



Health & Human Services Committee

Thursday, February 9, 2012
8:15 AM – 8:45 AM
404 HOB

Action Packet

Dean Cannon
Speaker

Robert C. "Rob" Schenck
Chair

COMMITTEE MEETING REPORT
Health & Human Services Committee
2/9/2012 8:15:00AM

Location: 404 HOB

Summary:

Health & Human Services Committee

Thursday February 09, 2012 08:15 am

HB 511 Favorable With Committee Substitute
Amendment 426605 Adopted Without Objection

Yeas: 16 Nays: 1

Committee meeting was reported out: Thursday, February 09, 2012 10:08:10AM

COMMITTEE MEETING REPORT
Health & Human Services Committee

2/9/2012 8:15:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Robert Schenck (Chair)	X		
Dennis Baxley	X		
Mack Bernard	X		
Jason Brodeur	X		
Richard Corcoran	X		
Janet Cruz	X		
Eduardo Gonzalez	X		
Gayle Harrell	X		
Doug Holder			X
Matt Hudson	X		
Mia Jones	X		
Ana Logan	X		
Mark Pafford	X		
Ronald Renuart	X		
Elaine Schwartz	X		
Carlos Trujillo	X		
Barbara Watson	X		
John Wood	X		
Totals:	17	0	1

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COMMITTEE MEETING REPORT
Health & Human Services Committee

2/9/2012 8:15:00AM

Location: 404 HOB

HB 511 : Workers' Compensation

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Dennis Baxley	X				
Mack Bernard	X				
Jason Brodeur	X				
Richard Corcoran	X				
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell	X				
Doug Holder			X		
Matt Hudson	X				
Mia Jones	X				
Ana Logan	X				
Mark Pafford	X				
Ronald Renuart	X				
Elaine Schwartz		X			
Carlos Trujillo	X				
Barbara Watson	X				
John Wood	X				
Robert Schenck (Chair)	X				
Total Yeas: 16		Total Nays: 1			

HB 511 Amendments

Amendment 426605

Adopted Without Objection

Appearances:

In Support of Strike all amendment and bill
 Sanford, Paul (Lobbyist) - Waive In Support
 JM Family Enterprises, FIC
 106 S Monroe St
 Tallahassee FL 32301
 Phone: (850) 222-7200

Johnson, Dr. Richard (General Public) - Opponent
 Self
 7527 Ulmerton Road
 Largo FL 33771
 Phone: (727) 586-0138

Panza, Thomas (Lobbyist) - Opponent
 Automated Healthcare Solutions
 3600 N. Federal Highway
 Ft. Lauderdale FL
 Phone: (954) 390-0100

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Health & Human Services Committee

2/9/2012 8:15:00AM

Location: 404 HOB

HB 511 : Workers' Compensation (continued)

Appearances: (continued)

Kelman, Dr. Gary - Opponent

Self

350 N Pine Island Road

Plantation FL 33324

Phone: (954) 476-8800

Perdue, Tammy (Lobbyist) - Proponent

Associated Industries of Florida

516 N. Adams St.

Tallahassee FL 32301

Phone: (850) 224-7173

Brainerd, Jim (Lobbyist) - Waive In Support

Florida Association of Insurance Agents

2814 Rabbit Hill Rd

Tallahassee FL 32308

Phone: (850) 508-6716

Reeves, Teye (Lobbyist) - Proponent

Florida Chamber of Commerce

136 S. Bronough Street

Tallahassee FL 32301

Phone: (850) 521-1235

Large, William (Lobbyist) - Waive In Support

Florida Justice Reform Institute

210 S Monroe St

Tallahassee FL 32301-1824

Phone: (850) 222-0170

Kuczwanski, Becky (Lobbyist) - Waive In Support

Florida Retail Federation

227 S Adams St

Tallahassee FL 32301

Phone: (850) 222-4082

Stahl, Thomas (Lobbyist) - Proponent

Florida United Businesses Association

116 S. Monroe St.

Tallahassee FL 32301

Phone: (850) 681-6265

Wester, Gerald (Lobbyist) - Waive In Support

American Insurance Association

101 E. College Ave.

Tallahassee FL 32301

Phone: (850) 445-7256

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Health & Human Services Committee

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Location: 404 HOB

HB 511 : Workers' Compensation (continued)

Appearances: (continued)

Diaz, Pablo (Lobbyist) - Waive In Support
National Federation of Independent Business
110 E Jefferson St
Tallahassee FL 32301
Phone: (850) 681-0416

McCarty, Jess (Lobbyist) - Waive In Support
Miami-Dade County
111 NW 1st St
Miami FL 33128
Phone: (305) 979-7110

Scott, Jeff (Lobbyist) - Waive In Support
Florida Medical Association
113 E College Ave
Tallahassee FL 32301
Phone: (850) 224-6496

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 511 (2012)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

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

Amendment No.

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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Published On: 2/8/2012 3:57:48 PM

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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.

62
63
64 -----
65 **T I T L E A M E N D M E N T**

66 Remove the entire title and insert:

67 A bill to be entitled

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 511 (2012)

Amendment No.

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