

By Senator Garcia

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1                                   A bill to be entitled  
2           An act relating to the provision of pharmaceutical  
3           services; creating ss. 627.6442 and 627.6572, F.S.;  
4           defining terms; providing that an insured may not be  
5           required to obtain a prescription drug for the  
6           treatment of a chronic illness exclusively from a mail  
7           order pharmacy; providing an exception for excluded  
8           drugs; prohibiting the imposition of copayments or  
9           certain conditions on an insured who elects to obtain  
10          certain drugs from a retail pharmacy rather than a  
11          mail order pharmacy if the retail pharmacy meets  
12          certain requirements; requiring certain health  
13          insurers to disclose in the outline of coverage that  
14          an insured may obtain certain prescription drugs from  
15          a retail pharmacy; providing an exception for excluded  
16          drugs; providing applicability; amending s. 641.31,  
17          F.S.; defining terms; providing that a health  
18          maintenance organization subscriber may not be  
19          required to obtain a prescription drug for the  
20          treatment of a chronic illness exclusively from a mail  
21          order pharmacy; providing an exception for excluded  
22          drugs; prohibiting the imposition of copayments or  
23          certain conditions on a subscriber who elects to  
24          obtain certain drugs from a retail pharmacy rather  
25          than a mail order pharmacy if the retail pharmacy  
26          meets certain requirements; requiring certain health  
27          maintenance organizations to disclose in the outline  
28          of coverage that a subscriber may obtain certain  
29          prescription drugs from a retail pharmacy; providing

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30 an exception for excluded drugs; providing  
31 applicability; providing an effective date.

32  
33 Be It Enacted by the Legislature of the State of Florida:

34  
35 Section 1. Section 627.6442, Florida Statutes, is created  
36 to read:

37 627.6442 Access to prescription drugs.-

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

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

41 (b) "Excluded drug" means a drug subject to restricted  
42 distribution by the United States Food and Drug Administration  
43 or a drug that requires special handling, provider coordination,  
44 or patient education and cannot be provided by a retail  
45 pharmacy.

46 (2) A health insurance policy issued, delivered, or renewed  
47 in this state which provides major medical coverage and  
48 prescription drug coverage may not require an insured to obtain  
49 a prescription drug for the treatment of a chronic illness  
50 exclusively from a mail order pharmacy, unless the prescription  
51 drug is an excluded drug.

52 (3) An insured who elects not to use a mail order pharmacy  
53 to obtain a prescription drug, other than an excluded drug,  
54 prescribed for the treatment of a chronic illness may not be  
55 required to pay a copayment or satisfy other conditions that are  
56 not imposed on an insured who uses a mail order pharmacy if the  
57 retail pharmacy used by the insured:

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

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59 credentialing, applicable to a mail order pharmacy; and

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

64 (4) A health insurer that issues a major medical policy  
65 that provides coverage for prescription drugs through a mail  
66 order pharmacy shall disclose in the outline of coverage that an  
67 insured may obtain prescription drugs for the treatment of a  
68 chronic illness from a retail pharmacy and that the exclusive  
69 use of a mail order pharmacy is not required unless the drug is  
70 an excluded drug.

71 (5) This section does not apply to grandfathered plans as  
72 defined in s. 627.402 or to benefits set forth in s.  
73 627.6562(3)(b), (c), (d), and (e).

74 Section 2. Section 627.6572, Florida Statutes, is created  
75 to read:

76 627.6572 Access to prescription drugs.—

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

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

80 (b) "Excluded drug" means a drug subject to restricted  
81 distribution by the United States Food and Drug Administration  
82 or a drug that requires special handling, provider coordination,  
83 or patient education and cannot be provided by a retail  
84 pharmacy.

85 (2) A health insurance policy issued, delivered, or renewed  
86 in this state which provides major medical coverage and  
87 prescription drug coverage may not require an insured to obtain

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88 a prescription drug for the treatment of a chronic illness  
89 exclusively from a mail order pharmacy, unless the prescription  
90 drug is an excluded drug.

91 (3) An insured who elects not to use a mail order pharmacy  
92 to obtain a prescription drug, other than an excluded drug,  
93 prescribed for the treatment of a chronic illness may not be  
94 required to pay a copayment or satisfy other conditions that are  
95 not imposed on an insured who uses a mail order pharmacy if the  
96 retail pharmacy used by the insured:

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

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

103 (4) A health insurer that issues a major medical policy  
104 that provides coverage for prescription drugs through a mail  
105 order pharmacy shall disclose in the outline of coverage that an  
106 insured may obtain prescription drugs for the treatment of a  
107 chronic illness from a retail pharmacy and that the exclusive  
108 use of a mail order pharmacy is not required unless the drug is  
109 an excluded drug.

110 (5) This section does not apply to grandfathered plans as  
111 defined in s. 627.402 or to benefits set forth in s.  
112 627.6562(3)(b), (c), (d), and (e).

113 Section 3. Subsection (44) is added to section 641.31,  
114 Florida Statutes, to read:

115 641.31 Health maintenance contracts.—

116 (44) (a) As used in this section, the term:

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117 1. "Chronic illness" means human immunodeficiency virus  
118 infection, epilepsy, hypertension, or diabetes.

119 2. "Excluded drug" means a drug subject to restricted  
120 distribution by the United States Food and Drug Administration  
121 or a drug that requires special handling, provider coordination,  
122 or patient education and cannot be provided by a retail  
123 pharmacy.

124 (b) A health maintenance contract issued, delivered, or  
125 renewed in this state which provides major medical coverage and  
126 prescription drug coverage may not require a subscriber to  
127 obtain a prescription drug for the treatment of a chronic  
128 illness exclusively from a mail order pharmacy, unless the  
129 prescription drug is an excluded drug.

130 (c) A subscriber who elects not to use a mail order  
131 pharmacy to obtain a prescription drug, other than an excluded  
132 drug, prescribed for the treatment of a chronic illness may not  
133 be required to pay a copayment or satisfy other conditions that  
134 are not imposed on a subscriber who uses a mail order pharmacy  
135 if the retail pharmacy used by the subscriber:

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

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

142 (d) A health maintenance organization that issues a health  
143 maintenance contract that provides coverage for prescription  
144 drugs through a mail order pharmacy shall disclose in the  
145 outline of coverage that a subscriber may obtain prescription

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146 drugs for the treatment of a chronic illness from a retail  
147 pharmacy and that the exclusive use of a mail order pharmacy is  
148 not required unless the drug is an excluded drug.

149 (e) This section does not apply to grandfathered health  
150 plans as defined in s. 641.313(1)(c) or to benefits set forth in  
151 s. 627.6562(3)(b), (c), (d), and (e).

152 Section 4. This act shall take effect January 1, 2018.