



217188

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2016	.	
	.	
	.	
	.	

---

The Committee on Governmental Oversight and Accountability  
(Hays) recommended the following:

1       **Senate Substitute for Amendment (753432) (with title**  
2 **amendment)**

3  
4       Delete everything after the enacting clause  
5 and insert:

6       Section 1. Section 627.6442, Florida Statutes, is created  
7 to read:

8       627.6442 Access to prescription drugs.-

9       (1) As used in this section:

10       (a) "Chronic illness" means human immunodeficiency virus



217188

11 infection, epilepsy, hypertension, or diabetes.

12 (b) "Excluded drug" means a drug subject to restricted  
13 distribution by the United States Food and Drug Administration  
14 or a drug that requires special handling, provider coordination,  
15 or patient education and cannot be provided by a retail  
16 pharmacy.

17 (2) A health insurance policy issued, delivered, or renewed  
18 in this state that provides major medical coverage and  
19 prescription drug coverage may not require an insured to obtain  
20 a prescription drug for the treatment of a chronic illness  
21 exclusively from a mail order pharmacy, unless the prescription  
22 drug is an excluded drug.

23 (3) An insured who elects not to use a mail order pharmacy  
24 to obtain a prescription drug, other than an excluded drug,  
25 prescribed for the treatment of a chronic illness may not be  
26 required to pay a copayment or satisfy other conditions that are  
27 not imposed on an insured who uses a mail order pharmacy if the  
28 retail pharmacy used by the insured:

29 (a) Agrees to the same terms and conditions, including  
30 credentialing, applicable to a mail order pharmacy; and

31 (b) Accepts payment or reimbursement from the insurer which  
32 is no more than the amount that would be paid to a mail order  
33 pharmacy for the same prescription drugs for the treatment of a  
34 chronic illness.

35 (4) A health insurer that issues a major medical policy  
36 that provides coverage for prescription drugs through a mail  
37 order pharmacy shall disclose in the outline of coverage that an  
38 insured may obtain prescription drugs for the treatment of a  
39 chronic illness from a retail pharmacy, and that the exclusive



217188

40 use of a mail order pharmacy is not required unless the drug is  
41 an excluded drug.

42 (5) This section does not apply to grandfathered plans as  
43 defined in s. 627.402, or to benefits set forth in s.  
44 627.6561(5) (b), (c), (d), and (e).

45 Section 2. Section 627.6572, Florida Statutes, is created  
46 to read:

47 627.6572 Access to prescription drugs.—

48 (1) As used in this section:

49 (a) "Chronic illness" means human immunodeficiency virus  
50 infection, epilepsy, hypertension, or diabetes.

51 (b) "Excluded drug" means a drug subject to restricted  
52 distribution by the United States Food and Drug Administration  
53 or a drug that requires special handling, provider coordination,  
54 or patient education and cannot be provided by a retail  
55 pharmacy.

56 (2) A health insurance policy issued, delivered, or renewed  
57 in this state that provides major medical coverage and  
58 prescription drug coverage may not require an insured to obtain  
59 a prescription drug for the treatment of a chronic illness  
60 exclusively from a mail order pharmacy, unless the prescription  
61 drug is an excluded drug.

62 (3) An insured who elects not to use a mail order pharmacy  
63 to obtain a prescription drug, other than an excluded drug,  
64 prescribed for the treatment of a chronic illness may not be  
65 required to pay a copayment or satisfy other conditions that are  
66 not imposed on an insured who uses a mail order pharmacy if the  
67 retail pharmacy used by the insured:

