

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

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 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:

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
 47 | renewed in this state which provides prescription drug coverage
 48 | may not require an insured to obtain a prescription drug for the
 49 | treatment of a chronic illness exclusively from a mail order
 50 | pharmacy, unless the prescription drug is an excluded drug.

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

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

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

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

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

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

75 627.6572 Access to prescription drugs.—

76 (1) As used in this section:

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

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

84 (2) A health insurance policy issued, delivered, or
 85 renewed in this state which provides prescription drug coverage
 86 may not require an insured to obtain a prescription drug for the
 87 treatment of a chronic illness exclusively from a mail order
 88 pharmacy, unless the prescription drug is an excluded drug.

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

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

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

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

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

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

113 641.31 Health maintenance contracts.—

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

115 1. "Chronic illness" means human immunodeficiency virus
 116 infection, epilepsy, hypertension, or diabetes.

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

122 (b) A health maintenance contract issued, delivered, or
 123 renewed in this state which provides prescription drug coverage
 124 may not require a subscriber to obtain a prescription drug for
 125 the treatment of a chronic illness exclusively from a mail order

126 pharmacy, unless the prescription drug is an excluded drug.

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

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

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

139 (d) A health maintenance organization that issues a health
140 maintenance contract that provides coverage for prescription
141 drugs through a mail order pharmacy shall disclose in the
142 outline of coverage that a subscriber may obtain prescription
143 drugs for the treatment of a chronic illness from a retail
144 pharmacy, and that the exclusive use of a mail order pharmacy is
145 not required unless the drug is an excluded drug.

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

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