

By Senator Garcia

36-00104-18

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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; prohibiting certain health insurance
5 policies from requiring insureds to obtain certain
6 prescription drugs exclusively from mail order
7 pharmacies for the treatment of specified chronic
8 illnesses; providing that such insureds who elect to
9 use retail pharmacies may not be required to pay
10 copayments or satisfy other conditions under certain
11 circumstances; requiring certain health insurers to
12 include specified disclosures in their outlines of
13 coverage regarding such prescription drugs; providing
14 applicability; amending s. 641.31, F.S.; defining
15 terms; prohibiting certain health maintenance
16 contracts from requiring subscribers to obtain certain
17 prescription drugs exclusively from mail order
18 pharmacies for the treatment of specified chronic
19 illnesses; providing that such subscribers who elect
20 to use retail pharmacies may not be required to pay
21 copayments or satisfy other conditions under certain
22 circumstances; requiring certain health maintenance
23 organizations to include specified disclosures in
24 their outlines of coverage regarding such prescription
25 drugs; providing applicability; providing an effective
26 date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Section 627.6442, Florida Statutes, is created
31 to read:

32 627.6442 Access to prescription drugs.-

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

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

36 (b) "Excluded drug" means a drug subject to restricted
37 distribution by the United States Food and Drug Administration
38 or a drug that requires special handling, provider coordination,
39 or patient education and cannot be provided by a retail
40 pharmacy.

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

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

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

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

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59 (4) A health insurer that issues a major medical policy
60 providing coverage for prescription drugs through a mail order
61 pharmacy shall disclose in the outline of coverage that an
62 insured may obtain prescription drugs for the treatment of a
63 chronic illness from a retail pharmacy and that the exclusive
64 use of a mail order pharmacy is not required unless the drug is
65 an excluded drug.

66 (5) This section does not apply to grandfathered plans as
67 defined in s. 627.402 or to benefits set forth in s.
68 627.6562(3)(b), (c), (d), and (e).

69 Section 2. Section 627.6572, Florida Statutes, is created
70 to read:

71 627.6572 Access to prescription drugs.—

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

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

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

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

86 (3) An insured who elects not to use a mail order pharmacy
87 to obtain a prescription drug, other than an excluded drug,

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88 prescribed for the treatment of a chronic illness may not be
89 required to pay a copayment or satisfy other conditions that are
90 not imposed on an insured who uses a mail order pharmacy if the
91 retail pharmacy used by the insured:

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

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

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

105 (5) This section does not apply to grandfathered plans as
106 defined in s. 627.402 or to benefits set forth in s.
107 627.6562(3)(b), (c), (d), and (e).

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

110 641.31 Health maintenance contracts.—

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

112 1. "Chronic illness" means human immunodeficiency virus
113 infection, epilepsy, hypertension, or diabetes.

114 2. "Excluded drug" means a drug subject to restricted
115 distribution by the United States Food and Drug Administration
116 or a drug that requires special handling, provider coordination,

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117 or patient education and cannot be provided by a retail
118 pharmacy.

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

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

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

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

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

144 (e) This section does not apply to grandfathered health
145 plans as defined in s. 641.313(1)(c) or to benefits set forth in

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146 s. 627.6562(3)(b), (c), (d), and (e).

147 Section 4. This act shall take effect January 1, 2019.