

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Hudson offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraphs (a) of subsection (3) is amended,
8 paragraph (k) of subsection (3) is created, and paragraph (c) of
9 subsection (12) of section 440.13, Florida Statutes, is amended
10 to read:

11 440.13 Medical services and supplies; penalty for
12 violations; limitations.—

13 (3) PROVIDER ELIGIBILITY; AUTHORIZATION.

14 (a) As a condition to eligibility for payment under this
15 chapter, a health care provider who renders services must be a
16 certified health care provider and must receive authorization
17 from the carrier before providing treatment. This paragraph
18 does not apply to emergency care. An employer or a carrier may
19 not refuse to authorize a physician to treat an injured employee

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20 solely because the physician is a dispensing practitioner, as
21 defined in s. 465.0276. The department shall adopt rules to
22 implement the certification of health care providers.

23 (k) If a physician who is a dispensing practitioner as
24 defined in s. 465.0276 receives authorization from an employer
25 or a carrier to treat a claimant pursuant to s. 440.13(3)(a),
26 the physician may dispense and fill prescriptions for medicines
27 under this chapter. For the purposes of dispensing and filling
28 prescriptions for medicines, the department, the employer or
29 carrier, or any agent or representative of the department, the
30 employer, or the carrier may not select the pharmacy,
31 pharmacist, or dispensing practitioner, as defined in s.
32 465.0276, that the claimant must use.

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

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

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

61 Section 2. The act shall take effect July 1, 2012.

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

65 Remove the entire title and insert:

66 A bill to be entitled

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

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Bill No. HB 511 (2012)

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75 relabeled prescription medication; providing limitations;
76 providing an effective date.