

1 A bill to be entitled
 2 An act relating to step therapy protocols; creating s.
 3 627.42393, F.S.; providing definitions; requiring a
 4 health insurer to provide access on its website to a
 5 process for step therapy protocol exception
 6 determination requests made by insureds and health
 7 care providers; requiring that a health insurer
 8 expeditiously grant such step therapy override
 9 determination requests under certain circumstances;
 10 requiring a health insurer to authorize coverage for a
 11 prescription drug prescribed by an insured's health
 12 care provider under certain circumstances; providing
 13 construction; providing an effective date.

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 15 Be It Enacted by the Legislature of the State of Florida:

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 17 Section 1. Section 627.42393, Florida Statutes, is created
 18 to read:

19 627.42393 Step therapy protocol.—

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

21 (a) "Health insurer" has the same meaning as provided in
 22 s. 627.42392.

23 (b) "Step therapy override determination" means a
 24 determination by a health insurer that a step therapy protocol
 25 should apply in a particular situation, or that the step therapy

26 | protocol should be overridden in favor of immediate coverage of
27 | the health care provider's selected prescription drug. Such
28 | determination must be based on a review of the insured's or
29 | health care provider's request for an override, along with a
30 | rationale and documentation supporting such request.

31 | (c) "Step therapy protocol" means a protocol or program
32 | that establishes the specific sequence in which prescription
33 | drugs for a specified medical condition, and determined as
34 | medically appropriate for an insured, are covered by a health
35 | insurer.

36 | (2) If coverage of a prescription drug for the treatment
37 | of a medical condition is restricted for use by a health insurer
38 | through the use of a step therapy protocol, the health insurer
39 | shall provide the insured and the prescribing health care
40 | provider access to a clear and convenient process to request a
41 | step therapy exception determination which must be made easily
42 | accessible on the health insurer's website. The health insurer
43 | must provide a prescription drug for treatment of the medical
44 | condition at least until the step therapy exception
45 | determination is made.

46 | (3) A health insurer must expeditiously grant a step
47 | therapy override determination request if:

48 | (a) The required prescription drug is contraindicated or
49 | will likely cause an adverse reaction or physical or mental harm
50 | to the insured;

51 (b) The required prescription drug is expected to be
52 ineffective, based on the medical history of the insured and the
53 clinical evidence of the known characteristics of the
54 prescription drug regimen;

55 (c) The insured has tried the required prescription drug
56 under his or her current health insurance plan or another
57 prescription drug that is in the same pharmacologic class or has
58 the same mechanism of action, and such prescription drug lacked
59 efficacy or effectiveness or adversely affected the insured; or

60 (d) The insured is stable on a prescription drug selected
61 by his or her health care provider for the medical condition
62 under consideration.

63 (4) Upon granting a step therapy override determination,
64 the health insurer shall authorize coverage for the prescription
65 drug prescribed by the insured's treating health care provider,
66 if such prescription drug is a covered prescription drug under
67 the insured's health insurance policy.

68 (5) This section does not prevent a health insurer from
69 requiring an insured to try a generic equivalent before
70 providing coverage for the equivalent branded prescription drug.

71 Section 2. This act shall take effect July 1, 2019.