

By Senator Garcia

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1 A bill to be entitled

2 An act relating to the provision of
3 pharmaceutical services; creating s. 627.6442, F.S.;
4 providing that an insured living with a chronic
5 illness may not be required to obtain pharmaceutical
6 services exclusively from a mail order pharmacy;
7 defining the term "chronic illness"; prohibiting the
8 imposition of copayments or conditions on an insured
9 living with a chronic illness if such copayments or
10 conditions are not imposed on an insured who uses a
11 mail order pharmacy that meets certain requirements;
12 requiring health insurers to provide to an insured
13 living with a chronic illness an explanation and
14 comparison of payment methods and charges for
15 pharmaceutical services from mail order pharmacies and
16 other providers of pharmaceutical services; requiring
17 health insurance contracts to require certain
18 disclosures to insureds by mail order pharmacies;
19 requiring health insurers to pay a pharmacy that is
20 not a mail order pharmacy the same amount paid to a
21 mail order pharmacy for the same services if the
22 pharmacy agrees to the same terms and conditions that
23 apply to a mail order pharmacy; amending s. 641.31,
24 F.S.; providing that a health maintenance organization
25 subscriber living with a chronic illness may not be
26 required to obtain pharmaceutical services exclusively
27 from a mail order pharmacy; defining the term "chronic
28 illness"; prohibiting the imposition of copayments or
29 conditions on a subscriber living with a chronic

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30 illness if such copayments or conditions are not
31 imposed on a subscriber who uses a mail order pharmacy
32 that meets certain requirements; requiring health
33 maintenance organizations to provide to subscribers
34 living with a chronic illness an explanation and
35 comparison of payment methods and charges for
36 pharmaceutical services from mail order pharmacies and
37 other providers of pharmaceutical services; requiring
38 health maintenance organization contracts to require
39 certain disclosures to subscribers by mail order
40 pharmacies; requiring health maintenance organizations
41 to pay a pharmacy that is not a mail order pharmacy
42 the same amount paid to a mail order pharmacy for the
43 same services if the pharmacy agrees to the same terms
44 and conditions that apply to a mail order pharmacy;
45 providing an effective date.

46
47 Be It Enacted by the Legislature of the State of Florida:

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

51 627.6442 Provision of pharmaceutical services.—A health
52 insurance policy, plan, or other contract for health care
53 services issued, delivered, or renewed by a health insurer in
54 this state may not require an insured living with a chronic
55 illness to obtain pharmaceutical services, including
56 prescription drugs, exclusively from a mail order pharmacy. As
57 used in this section, the term "chronic illness" means human
58 immunodeficiency virus infection, epilepsy, hypertension, or

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59 diabetes.

60 (1) An insured living with a chronic illness who elects not
61 to use a mail order pharmacy may not be required to pay a
62 copayment or satisfy conditions for the receipt of
63 pharmaceutical services if such copayments or conditions are not
64 imposed on an insured who uses a mail order pharmacy and the
65 pharmacy used by the insured living with a chronic illness:

66 (a) Agrees to the same terms and conditions applicable to a
67 mail order pharmacy; and

68 (b) Accepts payment or reimbursement from the health
69 insurer which is no more than the amount that would be paid to a
70 mail order pharmacy for the same services.

71 (2) A health insurer that issues a policy, plan, or other
72 contract that provides coverage for pharmaceutical services from
73 a mail order pharmacy shall provide each insured living with a
74 chronic illness an explanation of the payment or reimbursement
75 method and charges applicable to the mail order pharmacy and a
76 comparison of such method and charges to those of other
77 providers of pharmaceutical services. For health insurers that
78 provide an outline of coverage to an insured living with a
79 chronic illness, the inclusion of such an explanation in an
80 outline of coverage constitutes compliance with this subsection.

81 (3) A health insurer that contracts with a mail order
82 pharmacy to provide pharmaceutical services under a group or
83 blanket accident and sickness policy, plan, or other contract
84 shall include a contract provision requiring the mail order
85 pharmacy to disclose in its initial written correspondence with
86 an insured living with a chronic illness that such insured may
87 obtain pharmaceutical services from other providers of

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88 pharmaceutical services and that the exclusive use of a mail
89 order pharmacy is not required.

90 (4) Upon written request to the health insurer, a pharmacy
91 that desires to provide services to insureds living with a
92 chronic illness in the pharmacy's service area shall be provided
93 information pertaining to the terms and conditions applicable to
94 mail order pharmacies available in that service area. If the
95 pharmacy agrees in writing to the same terms and conditions and
96 to be paid at no more than the amount that would be paid to a
97 mail order pharmacy for the same services, the insurer shall pay
98 the pharmacy the same amount paid to a mail order pharmacy for
99 the same pharmaceutical services.

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

102 641.31 Health maintenance contracts.—

103 (44) A health maintenance contract that provides
104 pharmaceutical services in this state may not require
105 subscribers living with a chronic illness to obtain
106 pharmaceutical services, including prescription drugs,
107 exclusively from a mail order pharmacy. As used in this
108 subsection, the term "chronic illness" means human
109 immunodeficiency virus infection, epilepsy, hypertension, or
110 diabetes.

111 (a) A subscriber living with a chronic illness who elects
112 not to use a mail order pharmacy may not be required to pay a
113 copayment or satisfy conditions for the receipt of
114 pharmaceutical services if such copayments or conditions are not
115 imposed on a subscriber who uses a mail order pharmacy and the
116 pharmacy used by a subscriber living with a chronic illness:

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117 1. Agrees to the same terms and conditions applicable to a
118 mail order pharmacy; and

119 2. Accepts payment or reimbursement from the health
120 maintenance organization which is no more than the amount that
121 would be paid to a mail order pharmacy for the same services.

122 (b) A health maintenance organization that issues a
123 contract that provides coverage for pharmaceutical services from
124 a mail order pharmacy shall provide each subscriber living with
125 a chronic illness an explanation of the payment or reimbursement
126 method and charges applicable to the mail order pharmacy and a
127 comparison of such method and charges to those of other
128 providers of pharmaceutical services. For health maintenance
129 organizations that provide a member handbook to a subscriber
130 living with a chronic illness, the inclusion of such an
131 explanation in the member handbook constitutes compliance with
132 this paragraph.

133 (c) A health maintenance organization that contracts with a
134 mail order pharmacy to provide pharmaceutical services under a
135 health maintenance contract shall include a contract provision
136 requiring the mail order pharmacy to disclose in its initial
137 written correspondence with a subscriber living with a chronic
138 illness that such subscriber may obtain pharmaceutical services
139 from other providers of pharmaceutical services and that the
140 exclusive use of a mail order pharmacy is not required.

141 (d) Upon written request to the health maintenance
142 organization, a pharmacy that desires to provide services to
143 subscribers living with a chronic illness in the pharmacy's
144 service area shall be provided information pertaining to the
145 terms and conditions applicable to mail order pharmacies

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146 available in that service area. If the pharmacy agrees in
147 writing to the same terms and conditions and to be paid at no
148 more than the amount that would be paid to a mail order pharmacy
149 for the same services, the organization shall pay the pharmacy
150 the same amount paid to a mail order pharmacy for the same
151 pharmaceutical services.

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