



**INFORMATIONAL BULLETIN**

**DFS-02-2009**

**ISSUED**

**August 12, 2009**

**Florida Department of Financial Services**

**Alex Sink**

**Chief Financial Officer**

**All Employer/Carriers Providing Reimbursement for Prescription Medication Under Chapter 440, Florida Statutes**

The Division of Workers' Compensation has received inquiries as to whether it is appropriate for employer/carriers to deny authorization or reimbursement for prescription medication when the medication is dispensed by a Florida physician instead of a pharmacist. The Division is unaware of any specific provision in Chapter 440, Florida Statutes, which addresses the issue. However, the following section of Florida Statutes is relevant to the issue:

**465.0276 Dispensing practitioner.--**

(1) A person may not dispense medicinal drugs unless licensed as a pharmacist or otherwise authorized under this chapter to do so, except that a practitioner authorized by law to prescribe drugs may dispense such drugs to her or his patients in the regular course of her or his practice in compliance with this section.

The Division urges employer/carriers providing reimbursement for prescription medication under Chapter 440, Florida Statutes, to take section 465.0267(1), Florida Statutes, into consideration when making prescription provider reimbursement decisions. Reimbursement for a prescription medication shall be in accordance with section 440.13(12)(c), Florida Statutes, which provides:

As to reimbursement for a prescription medication, the reimbursement amount for a prescription shall be the average wholesale price plus \$4.18 for the dispensing fee, except where the carrier has contracted for a lower amount. Fees for pharmaceuticals and pharmaceutical services shall be reimbursable at the applicable fee schedule amount. Where the employer or carrier has contracted for such services and the employee elects to obtain them through a provider not a party to the contract, the carrier shall reimburse at the schedule, negotiated, or contract price, whichever is lower. No such contract shall rely on a provider that is not reasonably accessible to the employee.

Questions regarding this may be directed to Samuel Willis, III, Medical/Health Care Program Analyst, Division of Workers' Compensation, Office of Medical Services. Mr. Willis may be contacted by email at [Samuel.Willis@myfloridacfo.com](mailto:Samuel.Willis@myfloridacfo.com) or, by phone at (850) 413-1898.