

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health Innovation
 2 Subcommittee

3 Representative Magar offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 110.12315, Florida Statutes, as amended
 8 by section 123 of chapter 2016-62 and section 1 of chapter 2016-
 9 224, Laws of Florida, is amended to read:

10 110.12315 Prescription drug program.—The state employees'
 11 prescription drug program is established. This program shall be
 12 administered by the Department of Management Services, according
 13 to the terms and conditions of the plan as established by the
 14 relevant provisions of the annual General Appropriations Act and
 15 implementing legislation, subject to the following conditions:

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16 (1) The department shall allow prescriptions written by
17 health care providers under the plan to be filled by any
18 licensed pharmacy and reimbursed pursuant to subsection (2)
19 ~~contractual claims processing provisions~~. Nothing in this
20 section may be construed as prohibiting a mail order
21 prescription drug program distinct from the service provided by
22 retail pharmacies.

23 (2) In providing for reimbursement of pharmacies for
24 prescription drugs and supplies ~~medicines~~ dispensed to members
25 of the state group health insurance plan and their dependents
26 under the state employees' prescription drug program:

27 (a) Retail, mail order, and specialty pharmacies
28 participating in the program must be reimbursed at a rate
29 established by contract and uniform rate and subject to uniform
30 ~~conditions~~, according to the terms and conditions of the plan.

31 (b) There shall be a 30-day supply limit for retail
32 pharmacy fills and a prescription card purchases and 90-day
33 supply limit for mail order fills and fills by retail pharmacies
34 participating in the 90-day supply network ~~or mail order~~
35 ~~prescription drug purchases~~.

36 (c) The ~~current~~ pharmacy dispensing fee shall be
37 negotiated by the department ~~remains in effect~~.

38 (d) The department shall establish the reimbursement
39 schedule for prescription drugs and supplies dispensed under the
40 program. The reimbursement rate for a prescription drug or

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41 supply must be based on the cost of the generic equivalent drug
42 if a generic equivalent exists, unless the physician, advanced
43 registered nurse practitioner, or physician assistant
44 prescribing the drug or supply clearly states on the
45 prescription that the brand name drug or supply is medically
46 necessary or that the product is included in the formulary of
47 drug products that may not be interchanged pursuant to chapter
48 465, in which case reimbursement must be based on the cost of
49 the brand name drug or supply as specified in the reimbursement
50 schedule.

51 (3) The department shall maintain the generic, preferred
52 brand name, and nonpreferred brand name drug and supply lists to
53 be used in the administration of the state employees'
54 prescription drug program.

55 (4) The department shall maintain a list of maintenance
56 drugs and supplies.

57 (a) Preferred provider organization health plan members
58 may have prescriptions for maintenance drugs and supplies filled
59 up to three times as an up to 30-day supply through a retail
60 pharmacy; thereafter, prescriptions for the same maintenance
61 drug or supply must be filled as an up to 90-day supply either
62 through the department's contracting mail order pharmacy or
63 through a participating 90-day retail pharmacy.

64 (b) Health maintenance organization health plan members
65 may have prescriptions for maintenance drugs and supplies filled

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66 as an up to 90-day supply either through a mail order pharmacy
67 or through a participating 90-day retail pharmacy.

68 (5) Copayments made by health plan members for an up to
69 90-day supply through a participating 90-day retail pharmacy
70 shall be the same as copayments made for an up to 90-day supply
71 through the contracting mail order pharmacy.

72 (6) The department shall conduct a prescription
73 utilization review program. In order to participate in the state
74 employees' prescription drug program, retail pharmacies
75 dispensing prescription medicines to members of the state group
76 health insurance plan or their covered dependents, or to
77 subscribers or covered dependents of a health maintenance
78 organization plan under the state group insurance program, shall
79 make their records available for this review.

80 (7) The department shall implement the following cost-
81 saving measures which shall not restrict access to the most
82 clinically appropriate, clinically effective, and lowest net
83 cost prescription drugs and supplies:

84 (a) Formulary management. Prescription drugs and supplies
85 shall be subject to formulary inclusion and exclusion.
86 Prescription drugs and supplies that are excluded may be made
87 available to an individual member or her or his dependent for
88 inclusion by medical necessity review.

89 (b) Adjustments as may be required to balance program
90 funding within appropriations provided.

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91 ~~(3) The Department of Management Services shall establish~~
92 ~~the reimbursement schedule for prescription pharmaceuticals~~
93 ~~dispensed under the program. Reimbursement rates for a~~
94 ~~prescription pharmaceutical must be based on the cost of the~~
95 ~~generic equivalent drug if a generic equivalent exists, unless~~
96 ~~the physician, advanced registered nurse practitioner, or~~
97 ~~physician assistant prescribing the pharmaceutical clearly~~
98 ~~states on the prescription that the brand name drug is medically~~
99 ~~necessary or that the drug product is included on the formulary~~
100 ~~of drug products that may not be interchanged as provided in~~
101 ~~chapter 465, in which case reimbursement must be based on the~~
102 ~~cost of the brand name drug as specified in the reimbursement~~
103 ~~schedule adopted by the Department of Management Services.~~

