

By Senator Garcia

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1 A bill to be entitled
2 An act relating to pharmaceutical services; creating
3 s. 627.6442, F.S., relating to health insurers, and
4 amending s. 641.31, F.S., relating to health
5 maintenance organizations, to provide that an insured
6 or subscriber may not be required to obtain
7 pharmaceutical services from a mail order pharmacy;
8 providing that a pharmacy that is not a mail order
9 pharmacy is subject to the same terms and conditions
10 as a mail order pharmacy; providing an effective date.

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

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14 Section 1. Section 627.6442, Florida Statutes, is created
15 to read:

16 627.6442 Provision of pharmaceutical services.—A health
17 insurance policy, plan, or other contract for health care
18 services issued, delivered, or renewed by a health insurer in
19 this state may not require the insured to obtain pharmaceutical
20 services, including prescription drugs, exclusively from a mail
21 order pharmacy.

22 (1) An insured who elects to not use a mail order pharmacy
23 may not be required to pay a copayment or have any condition
24 imposed for the receipt of pharmaceutical services that is not
25 imposed on an insured who uses a mail order pharmacy if the
26 pharmacy used by the insured agrees to the same terms and
27 conditions applicable to the mail order pharmacy and to accept
28 payment or reimbursement from the health insurer at no more than
29 the amount that would have been paid to the mail order pharmacy

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30 for the same services.

31 (2) A health insurer that issues a policy, plan, or other
32 contract that provides coverage for pharmaceutical services,
33 including prescription drugs, from a mail order pharmacy must
34 provide each insured under such policy, plan, or contract an
35 explanation of the payment or reimbursement method applicable to
36 the mail order pharmacy as compared to other providers of
37 pharmaceutical services. For health insurers that provide a
38 benefit booklet to the insured, the inclusion of such an
39 explanation in such booklet constitutes compliance with this
40 subsection.

41 (3) A health insurer that contracts with a mail order
42 pharmacy to provide pharmaceutical services, including
43 prescription drugs, under a group or blanket accident and
44 sickness policy, plan, or other contract shall include a
45 contract provision requiring the mail order pharmacy to disclose
46 in its initial written correspondence with an insured that the
47 insured may obtain pharmaceutical services from other
48 pharmaceutical providers and that the exclusive use of a mail
49 order pharmacy is not required.

50 (4) Upon written request to the health insurer, a pharmacy
51 that desires to provide services to insureds in its service area
52 shall be provided information pertaining to the terms and
53 conditions applicable to mail order pharmacies available in that
54 service area. If the pharmacy agrees to the same terms and
55 conditions in writing and agrees to be paid at no more than the
56 amount that would be paid to a mail order pharmacy for the same
57 services, the insurer may not pay the pharmacy more than the
58 amount paid to the mail order pharmacy for the same

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59 pharmaceutical services.

60 Section 2. Subsection (44) is added to section 641.31,
61 Florida Statutes, to read:

62 641.31 Health maintenance contracts.—

63 (44) A health maintenance contract that provides
64 pharmaceutical services, including prescription drugs, in this
65 state may not require subscribers to obtain pharmaceutical
66 services exclusively from a mail order pharmacy.

67 (a) A subscriber who elects not to use a mail order
68 pharmacy may not be required to pay a copayment or have any
69 condition imposed for the receipt of pharmaceutical services
70 that is not imposed on a subscriber who uses a mail order
71 pharmacy if the pharmacy used by a subscriber agrees to the same
72 terms and conditions applicable to the mail order pharmacy and
73 to accept payment or reimbursement from the health maintenance
74 organization at no more than the amount that would have been
75 paid to the mail order pharmacy for the same services.

76 (b) A health maintenance organization that issues a
77 contract that provides coverage for pharmaceutical services,
78 including prescription drugs, from a mail order pharmacy must
79 provide each subscriber under such contract an explanation of
80 the payment or reimbursement method applicable to the mail order
81 pharmacy as compared to other providers of pharmaceutical
82 services. For health maintenance organizations which provide a
83 benefit booklet to their subscribers, the inclusion of such an
84 explanation in such benefit booklet constitutes compliance with
85 this subsection.

86 (c) A health maintenance organization that contracts with a
87 mail order pharmacy to provide pharmaceutical services,

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88 including prescription drugs, under a health maintenance
89 contract shall include a contract provision requiring the mail
90 order pharmacy to disclose in its initial written correspondence
91 with a subscriber that the subscriber may obtain pharmaceutical
92 services, including prescription drugs, from other providers of
93 pharmaceutical services and that the exclusive use of a mail
94 order pharmacy is not required.

95 (d) Upon written request to the health maintenance
96 organization, a pharmacy that desires to provide pharmaceutical
97 services, including prescription drugs, to subscribers in the
98 pharmacy's service area shall be provided information pertaining
99 to the terms and conditions applicable to mail order pharmacies
100 available in that service area. If the pharmacy agrees to the
101 same terms and conditions in writing and agrees to be paid at no
102 more than the amount that would be paid to a mail order pharmacy
103 for the same services, the organization shall pay or reimburse
104 the pharmacy at no more than the amount paid to the mail order
105 pharmacy for the same pharmaceutical services.

106 Section 3. This act shall take effect July 1, 2014.