



955292

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/31/2015	.	
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The Committee on Health Policy (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 465.1862, Florida Statutes, is created
to read:

465.1862 Pharmacy benefit managers.-

(1) As used in this section, the term:

(a) "Maximum allowable cost" means the upper limit or

maximum amount that a health insurance plan will pay for generic



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11 prescription drugs or brand name prescription drugs that have
12 available generic versions which are included on a list of
13 products generated by the pharmacy benefit manager.

14 (b) "Pharmacy benefit manager" means a person or entity
15 doing business in this state which contracts to administer or
16 manage prescription drug benefits on behalf of a health
17 insurance plan that provides prescription drug benefits to
18 residents of this state.

19 (c) "Health insurance plan" has the same meaning as the
20 term "health insurance" as defined in s. 627.6482(6).

21 (2) In each contract between a pharmacy benefit manager and
22 a pharmacy, the pharmacy shall have the right to obtain from the
23 pharmacy benefit manager a current list of the sources used to
24 determine the maximum allowable cost pricing. The pharmacy
25 benefit manager must:

26 (a) Update the maximum allowable cost pricing information
27 at least every 7 business days and provide a means by which a
28 contracted pharmacy may promptly review current pricing
29 information in an electronic, print, or telephonic format that
30 is readily available to a contracted pharmacy within 1 business
31 day after the pricing information is updated at no cost to the
32 contracted pharmacy.

33 (b) Maintain a procedure to eliminate products from the
34 list of products subject to maximum allowable cost pricing in a
35 timely manner in order to remain consistent with changes in the
36 marketplace.

37 (3) To place a prescription drug on a list of products, a
38 pharmacy benefit manager must ensure that the prescription drug
39 is generally available for purchase by pharmacies in this state



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40 from a national or regional wholesaler and is not obsolete.

41 (4) (a) Each contract between a pharmacy benefit manager and
42 a pharmacy must include a process for appeal, investigation, and
43 resolution of disputes regarding maximum allowable cost pricing.

44 The process must:

45 1. Limit the right to appeal to 30 calendar days after the
46 initial claim.

47 2. Require investigation and resolution by the pharmacy
48 benefit manager of a dispute within 7 business days after an
49 appeal is received by the pharmacy benefit manager.

50 3. Include a telephone number at which a contracted
51 pharmacy may contact the pharmacy benefit manager regarding an
52 appeal.

53 4. Require that the pharmacy benefit manager provide a
54 reason for a denial of an appeal and identify the National Drug
55 Code of a prescription drug that may be purchased by the
56 contracted pharmacy at a price at or below the maximum allowable
57 cost as determined by the pharmacy benefit manager.

58 (b) If an appeal is upheld, the pharmacy benefit manager
59 shall make an adjustment to the maximum allowable cost pricing
60 within 1 business day after the date the appeal is upheld. The
61 pharmacy benefit manager shall make the price adjustment
62 applicable to all similarly situated contracted pharmacies.

63 Section 2. This act shall take effect July 1, 2015.

64
65 ===== T I T L E A M E N D M E N T =====

66 And the title is amended as follows:

67 Delete everything before the enacting clause
68 and insert:



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69 A bill to be entitled
70 An act relating to pharmacy; creating s. 465.1862,
71 F.S.; defining terms; requiring a pharmacy in a
72 contract between a pharmacy benefit manager and the
73 pharmacy to have the right to obtain from the manager
74 a list of sources used to determine maximum allowable
75 cost pricing; requiring a pharmacy benefit manager to
76 periodically update maximum allowable cost pricing
77 information and to provide a means for pharmacies to
78 review such information within a specified time;
79 requiring a pharmacy benefit manager to maintain a
80 procedure to eliminate certain products from the list
81 of products subject to maximum allowable cost pricing;
82 specifying requirements for a pharmacy benefit manager
83 to place a prescription drug on a list of products;
84 requiring contracts between a pharmacy benefit manager
85 and a pharmacy to include a specified process for
86 appeal; requiring a pharmacy benefit manager to make
87 adjustments to the maximum allowable cost price within
88 a specified period if an appeal is upheld; providing
89 an effective date.