

STAT LAW December 2008

Health Care Clinic Establishment

Effective January 1, 2009, all dispensing practitioners that purchase medications through their professional corporation or professional limited liability company described in Chapter 621, Florida Statutes must have a Health Care Clinic Establishment permit in order to purchase those prescription medications. The application for a Health Care Clinic Establishment permit is available from Florida Department of Health.

New OIG Place Of Service Audits

The Office of Inspector General ("OIG") identified thousands of claims paid to Florida doctors incorrectly by their Medicare carrier. The claims involved were paid with incorrect location of service information. The doctors were paid for services rendered in the office rather than at the facility where the patient received other services from the same doctor on the same date of service. An office encounter is paid at a higher rate than an encounter at a facility. Physicians should seek immediate assistance in performing the necessary internal audit if they receive a letter regarding a potential Medicare overpayment identified by the Office of Inspector General.

Physician Groups Not Required To Enroll in Medicare as Independent Diagnostic Testing Until September 2009

The Medicare revisions to the Independent Diagnostic Testing Facility rule take effect on January 1, 2009. As part of that revision, Medicare will require physician groups to enroll in Medicare as Independent Diagnostic Testing Facilities. However, Medicare has delayed the implementation of that requirement on physician groups until September 2009.

Florida Medicaid Providers

Medicaid providers are almost guaranteed reimbursement cuts in 2009. The Florida Legislature is expected to convene for a special budget session in January 2009, to consider a projected budget deficit of almost \$6 billion.

E-Prescribing Is In But I-Prescribing Is Still Out

E-prescribing is the ability of a physician to send an accurate and understandable prescription directly from the point of care to the pharmacy electronically. I-prescribing is prescribing medications for a patient based upon an internet only encounter. The Florida Board of Medicine consistently disciplines physicians for I-prescribing with penalties ranging from

reprimands and fines to revocation.

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