

By the Committee on Health, Aging, and Long-Term Care; and  
Senator Aronberg

317-1874-03

1                                   A bill to be entitled  
2           An act relating to the Florida Medicaid  
3           program; amending s. 409.9066, F.S.; requiring  
4           the Agency for Health Care Administration to  
5           publish on a website the average wholesale  
6           prices of drugs provided through the program;  
7           requiring the agency to publish additional  
8           information to assist consumers; requiring a  
9           report on methods of pricing pharmaceutical  
10          products purchased by the program; providing an  
11          effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15           Section 1. Section 409.9066, Florida Statutes, is  
16 amended to read:

17           409.9066 Medicare prescription discount program.--

18           (1) As a condition of participation in the Florida  
19 Medicaid program or the pharmaceutical expense assistance  
20 program, a pharmacy must agree to charge any individual who is  
21 a Medicare beneficiary and who is a Florida resident showing a  
22 Medicare card when he or she presents a prescription, a price  
23 no greater than the cost of ingredients equal to the average  
24 wholesale price minus 9 percent, and a dispensing fee of  
25 \$4.50.

26           (2) In lieu of the provisions of subsection (1), and  
27 as a condition of participation in the Florida Medicaid  
28 program or the pharmaceutical expense assistance program, a  
29 pharmacy must agree to:

30           (a) Provide a private voluntary prescription discount  
31 program to state residents who are Medicare beneficiaries; or

1 (b) Accept a private voluntary discount prescription  
2 program from state residents who are Medicare beneficiaries.

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4 Discounts under this subsection must be at least as great as  
5 discounts under subsection (1).

6 (3) The Agency for Health Care Administration shall  
7 publish, on a free website available to the public, the most  
8 recent average wholesale prices for the 200 drugs most  
9 frequently dispensed to the elderly and, to the extent  
10 possible, shall provide a mechanism that consumers may use to  
11 calculate the retail price that should be paid after the  
12 discount required in subsection (1) is applied.

13 Section 2. By January 1, 2004, the Agency for Health  
14 Care Administration shall submit to the Legislature a report  
15 regarding the cost-effectiveness of, and alternatives to,  
16 using average wholesale price in the pricing of pharmaceutical  
17 products purchased by the Medicaid program.

18 Section 3. This act shall take effect July 1, 2003.

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20 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
21 COMMITTEE SUBSTITUTE FOR  
22 Senate Bill 320

23 The Committee Substitute for Senate Bill 320 requires that the  
24 Agency for Health Care Administration publish on a free web  
25 site, available to the public, the most recent average  
26 wholesale price for the 200 drugs most frequently dispensed to  
27 the elderly, and to the extent possible, provide a mechanism  
28 that consumers may use to calculate the retail price that  
29 should be paid after the discount required under the Medicare  
30 prescription discount is applied. The bill also requires that  
31 the Agency for Health Care Administration submit a report to  
the Legislature by January 1, 2004 regarding the  
cost-effectiveness of and alternatives to the use of average  
wholesale price in the pricing of pharmaceutical products  
purchased by the Medicaid program.