or
11 making any other adjustments necessary to comply with the
12 availability of moneys and any limitations or directions
13 provided for in the General Appropriations Act, provided the
14 adjustment is consistent with legislative intent.

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

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

1 465.003 Definitions.--As used in this chapter, the
2 term:

3 (12) "Practice of the profession of pharmacy" includes
4 compounding, dispensing, and consulting concerning contents,
5 therapeutic values, and uses of any medicinal drug;~~and~~
6 consulting concerning therapeutic values and interactions of
7 patent or proprietary preparations, whether pursuant to
8 prescriptions or in the absence and entirely independent of
9 such prescriptions or orders; and other pharmaceutical care
10 services. The phrase also includes any other act, service,
11 operation, research, or transaction incidental to, or forming
12 a part of, any of the foregoing acts, requiring, involving, or
13 employing the science or art of any branch of the
14 pharmaceutical profession, study, or training, and shall
15 expressly permit a pharmacist to transmit information from
16 persons authorized to prescribe medicinal drugs to their
17 patients. In addition to the authority to order and dispense
18 medicinal drugs independently of an established protocol as
19 set forth in s. 465.186, a pharmacist may also administer
20 immunizations, either within the framework of an established
21 protocol under a supervisory practitioner who is a physician
22 licensed under chapter 458 or chapter 459 or by written
23 agreement with a county health department.

24 Section 3. Section 465.0123, Florida Statutes, is
25 created to read:

26 465.0123 Pharmacist practitioner; licensure; scope of
27 practice; rules.--The department shall issue or renew a
28 pharmacist practitioner license upon receipt of both an
29 initial or renewal application that conforms to the
30 requirements prescribed by board rule and a fee established by
31 the board, not to exceed \$250. A pharmacist practitioner must

1 have completed specific instruction in evaluation and testing
2 of blood pressure and cholesterol levels, diabetes,
3 anticoagulation therapy monitoring, and asthma. Upon
4 completion of the instruction and issuance of the required
5 license, a pharmacist practitioner may provide primary care,
6 professional referral, and consulting services for these
7 health conditions. The board shall adopt rules necessary to
8 administer this section.

9 Section 4. Paragraph (i) is added to subsection (1) of
10 section 465.022, Florida Statutes, to read:

11 465.022 Pharmacies; general requirements; fees.--

12 (1) The board shall adopt such rules relating to
13 pharmacies as are necessary to protect the public health,
14 safety, and welfare. Such rules shall include, but shall not
15 be limited to, rules relating to:

16 (i) Duties of a pharmacist and responsibilities of a
17 pharmacy, consistent with the size, scope, and type of the
18 pharmacy in order to ensure the highest level of patient care
19 and safety.

20 Section 5. This act shall take effect July 1 of the
21 year in which enacted.

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24 HOUSE SUMMARY

25
26 Deletes a requirement that the Agency for Health Care
27 Administration implement a variable dispensing fee for
28 recipients. Revises the definition of the term "practice
29 of the profession of pharmacy" to include certain
30 research and pharmacist practitioner and other
31 pharmaceutical care services. Provides requirements for
licensure as a pharmacist practitioner, including fees,
and prescribes the scope of practice of one so licensed.
Provides general rulemaking authority with respect
thereto to the Board of Pharmacy, and requires the board
to adopt rules specifically relating to pharmacist duties
and pharmacy responsibilities. See bill for details.