

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

HB 357 — Pharmacies and Pharmacy Benefit Managers

by Rep. Toledo and others (SB 1476 by Senators Wright and Perry)

The bill revises provisions of the Florida Insurance Code relating to the oversight of pharmacy benefit managers (PBMs) by the Office of Insurance Regulation (OIR). A PBM is a person or entity doing business in Florida, which contracts to administer prescription drug benefits on behalf of a health insurer or a health maintenance organization (HMO) to residents of Florida.

Specifically, the bill:

- Requires a health insurer or HMO, and any entity acting on their behalf, including a PBM, to comply with the pharmacy audit provisions;
- Specifies that a health insurer or HMO that contracts with a PBM is responsible for any violation of the pharmacy audit provisions committed by such PBM;
- Transfers pharmacy audit rights relating to audits by a PBM or an insurer to the Florida Insurance Code and authorizes the OIR to enforce these provisions;
- Authorizes an audited pharmacy to appeal certain final audit findings made by a health insurer or HMO, or PBM acting on their behalf; and
- Provides that a person who fails to register with the OIR while operating a PBM is subject to a \$10,000 fine for each violation.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 36-0; House 106-0