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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/10/2016	.	
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The Committee on Governmental Oversight and Accountability
(Hays) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

627.6442 Access to prescription drugs.-

(1) As used in this section:

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



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

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

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

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

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

34 (4) A health insurer that issues a major medical policy
35 that provides coverage for prescription drugs through a mail
36 order pharmacy shall disclose in the outline of coverage that an
37 insured may obtain prescription drugs for the treatment of a
38 chronic illness from a retail pharmacy, and that the exclusive
39 use of a mail order pharmacy is not required unless the drug is



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40 an excluded drug.

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

44 Section 2. This act shall take effect January 1, 2017.

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46 ===== T I T L E A M E N D M E N T =====

47 And the title is amended as follows:

48 Delete everything before the enacting clause
49 and insert:

50 A bill to be entitled
51 An act relating to the provision of pharmaceutical
52 services; creating s. 627.6442, F.S.; defining terms;
53 providing that an insured may not be required to
54 obtain a prescription drug for the treatment of a
55 chronic illness exclusively from a mail order
56 pharmacy; providing an exception for excluded drugs;
57 prohibiting the imposition of copayments or conditions
58 on an insured living with a chronic illness if such
59 copayments or conditions are not imposed on an insured
60 who uses a mail order pharmacy that meets certain
61 requirements; requiring certain health insurers to
62 disclose in the outline of coverage that an insured
63 may obtain certain prescription drugs from a retail
64 pharmacy; providing an exception for excluded drugs;
65 providing applicability; providing an effective date.