

## **STAT LAW March 2010**

### **PROPOSED LIMIT ON QUANTITIES OF SCHEDULED SUBSTANCES DISPENSED BY PHYSICIANS**

Representatives John Legg and Joseph Abruzzo have sponsored a bill that would prohibit dispensing physicians from dispensing more than a 72-hour supply of controlled substances listed in Schedules II, III, and IV. The proposed legislation would amend Section 465.0276, Florida Statutes. The Florida Medical Association is seeking feedback from dispensing practitioners regarding the proposed legislation.

### **JOINT COMMITTEE STILL STRUGGLING WITH PAIN CLINIC REGULATION**

The Joint Rule Committee of the Board of Medicine and the Board of Osteopathic Medicine is still working on the proposed standards for physicians practicing in registered pain management clinics. The Committee has been struggling with the training requirements necessary for physicians to safely practice pain management. Several physicians advocated for requiring all pain-management physicians in Florida to be fellowship trained, while others stated fellowship training was not necessary to provide medication management. The Committee will have at least one more meeting before submitting the draft rule to the Boards.

### **BILL INTRODUCED TO REQUIRE PHYSICIANS TO REPORT MENTAL OR PHYSICAL DISORDERS THAT IMPAIR DRIVERS**

Senator Stephen Wise of Jacksonville has introduced legislation that would require physicians to report patients with mental or physical disorders that could affect a patient's ability to drive safely. Under the proposed law, physicians would be required to report unsafe drivers to the Florida Department of Highway Safety and Motor Vehicles. The report would need to include the full name, date of birth, address, and a description of the alleged disability of any person over 15 years of age having mental or physical disorders that could affect his or her driving ability. The proposed law provides physicians immunity from civil or criminal suits based upon filing a report.

### **MEDICAID AUDITS, OVERPAYMENTS AND REVOCATION**

The Agency for Health Care Administration announced that it will begin withholding payments to Medicaid Providers beginning thirty (30) days following a Final Audit Report to a provider concerning an overpayment unless the provider has established a satisfactory repayment plan with the Agency. The Agency will also begin terminating providers from participation in Medicaid if the provider has not refunded the entire overpayment to the Agency within thirty-five (35) days of the Final Audit Report, or entered into a repayment agreement. Providers cannot appeal a termination based upon failure to repay an overpayment. Medicaid providers should consult their health care attorneys as soon as they receive notice of a Medicaid audit so they do not lose their Medicaid provider status.