

RULE WORKSHOP RELATING TO
RULE CHAPTER 69L-7.740, F.A.C.

Insurer Authorization and Medical Bill Review Responsibilities

STATE OF FLORIDA, DEPARTMENT OF FINANCIAL SERVICES

November 1, 2022
2:00 P.M. – 4:00 P.M

1579 Summit Lake Drive
Hilltop Building at Summit East, Room 155
Tallahassee, FL 32317

*** THIS PROCEEDING IS OPEN TO THE PUBLIC***

1. Call to order.
2. Opening remarks by the Presiding Officer.
3. The Department issued Bulletin DWC-01-2020 on March 31, 2020 (the “Bulletin”). The Bulletin, which addressed physician-dispensed medications under chapter 440, Florida Statutes, was challenged as an unadopted rule on May 18, 2022 (DOAH Case No. 22-001474RU). To avoid litigation over whether the Bulletin constituted an unadopted rule, the Department, petitioners, and intervenors agreed in July 2022 that the Department would rescind the Bulletin retroactive to its effective date and publish a Notice of Development of Rulemaking (the “Notice”). Accordingly, on July 12, 2022, the Department published the Notice, which stated that the “Department proposes the development of rule amendments to address clarification of medical reimbursement and utilization review requirements regarding physician dispensed medication.”

Since the publication of the Notice, it has come to the attention of the Department that certain carriers/employers have broadcast to providers the contention that the rescission of the Bulletin means that, unless allowed by the carrier/employer, a physician who is not a licensed pharmacy under chapter 465, F.S., may not dispense medications under chapter 440, F.S. Contrary to the above contention, the sole purpose of the rescission of the Bulletin by the Department was to comply with the settlement agreement and move the relevant discussion into the arena of formal rulemaking.

4. Presentations by any affected persons, or evidence and argument on all issues under consideration relating to the proposed development of rule amendments to address clarification of medical reimbursement and utilization review requirements regarding physician dispensed medication.
5. Concluding remarks by the Presiding Officer.
6. Adjournment.

7.740

When a Physician (including oral surgeons), physician assistants, ARNPs, and any other recognized practitioner registered to dispense medications pursuant to section 465.0276, F.S. submits a medical bill for reimbursement of dispensed medication, the insurer, claim administrator, or entity acting on behalf of the insurer may disallow payment for dispensed medication if the medication is not authorized, medically necessary, and causally related to the accident. Dispensing authorized medications may not be denied, absent a contrary contractual provision, and reimbursement may not be disallowed or adjusted for the sole reason that the authorized medications will be dispensed by a practitioner registered to dispense medications under chapter 465, F.S. Any disallowance must be communicated electronically to the health care provider and must be documented in the claims administration system.