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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2021	.	
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Appropriations Subcommittee on Health and Human Services  
(Rodriguez) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Present paragraph (e) of subsection (14) of  
section 409.908, Florida Statutes, is redesignated as paragraph  
(f), present subsections (22) through (26) of that section are  
redesignated as subsections (23) through (27), respectively, a  
new paragraph (e) is added to subsection (14) of that section,  
and a new subsection (22) is added to that section, to read:



11           409.908 Reimbursement of Medicaid providers.—Subject to  
12 specific appropriations, the agency shall reimburse Medicaid  
13 providers, in accordance with state and federal law, according  
14 to methodologies set forth in the rules of the agency and in  
15 policy manuals and handbooks incorporated by reference therein.  
16 These methodologies may include fee schedules, reimbursement  
17 methods based on cost reporting, negotiated fees, competitive  
18 bidding pursuant to s. 287.057, and other mechanisms the agency  
19 considers efficient and effective for purchasing services or  
20 goods on behalf of recipients. If a provider is reimbursed based  
21 on cost reporting and submits a cost report late and that cost  
22 report would have been used to set a lower reimbursement rate  
23 for a rate semester, then the provider's rate for that semester  
24 shall be retroactively calculated using the new cost report, and  
25 full payment at the recalculated rate shall be effected  
26 retroactively. Medicare-granted extensions for filing cost  
27 reports, if applicable, shall also apply to Medicaid cost  
28 reports. Payment for Medicaid compensable services made on  
29 behalf of Medicaid eligible persons is subject to the  
30 availability of moneys and any limitations or directions  
31 provided for in the General Appropriations Act or chapter 216.  
32 Further, nothing in this section shall be construed to prevent  
33 or limit the agency from adjusting fees, reimbursement rates,  
34 lengths of stay, number of visits, or number of services, or  
35 making any other adjustments necessary to comply with the  
36 availability of moneys and any limitations or directions  
37 provided for in the General Appropriations Act, provided the  
38 adjustment is consistent with legislative intent.

39           (14) A provider of prescribed drugs shall be reimbursed the



40 least of the amount billed by the provider, the provider's usual  
41 and customary charge, or the Medicaid maximum allowable fee  
42 established by the agency, plus a dispensing fee. The Medicaid  
43 maximum allowable fee for ingredient cost must be based on the  
44 lowest of: the average wholesale price (AWP) minus 16.4 percent,  
45 the wholesaler acquisition cost (WAC) plus 1.5 percent, the  
46 federal upper limit (FUL), the state maximum allowable cost  
47 (SMAC), or the usual and customary (UAC) charge billed by the  
48 provider.

49 (e) A pharmacist providing health care services through  
50 telehealth as defined in s. 456.47 shall be reimbursed for such  
51 services in accordance with this subsection.

52 (22) Subject to any limitations or directions provided in  
53 the General Appropriations Act, the agency shall reimburse the  
54 use of telehealth as defined by s. 456.47, including services  
55 provided in real time, services provided using store-and-forward  
56 technologies, and remote patient monitoring services to the  
57 extent that these technologies are available.

58 (a) Providers using any modality described in this  
59 subsection must ensure that treatment services are medically  
60 necessary and performed within a provider's scope of practice  
61 and any applicable supervision requirements.

62 (b) Providers must include documentation regarding the use  
63 of telehealth in the medical record or progress notes for each  
64 encounter with a recipient.

65 (c) Out-of-state providers who are registered under s.  
66 456.47(4) and enrolled in Florida Medicaid as an out-of-state  
67 provider may be reimbursed for telehealth services provided to  
68 recipients in this state.



645592

69           (d) Reimbursement under this subsection does not cover the  
70 purchase of any general telecommunications equipment that is not  
71 specific to or used solely for the provision of telehealth,  
72 including, but not limited to, computers, tablets, cell phones,  
73 smartphones, or any other similar equipment or device.

74           Section 2. Paragraph (a) of subsection (1) and paragraph  
75 (c) of subsection (2) of section 456.47, Florida Statutes, are  
76 amended to read:

77           456.47 Use of telehealth to provide services.—

78           (1) DEFINITIONS.—As used in this section, the term:

79           (a) "Telehealth" means the use of synchronous or  
80 asynchronous telecommunications technology by a telehealth  
81 provider to provide or supervise the provision of health care  
82 services, including, but not limited to, assessment, diagnosis,  
83 consultation, treatment, and monitoring of a patient; transfer  
84 of medical data; patient and professional health-related  
85 education; public health services; and health administration.  
86 The term includes ~~does not include~~ audio-only telephone calls,  
87 personal e-mail messages, or facsimile transmissions, and any  
88 other nonpublic-facing telecommunications technology.

89           (2) PRACTICE STANDARDS.—

90           (c) A telehealth provider, acting within the scope of his  
91 or her practice and in accordance with chapter 893, may not use  
92 telehealth to prescribe a controlled substance listed in  
93 Schedule III, Schedule IV, or Schedule V of s. 893.03 and may  
94 use telehealth to prescribe a controlled substance listed in  
95 Schedule II of s. 893.03 if unless the controlled substance is  
96 prescribed for the following:

97           1. The treatment of a psychiatric disorder;



645592

98           2. Inpatient treatment at a hospital licensed under chapter  
99 395;

100           3. The treatment of a patient receiving hospice services as  
101 defined in s. 400.601; or

102           4. The treatment of a resident of a nursing home facility  
103 as defined in s. 400.021.

