

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Health Innovation
2 Subcommittee

3 Representative Raschein offered the following:

4

5 **Amendment**

6 Remove everything after the enacting clause and insert:

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

9 627.6442 Access to prescription drugs.-

10 (1) As used in this section:

11 (a) "Chronic illness" means human immunodeficiency virus
12 infection.

13 (b) "Excluded drug" means a drug subject to restricted
14 distribution by the United States Food and Drug Administration
15 or a drug that requires special handling, provider coordination,

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16 or patient education and cannot be provided by a retail
17 pharmacy.

18 (2) A health insurance policy issued, delivered, or
19 renewed in this state which provides prescription drug coverage
20 may not require an insured to obtain a prescription drug for the
21 treatment of a chronic illness exclusively from a mail order
22 pharmacy, unless the prescription 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
32 which is no more than the amount that would be paid to a mail
33 order pharmacy for the same prescription drugs for the treatment
34 of a chronic illness.

35 (4) A health insurer that issues a health insurance 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

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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 health
43 plans as defined in s. 627.402 or to benefits set forth in s.
44 627.6562(3)(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.

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
57 renewed in this state which provides prescription drug coverage
58 may not require an insured to obtain a prescription drug for the
59 treatment of a chronic illness exclusively from a mail order
60 pharmacy, unless the prescription drug is an excluded drug.

61 (3) An insured who elects not to use a mail order pharmacy
62 to obtain a prescription drug, other than an excluded drug,
63 prescribed for the treatment of a chronic illness may not be
64 required to pay a copayment or satisfy other conditions that are

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65 not imposed on an insured who uses a mail order pharmacy if the
66 retail pharmacy used by the insured:

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

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

73 (4) A health insurer that issues a policy that provides
74 coverage for prescription drugs through a mail order pharmacy
75 shall disclose in the outline of coverage that an insured may
76 obtain prescription drugs for the treatment of a chronic illness
77 from a retail pharmacy, and that the exclusive use of a mail
78 order pharmacy is not required unless the drug is an excluded
79 drug.

80 (5) This section does not apply to grandfathered health
81 plans as defined in s. 627.402 or to benefits set forth in s.
82 627.6562(3)(b), (c), (d), and (e).

83 Section 3. Subsection (45) is added to section 641.31,
84 Florida Statutes, to read:

85 641.31 Health maintenance contracts.-

86 (45)(a) As used in this subsection:

87 1. "Chronic illness" means human immunodeficiency virus
88 infection.

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89 2. "Excluded drug" means a drug subject to restricted
90 distribution by the United States Food and Drug Administration
91 or a drug that requires special handling, provider coordination,
92 or patient education and cannot be provided by a retail
93 pharmacy.

94 (b) A health maintenance contract issued, delivered, or
95 renewed in this state which provides prescription drug coverage
96 may not require a subscriber to obtain a prescription drug for
97 the treatment of a chronic illness exclusively from a mail order
98 pharmacy, unless the prescription drug is an excluded drug.

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

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

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

111 (d) A health maintenance organization that issues a health
112 maintenance contract that provides coverage for prescription
113 drugs through a mail order pharmacy shall disclose in the

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114 outline of coverage that a subscriber may obtain prescription
115 drugs for the treatment of a chronic illness from a retail
116 pharmacy, and that the exclusive use of a mail order pharmacy is
117 not required unless the drug is an excluded drug.

118 (e) This subsection does not apply to grandfathered health
119 plans as defined in s. 641.313(1)(c) or to benefits set forth in
120 s. 627.6562(3)(b), (c), (d), and (e).

121 Section 4. This act shall take effect July 1, 2018.