

By the Committees on Health Policy; and Banking and Insurance;
and Senator Garcia

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1 A bill to be entitled
2 An act relating to pharmacy; creating s. 465.1862,
3 F.S.; defining terms; requiring a pharmacy in a
4 contract between a pharmacy benefit manager and the
5 pharmacy to have the right to obtain from the manager
6 a list of sources used to determine maximum allowable
7 cost pricing; requiring a pharmacy benefit manager to
8 periodically update maximum allowable cost pricing
9 information and to provide a means for pharmacies to
10 review such information within a specified time;
11 requiring a pharmacy benefit manager to maintain a
12 procedure to eliminate certain products from the list
13 of products subject to maximum allowable cost pricing;
14 specifying requirements for a pharmacy benefit manager
15 to place a prescription drug on a list of products;
16 requiring contracts between a pharmacy benefit manager
17 and a pharmacy to include a specified process for
18 appeal; requiring a pharmacy benefit manager to make
19 adjustments to the maximum allowable cost price within
20 a specified period if an appeal is upheld; providing
21 an effective date.

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

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

27 465.1862 Pharmacy benefit managers.—

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

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

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30 maximum amount that a health insurance plan will pay for generic
31 prescription drugs or brand name prescription drugs that have
32 available generic versions which are included on a list of
33 products generated by the pharmacy benefit manager.

34 (b) "Pharmacy benefit manager" means a person or entity
35 doing business in this state which contracts to administer or
36 manage prescription drug benefits on behalf of a health
37 insurance plan that provides prescription drug benefits to
38 residents of this state.

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

41 (2) In each contract between a pharmacy benefit manager and
42 a pharmacy, the pharmacy shall have the right to obtain from the
43 pharmacy benefit manager a current list of the sources used to
44 determine the maximum allowable cost pricing. The pharmacy
45 benefit manager must:

46 (a) Update the maximum allowable cost pricing information
47 at least every 7 business days and provide a means by which a
48 contracted pharmacy may promptly review current pricing
49 information in an electronic, print, or telephonic format that
50 is readily available to a contracted pharmacy within 1 business
51 day after the pricing information is updated at no cost to the
52 contracted pharmacy.

53 (b) Maintain a procedure to eliminate products from the
54 list of products subject to maximum allowable cost pricing in a
55 timely manner in order to remain consistent with changes in the
56 marketplace.

57 (3) To place a prescription drug on a list of products, a
58 pharmacy benefit manager must ensure that the prescription drug

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59 is generally available for purchase by pharmacies in this state
60 from a national or regional wholesaler and is not obsolete.

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

64 The process must:

65 1. Limit the right to appeal to 30 calendar days after the
66 initial claim.

67 2. Require investigation and resolution by the pharmacy
68 benefit manager of a dispute within 7 business days after an
69 appeal is received by the pharmacy benefit manager.

70 3. Include a telephone number at which a contracted
71 pharmacy may contact the pharmacy benefit manager regarding an
72 appeal.

73 4. Require that the pharmacy benefit manager provide a
74 reason for a denial of an appeal and identify the National Drug
75 Code of a prescription drug that may be purchased by the
76 contracted pharmacy at a price at or below the maximum allowable
77 cost as determined by the pharmacy benefit manager.

78 (b) If an appeal is upheld, the pharmacy benefit manager
79 shall make an adjustment to the maximum allowable cost pricing
80 within 1 business day after the date the appeal is upheld. The
81 pharmacy benefit manager shall make the price adjustment
82 applicable to all similarly situated contracted pharmacies.

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