

## **STAT LAW May 2010**

### **FLORIDA HOUSE AND SENATE DROP PLANS TO LIMIT QUANTITIES OF SCHEDULED SUBSTANCES DISPENSED BY PHYSICIANS**

The Florida House of Representatives and Florida Senate have dropped proposed legislation that would have prevented physicians from dispensing more than a 72-hour supply of controlled substances. The proposed legislation was directed at curbing the ability of "pill mills" to dispense excessive amounts of dangerous medications. Physicians opposed the legislation because it also hurt legitimate doctors that dispense pain medications to their patients.

### **MEDICARE PHYSICIAN REIMBURSEMENT CUT**

On April 15, 2010, the President signed HR 4851, the Continuing Extension Act of 2010, which delays the 21% reduction in Medicare physician reimbursement until May 31, 2010. HR 4851 also applies retroactively for physician services provided between April 1, 2010, and April 15, 2010. According to CMS, any claims paid at the lower rate will be reprocessed automatically and no physician action is required.

### **FLORIDA MEDICAID MANAGED CARE**

In a hastily prepared report, the Agency for Health Care Administration reported that fee-for-service Medicaid patients received more services than Medicaid patients enrolled in managed care programs. According to the report, MediPass patients received services two to three times as often as Medicaid patients enrolled in managed care plans.

### **NO ARNP PRESCRIBING OF CONTROLLED SUBSTANCES**

At least for now, Nurse Practitioners will not be permitted to prescribe controlled substances in Florida. A Bill that would have allowed Nurse Practitioners to prescribe controlled substances stalled in the Health Regulation Committee. Nurse Practitioners argue that allowing them to prescribe controlled substances would help alleviate the physician shortage. Physician groups have argued that changing the standards for medical care is not an appropriate fix for the physician shortage.

### **GUILTY PLEA TO MEDICARE FRAUD**

The United States Attorney for the Southern District of Florida announced another guilty plea to Medicare fraud in South Florida. On April 13, 2010, Ihosvany Marquez pleaded guilty for his role in operating eight clinics in Florida that were paid in \$23.9 million for fraudulent Medicare claims. Another defendant in the same case was already sentenced to 22 years in prison.