

By Senator Hays

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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
29 the amount otherwise payable had the drug not been repackaged or

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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.