104

105 A telehealth provider may not use telehealth to prescribe a  
106 controlled substance listed in Schedule I of s. 893.03 or to  
107 issue a physician certification for marijuana for medical use  
108 under s. 381.986.

109           Section 3. Paragraph (f) of subsection (2) of section  
110 458.347, Florida Statutes, is amended to read:

111           458.347 Physician assistants.—

112           (2) DEFINITIONS.—As used in this section:

113           (f) "Supervision" means responsible supervision and  
114 control. Except in cases of emergency, supervision requires the  
115 easy availability or physical presence of the licensed physician  
116 for consultation and direction of the actions of the physician  
117 assistant. For the purposes of this definition, the term "easy  
118 availability" includes the ability to communicate by way of  
119 telehealth as defined in s. 456.47 telecommunication. The boards  
120 shall establish rules as to what constitutes responsible  
121 supervision of the physician assistant.

122           Section 4. Paragraph (f) of subsection (2) of section  
123 459.022, Florida Statutes, is amended to read:

124           459.022 Physician assistants.—

125           (2) DEFINITIONS.—As used in this section:

126           (f) "Supervision" means responsible supervision and



645592

127 control. Except in cases of emergency, supervision requires the  
128 easy availability or physical presence of the licensed physician  
129 for consultation and direction of the actions of the physician  
130 assistant. For the purposes of this definition, the term "easy  
131 availability" includes the ability to communicate by way of  
132 telehealth as defined in s. 456.47 telecommunication. The boards  
133 shall establish rules as to what constitutes responsible  
134 supervision of the physician assistant.

135 Section 5. Section 465.1893, Florida Statutes, is amended  
136 to read

137 465.1893 Administration of long-acting antipsychotic  
138 medication by injection.—

139 (1) (a) A pharmacist, at the direction of a physician  
140 licensed under chapter 458 or chapter 459, may administer a  
141 long-acting antipsychotic medication or an extended-release  
142 medication indicated to treat opioid use disorder, alcohol use  
143 disorder, or other substance use disorder or dependency,  
144 including, but not limited to, buprenorphine, naltrexone, or  
145 other medications that have been approved by the United States  
146 Food and Drug Administration by injection to a patient if the  
147 pharmacist:

148 1. Is authorized by and acting within the framework of an  
149 established protocol with the prescribing physician.

150 2. Practices at a facility that accommodates privacy for  
151 nondeltoid injections and conforms with state rules and  
152 regulations regarding the appropriate and safe disposal of  
153 medication and medical waste.

154 3. Has completed the course required under subsection (2).

155 (b) A separate prescription from a physician is required



645592

156 for each injection administered by a pharmacist under this  
157 subsection.

158 (2) (a) A pharmacist seeking to administer a ~~long-acting~~  
159 ~~antipsychotic~~ medication described in paragraph (1) (a) by  
160 ~~injection~~ must complete an 8-hour continuing education course  
161 offered by:

162 1. A statewide professional association of physicians in  
163 this state accredited to provide educational activities  
164 designated for the American Medical Association Physician's  
165 Recognition Award (AMA PRA) Category 1 Credit or the American  
166 Osteopathic Association (AOA) Category 1-A continuing medical  
167 education (CME) credit; and

168 2. A statewide association of pharmacists.

169 (b) The course may be offered in a distance learning format  
170 and must be included in the 30 hours of continuing professional  
171 pharmaceutical education required under s. 465.009(1). The  
172 course shall have a curriculum of instruction that concerns the  
173 safe and effective administration of behavioral health,  
174 addiction, and antipsychotic medications by injection,  
175 including, but not limited to, potential allergic reactions to  
176 such medications.

177 Section 6. Paragraph (e) is added to subsection (1) of  
178 section 893.05, Florida Statutes, to read:

179 893.05 Practitioners and persons administering controlled  
180 substances in their absence.—

181 (1)

182 (e) A telehealth provider as defined in s. 456.47 may not  
183 prescribe through telehealth a controlled substance listed in  
184 Schedule I or Schedule II of s. 893.03.



645592

185 Section 7. This act shall take effect July 1, 2021.

186

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

188 And the title is amended as follows:

189 Delete everything before the enacting clause

190 and insert:

191 A bill to be entitled

192 An act relating to telehealth; amending s. 409.908,

193 F.S.; requiring the Agency for Health Care

194 Administration to reimburse pharmacists for health

195 care services provided through telehealth; requiring

196 the agency to reimburse the use of telehealth services

197 under certain circumstances and subject to certain

198 limitations; requiring providers to include certain

199 documentation in patient records and notes;

200 authorizing certain out-of-state providers to receive

201 reimbursement for telehealth services; providing an

202 exception; amending s. 456.47, F.S.; revising the

203 definition of the term "telehealth"; authorizing

204 telehealth providers to prescribe specified controlled

205 substances through telehealth under certain

206 circumstances; amending ss. 458.347 and 459.022, F.S.;

207 revising the definition of the term "supervision";

208 amending s. 465.1893, F.S.; providing additional long-

209 acting medications pharmacists may administer under

210 certain circumstances; revising requirements for a

211 continuing education course such pharmacists must

212 complete; amending s. 893.05, F.S.; prohibiting

213 telehealth providers from prescribing specified





645592

214 controlled substances through telehealth; providing an  
215 effective date.