68 (a) Agrees to the same terms and conditions, including



217188

69 credentialing, applicable to a mail order pharmacy; and  
70 (b) Accepts payment or reimbursement from the insurer which  
71 is no more than the amount that would be paid to a mail order  
72 pharmacy for the same prescription drugs for the treatment of a  
73 chronic illness.  
74 (4) A health insurer that issues a major medical policy  
75 that provides coverage for prescription drugs through a mail  
76 order pharmacy shall disclose in the outline of coverage that an  
77 insured may obtain prescription drugs for the treatment of a  
78 chronic illness from a retail pharmacy, and that the exclusive  
79 use of a mail order pharmacy is not required unless the drug is  
80 an excluded drug.  
81 (5) This section does not apply to grandfathered plans as  
82 defined in s. 627.402, or to benefits set forth in s.  
83 627.6561(5)(b), (c), (d), and (e).  
84 Section 3. Subsection (44) is added to section 641.31,  
85 Florida Statutes, to read:  
86 641.31 Health maintenance contracts.-  
87 (44) (a) As used in this section:  
88 1. "Chronic illness" means human immunodeficiency virus  
89 infection, epilepsy, hypertension, or diabetes.  
90 2. "Excluded drug" means a drug subject to restricted  
91 distribution by the United States Food and Drug Administration  
92 or a drug that requires special handling, provider coordination,  
93 or patient education and cannot be provided by a retail  
94 pharmacy.  
95 (b) A health maintenance contract issued, delivered, or  
96 renewed in this state that provides major medical coverage and  
97 prescription drug coverage may not require a subscriber to



217188

98 obtain a prescription drug for the treatment of a chronic  
99 illness exclusively from a mail order pharmacy, unless the  
100 prescription drug is an excluded drug.

101 (c) A subscriber who elects not to use a mail order  
102 pharmacy to obtain a prescription drug, other than an excluded  
103 drug, prescribed for the treatment of a chronic illness may not  
104 be required to pay a copayment or satisfy other conditions that  
105 are not imposed on a subscriber who uses a mail order pharmacy  
106 if the retail pharmacy used by the subscriber:

107 1. Agrees to the same terms and conditions, including  
108 credentialing, applicable to a mail order pharmacy; and

109 2. Accepts payment or reimbursement from the health  
110 maintenance organization which is no more than the amount that  
111 would be paid to a mail order pharmacy for the same prescription  
112 drugs for the treatment of a chronic illness.

113 (d) A health maintenance organization that issues a health  
114 maintenance contract that provides coverage for prescription  
115 drugs through a mail order pharmacy shall disclose in the  
116 outline of coverage that a subscriber may obtain prescription  
117 drugs for the treatment of a chronic illness from a retail  
118 pharmacy, and that the exclusive use of a mail order pharmacy is  
119 not required unless the drug is an excluded drug.

120 (e) This section does not apply to grandfathered health  
121 plans as defined in s. 641.313(1)(c), or to benefits set forth  
122 in s. 641.31071(5)(b), (c), (d), and (e).

123 Section 4. This act shall take effect January 1, 2017.

124  
125 ===== T I T L E A M E N D M E N T =====

126 And the title is amended as follows:



217188

127 Delete everything before the enacting clause  
128 and insert:

129 A bill to be entitled  
130 An act relating to the provision of pharmaceutical  
131 services; creating ss. 627.6442 and 627.6572, F.S.;  
132 defining terms; providing that an insured may not be  
133 required to obtain a prescription drug for the  
134 treatment of a chronic illness exclusively from a mail  
135 order pharmacy; providing an exception for excluded  
136 drugs; prohibiting the imposition of copayments or  
137 conditions on an insured living with a chronic illness  
138 if such copayments or conditions are not imposed on an  
139 insured who uses a mail order pharmacy that meets  
140 certain requirements; requiring certain health  
141 insurers to disclose in the outline of coverage that  
142 an insured may obtain certain prescription drugs from  
143 a retail pharmacy; providing an exception for excluded  
144 drugs; providing applicability; amending s. 641.31,  
145 F.S.; defining terms; providing that a health  
146 maintenance organization subscriber may not be  
147 required to obtain a prescription drug for the  
148 treatment of a chronic illness exclusively from a mail  
149 order pharmacy; providing an exception for excluded  
150 drugs; prohibiting the imposition of copayments or  
151 conditions on a subscriber living with a chronic  
152 illness if such copayments or conditions are not  
153 imposed on a subscriber who uses a mail order pharmacy  
154 that meets certain requirements; requiring certain  
155 health maintenance organizations to disclose in the



217188

156 outline of coverage that a subscriber may obtain  
157 certain prescription drugs from a retail pharmacy;  
158 providing an exception for excluded drugs; providing  
159 applicability; providing an effective date.