

1                                   A bill to be entitled  
 2           An act relating to the provision of pharmaceutical  
 3           services; creating s. 627.6442, F.S., relating to  
 4           health insurers, and amending s. 641.31, F.S.,  
 5           relating to health maintenance organizations;  
 6           providing that an insured or subscriber with a  
 7           diagnosis of human immunodeficiency virus must be  
 8           allowed to access pharmaceutical services at a network  
 9           retail pharmacy or an out-of-network retail pharmacy  
 10          credentialed by the health insurer or the health  
 11          maintenance organization; providing for a  
 12          credentialing application fee; providing for cost  
 13          sharing by the insured or the subscriber; providing  
 14          for reimbursement to the health insurer or health  
 15          maintenance organization; providing an effective date.

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

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 19           Section 1. Section 627.6442, Florida Statutes, is created  
 20 to read:

21           627.6442 Provision of pharmaceutical services.—  
 22           (1) A health insurance policy, health care services plan,  
 23 or other contract issued, delivered, or renewed by a health  
 24 insurer in this state that provides coverage for prescription  
 25 drugs must allow insureds with a diagnosis of human  
 26 immunodeficiency virus to access pharmaceutical services at

27 network retail pharmacies or at credentialed out-of-network  
28 retail pharmacies. Out-of-network retail pharmacies shall be  
29 credentialed by the health insurer pursuant to subsection (2)  
30 for the limited purpose of providing pharmaceutical services  
31 under this section.

32 (2) The health insurer shall credential an out-of-network  
33 retail pharmacy that applies to provide pharmaceutical services  
34 to insureds with a diagnosis of human immunodeficiency virus  
35 according to the same procedures and criteria used by the health  
36 insurer to select retail pharmacies for inclusion in the health  
37 insurer's network of providers. The health insurer may charge  
38 the out-of-network retail pharmacy a reasonable fee, not to  
39 exceed \$1,500, to cover the cost of credentialing.

40 (3) A health insurer may charge an insured a cost-sharing  
41 amount for obtaining a covered drug at a retail pharmacy that is  
42 different from the cost-sharing amount for obtaining a covered  
43 drug at a mail order pharmacy, but may not charge an insured a  
44 cost-sharing amount for obtaining a covered drug at an out-of-  
45 network retail pharmacy credentialed by the health insurer  
46 pursuant to subsection (2) which is higher than the cost-sharing  
47 amount charged for obtaining a covered drug at a network retail  
48 pharmacy. All cost sharing shall count toward the plan's annual  
49 limitation on network cost sharing as provided in 45 C.F.R. s.  
50 156.130. A retail pharmacy that provides pharmaceutical services  
51 pursuant to this section shall be treated as a network provider  
52 for purposes of calculating and applying cost sharing paid by,

53 or on behalf of, an insured to the plan's annual limits. The  
54 cost-sharing limitations shall apply to plans issued, delivered,  
55 or renewed in the small group, individual, and large group  
56 markets.

57 (4) The reimbursement rate for network retail pharmacies  
58 shall be as provided in the contract between the network retail  
59 pharmacy and the health insurer. The reimbursement rate for out-  
60 of-network retail pharmacies credentialed by the health insurer  
61 pursuant to subsection (2) shall be at the same rate as mail  
62 order pharmacies under contract with the health insurer.

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

65 641.31 Health maintenance contracts.—

66 (44) (a) A health maintenance contract that provides  
67 coverage for prescription drugs must allow subscribers with a  
68 diagnosis of human immunodeficiency virus to access  
69 pharmaceutical services at network retail pharmacies or at  
70 credentialed out-of-network retail pharmacies. Out-of-network  
71 retail pharmacies shall be credentialed by the health  
72 maintenance organization pursuant to paragraph (b) for the  
73 limited purpose of providing pharmaceutical services under this  
74 subsection.

75 (b) The health maintenance organization shall credential  
76 an out-of-network retail pharmacy that applies to provide  
77 pharmaceutical services to subscribers with a diagnosis of human  
78 immunodeficiency virus according to the same procedures and

79 criteria used by the health maintenance organization to select  
80 retail pharmacies for inclusion in the health maintenance  
81 organization's network of providers. The health maintenance  
82 organization may charge the out-of-network retail pharmacy a  
83 reasonable fee, not to exceed \$1,500, to cover the cost of  
84 credentialing.

85 (c) A health maintenance organization may charge a  
86 subscriber a cost-sharing amount for obtaining a covered drug at  
87 a retail pharmacy that is different from the cost-sharing amount  
88 for obtaining a covered drug at a mail order pharmacy, but may  
89 not charge a subscriber a cost-sharing amount for obtaining a  
90 covered drug at an out-of-network retail pharmacy credentialed  
91 by the health maintenance organization pursuant to paragraph (b)  
92 which is higher than the cost-sharing amount charged for  
93 obtaining a covered drug at a network retail pharmacy. All cost  
94 sharing shall count toward the plan's annual limitation on  
95 network cost sharing as provided in 45 C.F.R. s. 156.130. A  
96 retail pharmacy that provides pharmaceutical services pursuant  
97 to this subsection shall be treated as a network provider for  
98 purposes of calculating and applying cost sharing paid by, or on  
99 behalf of, a subscriber to the plan's annual limits. The cost-  
100 sharing limitations shall apply to plans issued, delivered, or  
101 renewed in the small group, individual, and large group markets.

102 (d) The reimbursement rate for network retail pharmacies  
103 shall be as provided in the contract between the network retail  
104 pharmacy and the health maintenance organization. The

CS/HB 583

2016

105 reimbursement rate for out-of-network retail pharmacies  
106 credentialed by the health maintenance organization pursuant to  
107 paragraph (b) shall be at the same rate as mail order pharmacies  
108 under contract with the health maintenance organization.

109 Section 3. This act shall take effect July 1, 2016.