104 ~~(4) The Department of Management Services shall conduct a~~
105 ~~prescription utilization review program. In order to participate~~
106 ~~in the state employees' prescription drug program, retail~~
107 ~~pharmacies dispensing prescription medicines to members of the~~
108 ~~state group health insurance plan or their covered dependents,~~
109 ~~or to subscribers or covered dependents of a health maintenance~~
110 ~~organization plan under the state group insurance program, shall~~
111 ~~make their records available for this review.~~

112 ~~(5) The Department of Management Services shall implement~~
113 ~~such additional cost saving measures and adjustments as may be~~
114 ~~required to balance program funding within appropriations~~
115 ~~provided, including a trial or starter dose program and~~

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116 ~~dispensing of long-term maintenance medication in lieu of acute~~
117 ~~therapy medication.~~

118 (8)~~(6)~~ Participating pharmacies must use a point-of-sale
119 device or an online computer system to verify a participant's
120 eligibility for coverage. The state is not liable for
121 reimbursement of a participating pharmacy for dispensing
122 prescription drugs and supplies to any person whose current
123 eligibility for coverage has not been verified by the state's
124 contracted administrator or by the Department of Management
125 Services.

126 (9)~~(7)~~ Under the state employees' prescription drug
127 program copayments must be made as follows:

128 (a) Effective July 1, 2017 ~~January 1, 2006~~, for the State
129 Group Health Insurance Standard Plan:

130 1. For an up to 30-day supply of a generic drug at a
131 retail pharmacy with card.....\$7 ~~\$10~~.

132 2. For an up to 30-day supply of a preferred brand name
133 drug at a retail pharmacy with card.....\$30 ~~\$25~~.

134 3. For an up to 30-day supply of a nonpreferred brand name
135 drug at a retail pharmacy with card.....\$50 ~~\$40~~.

136 4. For an up to 90-day supply of a generic drug from a
137 mail order pharmacy or up to a 90-day supply from a retail
138 pharmacy that participates in a 90-day supply network ~~drug~~\$14 ~~\$20~~.

139 5. For an up to 90-day supply of a preferred brand name
140 drug from a mail order pharmacy or up to a 90-day supply from a

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141 retail pharmacy that participates in a 90-day supply network
142 drug.....\$60 ~~\$50~~.

143 6. For an up to 90-day supply of a nonpreferred brand name
144 drug from a mail order pharmacy or up to a 90-day supply from a
145 retail pharmacy that participates in a 90-day supply network
146 drug.....\$100~~\$80~~.

147 (b) Effective July 1, 2017 ~~January 1, 2006~~, for the State
148 Group Health Insurance High Deductible Plan:

149 1. ~~Retail~~ Coinsurance for an up to 30-day supply of a
150 generic drug at a retail pharmacy with card.....30%.

151 2. ~~Retail~~ Coinsurance for an up to 30-day supply of a
152 preferred brand name drug at a retail pharmacy with card.....30%.

153 3. ~~Retail~~ Coinsurance for an up to 30-day supply of a
154 nonpreferred brand name drug at a retail pharmacy with card..50%.

155 4. ~~Mail order~~ Coinsurance for an up to 90-day supply of a
156 generic drug from a mail order pharmacy or up to a 90-day supply
157 from a retail pharmacy that participates in a 90-day supply
158 network.....30%.

159 5. ~~Mail order~~ Coinsurance for an up to 90-day supply of a
160 preferred brand name drug from a mail order pharmacy or up to a
161 90-day supply from a retail pharmacy that participates in a 90-
162 day supply network.....30%.

163 6. ~~Mail order~~ Coinsurance for an up to 90-day supply of a
164 nonpreferred brand name drug from a mail order pharmacy or up to

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165 | a 90-day supply from a retail pharmacy that participates in a
166 | 90-day supply network.....50%.

167 | ~~(c) The Department of Management Services shall create a~~
168 | ~~preferred brand name drug list to be used in the administration~~
169 | ~~of the state employees' prescription drug program.~~

170 | Section 2. Section 8 of Chapter 99-255, Laws of Florida,
171 | is amended to read:

172 | ~~Section 8. The Department of Management Services shall not~~
173 | ~~implement a prior authorization program or a restricted~~
174 | ~~formulary program that restricts a non-HMO enrollee's access to~~
175 | ~~prescription drugs beyond the provisions of paragraph (b)~~
176 | ~~related specifically to generic equivalents for prescriptions~~
177 | ~~and the provisions in paragraph (d) related specifically to~~
178 | ~~starter dose programs or the dispensing of long-term maintenance~~
179 | ~~medications. The prior authorization program expanded pursuant~~
180 | ~~to section 8 of the 1998-1999 General Appropriations Act is~~
181 | ~~hereby terminated. If this section conflicts with any General~~
182 | ~~Appropriations Act or any act implementing a General~~
183 | ~~Appropriations Act, the Legislature intends that the provisions~~
184 | ~~of this section shall prevail. This section shall take effect~~
185 | ~~upon becoming law.~~

186 | Section 3. This act shall take effect July 1, 2017.

187 |
188 | -----

189 | **T I T L E A M E N D M E N T**

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190 Remove line 6 and insert:
191 requirements for such measures; amending ch. 99-255,
192 Laws of Florida; removing the prohibition on the
193 department from implementing a restricted prescription
194 drug formulary or prior authorization program in the
195 state employees' prescription drug program; providing
196 an effective