

Bill No. CS for CS for SB 792

Amendment No.      Barcode 885628

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Silver moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 24, line 29, through page 30, line 26, delete

15 those lines

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17 and insert:

18 Section 8. Section 409.91195, Florida Statutes, is

19 amended to read:

20 409.91195 Medicaid Pharmaceutical and Therapeutics

21 Committee.--There is created a Medicaid Pharmaceutical and

22 Therapeutics Committee within the Agency for Health Care

23 Administration for the purpose of developing a preferred drug

24 formulary pursuant to 42 U.S.C. s. 1396r-8. ~~The committee~~

25 ~~shall develop and implement a voluntary Medicaid preferred~~

26 ~~prescribed drug designation program. The program shall provide~~

27 ~~information to Medicaid providers on medically appropriate and~~

28 ~~cost-efficient prescription drug therapies through the~~

29 ~~development and publication of a voluntary Medicaid preferred~~

30 ~~prescribed-drug list.~~

31 (1) The Medicaid Pharmaceutical and Therapeutics

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1 Committee shall be comprised as specified in 42 U.S.C. s.  
2 1396r-8 and consist of eleven members appointed by the  
3 Governor. Four members shall be physicians, licensed under  
4 chapter 458; one member licensed under chapter 459; five  
5 members shall be pharmacists licensed under chapter 465; and  
6 one member shall be a consumer representative.~~of nine members~~  
7 ~~appointed as follows: one practicing physician licensed under~~  
8 ~~chapter 458, appointed by the Speaker of the House of~~  
9 ~~Representatives from a list of recommendations from the~~  
10 ~~Florida Medical Association; one practicing physician licensed~~  
11 ~~under chapter 459, appointed by the Speaker of the House of~~  
12 ~~Representatives from a list of recommendations from the~~  
13 ~~Florida Osteopathic Medical Association; one practicing~~  
14 ~~physician licensed under chapter 458, appointed by the~~  
15 ~~President of the Senate from a list of recommendations from~~  
16 ~~the Florida Academy of Family Physicians; one practicing~~  
17 ~~podiatric physician licensed under chapter 461, appointed by~~  
18 ~~the President of the Senate from a list of recommendations~~  
19 ~~from the Florida Podiatric Medical Association; one trauma~~  
20 ~~surgeon licensed under chapter 458, appointed by the Speaker~~  
21 ~~of the House of Representatives from a list of recommendations~~  
22 ~~from the American College of Surgeons; one practicing dentist~~  
23 ~~licensed under chapter 466, appointed by the President of the~~  
24 ~~Senate from a list of recommendations from the Florida Dental~~  
25 ~~Association; one practicing pharmacist licensed under chapter~~  
26 ~~465, appointed by the Governor from a list of recommendations~~  
27 ~~from the Florida Pharmacy Association; one practicing~~  
28 ~~pharmacist licensed under chapter 465, appointed by the~~  
29 ~~Governor from a list of recommendations from the Florida~~  
30 ~~Society of Health System Pharmacists; and one health care~~  
31 ~~professional with expertise in clinical pharmacology appointed~~

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1 ~~by the Governor from a list of recommendations from the~~  
2 ~~Pharmaceutical Research and Manufacturers Association. The~~  
3 members shall be appointed to serve for terms of 2 years from  
4 the date of their appointment. Members may be appointed to  
5 more than one term. The Agency for Health Care Administration  
6 shall serve as staff for the committee and assist them with  
7 all ministerial duties. The Governor shall ensure that at  
8 least some of the members of the Medicaid Pharmaceutical and  
9 Therapeutics Committee represent Medicaid participating  
10 physicians and pharmacies serving all segments and diversity  
11 of the Medicaid population, and have experience in either  
12 developing or practicing under a preferred drug formulary. At  
13 least one of the members shall represent the interests of  
14 pharmaceutical manufacturers.

15 (2) Committee members shall select a chairperson and a  
16 vice chairperson each year from the committee membership.

