

By Senator Fasano

11-00386-09

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1                                   A bill to be entitled  
 2           An act relating to insurance coverage for prescription  
 3           drugs; prohibiting health insurance policies or  
 4           contracts for a health care service plan from  
 5           limiting, reducing, or denying coverage for a  
 6           prescription drug under certain circumstances;  
 7           providing that the act does not prohibit an insurer  
 8           from making uniform changes in its benefit design or  
 9           increasing cost-sharing obligations for a prescription  
 10          drug due to an increase in price; providing an  
 11          effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:

14  
 15           Section 1. (1) A health insurance policy or a contract for  
 16 a health care service plan that covers prescription drugs may  
 17 not limit, reduce, or deny coverage to a particular insured  
 18 individual for a drug if, prior to the limitation, reduction, or  
 19 denial of coverage:

- 20           (a) The insured was using the drug;  
 21           (b) The insured was covered under the policy or contract;

22 and

- 23           (c) The drug was covered under the policy or contract.

24           (2) A limitation, reduction, or denial of coverage includes  
 25 removing a drug from the formulary or other drug list, imposing  
 26 new management tools regarding prior authorization or the use of  
 27 the drug, placing the drug on a formulary tier that increases  
 28 the patient's cost-sharing obligations, or otherwise increasing  
 29 the patient's cost-sharing obligations for obtaining the drug.

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30 This section does not prohibit an insurer from making uniform  
31 changes in its benefit design which apply to all covered drugs  
32 or from increasing cost-sharing obligations for a drug merely  
33 due to a percentage coinsurance payment that necessarily  
34 increases with an increase in the underlying drug price.

35 Section 2. This act shall take effect July 1, 2009.