

1 A bill to be entitled
 2 An act relating to workers' compensation; amending s.
 3 440.13, F.S.; authorizing an authorized physician who
 4 is also a dispensing physician to dispense and fill
 5 prescriptions; prohibiting the Department of Financial
 6 Services, an employer, or a carrier from selecting the
 7 pharmacy, pharmacist, or dispensing practitioner a
 8 claimant must use in certain circumstances; revising
 9 requirements for determining the amount of a
 10 reimbursement for repackaged or relabeled prescription
 11 medication; providing limitations; providing an
 12 effective date.

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

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16 Section 1. Paragraph (a) of subsection (3) and paragraph
 17 (c) of subsection (12) of section 440.13, Florida Statutes, are
 18 amended, and paragraph (k) is added to subsection (3) of that
 19 section, to read:

20 440.13 Medical services and supplies; penalty for
 21 violations; limitations.—

22 (3) PROVIDER ELIGIBILITY; AUTHORIZATION.—

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

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

32 (k) If a physician who is a dispensing practitioner as
 33 defined in s. 465.0276 receives authorization from an employer
 34 or a carrier to treat a claimant pursuant to paragraph (a), the
 35 physician may dispense and fill prescriptions for medicines
 36 under this chapter. For the purposes of dispensing and filling
 37 prescriptions for medicines, the department, the employer or
 38 carrier, or any agent or representative of the department, the
 39 employer, or the carrier may not select the pharmacy,
 40 pharmacist, or dispensing practitioner, as defined in s.
 41 465.0276, that the claimant must use.

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

44 (c) As to reimbursement for a prescription medication,
 45 regardless of the location from which or the provider from whom
 46 the claimant receives the prescription medication, the
 47 reimbursement amount ~~for a prescription~~ shall be the average
 48 wholesale price plus \$4.18 for the dispensing fee, unless ~~except~~
 49 ~~where~~ the carrier has contracted for a lower amount. If the drug
 50 has been repackaged or relabeled, the reimbursement amount shall
 51 be calculated by multiplying the number of units dispensed times
 52 the per-unit average wholesale price set by the original
 53 manufacturer of the underlying drug, which may not be the
 54 manufacturer of the repackaged or relabeled drug, plus a \$4.18
 55 dispensing fee, unless the carrier has contracted for a lower
 56 amount. The repackaged or relabeled drug price may not exceed

CS/HB 511

2012

57 | the amount otherwise payable had the drug not been repackaged or
58 | reabeled. Fees for pharmaceuticals and pharmaceutical services
59 | shall be reimbursable at the applicable fee schedule amount. If
60 | ~~where~~ the employer or carrier has contracted for such services
61 | and the employee elects to obtain them through a provider not a
62 | party to the contract, the carrier shall reimburse at the
63 | schedule, negotiated, or contract price, whichever is lower.
64 | However, if the employee elects to fill a prescription for
65 | medicines with a dispensing practitioner as defined in s.
66 | 465.0276 who is not a party to such a contract, reimbursement
67 | shall be at the applicable fee schedule amount. ~~No~~ Such contract
68 | may not ~~shall~~ rely on a provider that is not reasonably
69 | accessible to the employee.

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