17 (3) The committee shall meet at least quarterly and  
18 may meet at other times at the discretion of the chairperson  
19 and members. The committee shall comply with rules adopted by  
20 the agency, including notice of any meeting of the committee  
21 pursuant to the requirements of the Administrative Procedure  
22 Act.

23 (4) Upon recommendation of the Medicaid Pharmaceutical  
24 and Therapeutics Committee the agency shall adopt a preferred  
25 drug list. To the extent feasible, the committee shall review  
26 all drug classes included in the formulary at least every 12  
27 months, and may recommend additions to and deletions from the  
28 formulary, such that the formulary provides

29 ~~(2) Upon recommendation by the committee, the Agency~~  
30 ~~for Health Care Administration shall establish the voluntary~~  
31 ~~Medicaid preferred prescribed drug list. Upon further~~

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1 ~~recommendation by the committee, the agency shall add to,~~  
2 ~~delete from, or modify the list. The committee shall also~~  
3 ~~review requests for additions to, deletions from, or~~  
4 ~~modifications of the list. The list shall be adopted by the~~  
5 ~~committee in consultation with medical specialists, when~~  
6 ~~appropriate, using the following criteria: use of the list~~  
7 ~~shall be voluntary by providers and the list must provide for~~  
8 medically appropriate drug therapies for Medicaid patients  
9 which achieve cost savings contained in the General  
10 Appropriations Act.

11 (5) Except for mental health-related drugs,  
12 anti-retroviral drugs, and drugs for nursing home residents  
13 and other institutional residents, reimbursement of drugs not  
14 included in the formulary is subject to prior authorization.  
15 ~~in the Medicaid program.~~

16 (6)(3) The Agency for Health Care Administration shall  
17 publish and disseminate the preferred drug formulary ~~voluntary~~  
18 ~~Medicaid preferred prescribed drug list~~ to all Medicaid  
19 providers in the state.

20 (7) The committee shall ensure that pharmaceutical  
21 manufacturers agreeing to provide a supplemental rebate as  
22 outlined in this chapter have an opportunity to present  
23 evidence supporting inclusion of a product on the preferred  
24 drug list. Upon timely notice, the agency shall ensure that  
25 any drug that has been approved or had any of its particular  
26 uses approved by the United States Food and Drug  
27 Administration under a priority review classification will be  
28 reviewed by the Medicaid Pharmaceutical and Therapeutics  
29 Committee at the next regularly scheduled meeting. To the  
30 extent possible, upon notice by a manufacturer the agency  
31 shall also schedule a product review for any new product at

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1 the next regularly scheduled Medicaid Pharmaceutical and  
2 Therapeutics Committee.

3 (8) Until the Medicaid Pharmaceutical and Therapeutics  
4 Committee is appointed and a preferred drug list adopted by  
5 the agency, the agency shall use the existing voluntary  
6 preferred drug list adopted pursuant to Chapter 2000-367,  
7 Section 72, Laws of Florida. Drugs not listed on the voluntary  
8 preferred drug list will require prior authorization by the  
9 agency or its contractor.

10 (9) The Medicaid Pharmaceutical and Therapeutics  
11 Committee shall develop its preferred drug list  
12 recommendations by considering the clinical efficacy, safety,  
13 and cost effectiveness of a product. When the preferred drug  
14 formulary is adopted by the agency, if a product on the  
15 formulary is one of the first four brand-name drugs used by a  
16 recipient in a month the drug shall not require prior  
17 authorization.

18 (10) The Medicaid Pharmaceutical and Therapeutics  
19 Committee may also make recommendations to the agency  
20 regarding the prior authorization of any prescribed drug  
21 covered by Medicaid.

22 (11) Medicaid recipients may appeal agency preferred  
23 drug formulary decisions using the Medicaid fair hearing  
24 process administered by the Department of Children and Family  
25 Services.

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28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 On page 2, lines 8-18, delete those lines

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1 and insert:

2           and Therapeutics Committee; providing for  
3           committee responsibilities; requiring the  
4           agency to publish the preferred drug formulary;  
5           providing for a hearing process;

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