

1                   A bill to be entitled  
2           An act relating to the provision of pharmaceutical  
3           services; creating s. 627.6442, F.S., relating to  
4           health insurers, and amending s. 641.31, F.S.,  
5           relating to health maintenance organizations;  
6           providing that an insured or subscriber living with a  
7           chronic illness may not be required to obtain  
8           pharmaceutical services exclusively from a mail order  
9           pharmacy; defining the term "chronic illness";  
10          prohibiting the imposition of copayments or conditions  
11          on the receipt of prescription services by an insured  
12          or subscriber living with a chronic illness which are  
13          not imposed on an insured or subscriber who uses a  
14          mail order pharmacy under certain conditions;  
15          requiring health insurers and health maintenance  
16          organizations to provide the insured and subscribers  
17          living with a chronic illness an explanation and  
18          comparison of payment methods and charges for  
19          pharmaceutical services from mail order pharmacies and  
20          other providers of pharmaceutical services; requiring  
21          health insurers and health maintenance organizations  
22          to contract for certain disclosures by mail order  
23          pharmacies; requiring health insurers and health  
24          maintenance organizations to pay a pharmacy that is  
25          not a mail order pharmacy the same amount paid to a  
26          mail order pharmacy for the same services if the

27 pharmacy agrees to the same terms and conditions that  
 28 apply to a mail order pharmacy; providing an effective  
 29 date.

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

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

35 627.6442 Provision of pharmaceutical services.—A health  
 36 insurance policy, plan, or other contract for health care  
 37 services issued, delivered, or renewed by a health insurer in  
 38 this state must not require an insured living with a chronic  
 39 illness to obtain pharmaceutical services, including  
 40 prescription drugs, exclusively from a mail order pharmacy. As  
 41 used in this section, the term "chronic illness" means human  
 42 immunodeficiency virus (HIV) infection, epilepsy, hypertension,  
 43 or diabetes.

44 (1) An insured living with a chronic illness who elects  
 45 not to use a mail order pharmacy may not be required to pay a  
 46 copayment or have conditions imposed for the receipt of  
 47 pharmaceutical services which are not imposed on an insured who  
 48 uses a mail order pharmacy if the pharmacy used by the insured  
 49 living with a chronic illness:

50 (a) Agrees to the same terms and conditions applicable to  
 51 the mail order pharmacy; and

52 (b) Accepts payment or reimbursement from the health

53 insurer at no more than the amount that would be paid to the  
54 mail order pharmacy for the same services.

55 (2) A health insurer that issues a policy, plan, or other  
56 contract that provides coverage for pharmaceutical services from  
57 a mail order pharmacy shall provide each insured living with a  
58 chronic illness an explanation of the payment or reimbursement  
59 method and charges applicable to the mail order pharmacy and a  
60 comparison of such method and charges to those of other  
61 providers of pharmaceutical services. For health insurers that  
62 provide a benefit booklet to an insured living with a chronic  
63 illness, the inclusion of such an explanation in the benefit  
64 booklet constitutes compliance with this subsection.

65 (3) A health insurer that contracts with a mail order  
66 pharmacy to provide pharmaceutical services under a group or  
67 blanket accident and sickness policy, plan, or other contract  
68 shall include a contract provision requiring the mail order  
69 pharmacy to disclose in its initial written correspondence with  
70 an insured living with a chronic illness that such insured may  
71 obtain pharmaceutical services from other providers of  
72 pharmaceutical services and that the exclusive use of a mail  
73 order pharmacy is not required.

74 (4) Upon written request to the health insurer, a pharmacy  
75 that desires to provide services to insureds living with a  
76 chronic illness in the pharmacy's service area shall be provided  
77 information pertaining to the terms and conditions applicable to  
78 mail order pharmacies available in that service area. If the

79 pharmacy agrees to the same terms and conditions in writing and  
 80 agrees to be paid at no more than the amount that would be paid  
 81 to a mail order pharmacy for the same services, the insurer  
 82 shall pay the pharmacy the same amount paid to the mail order  
 83 pharmacy for the same pharmaceutical services.

84 Section 2. Subsection (44) is added to section 641.31,  
 85 Florida Statutes, to read:

86 641.31 Health maintenance contracts.—

87 (44) A health maintenance contract that provides  
 88 pharmaceutical services in this state must not require  
 89 subscribers living with a chronic illness to obtain  
 90 pharmaceutical services, including prescription drugs,  
 91 exclusively from a mail order pharmacy. As used in this  
 92 subsection, the term "chronic illness" means human  
 93 immunodeficiency virus (HIV) infection, epilepsy, hypertension,  
 94 or diabetes.

95 (a) A subscriber living with a chronic illness who elects  
 96 not to use a mail order pharmacy may not be required to pay a  
 97 copayment or have conditions imposed for the receipt of  
 98 pharmaceutical services which are not imposed on a subscriber  
 99 who uses a mail order pharmacy if the pharmacy used by a  
 100 subscriber living with a chronic illness:

101 1. Agrees to the same terms and conditions applicable to  
 102 the mail order pharmacy; and

103 2. Accepts payment or reimbursement from the health  
 104 maintenance organization at no more than the amount that would

105 be paid to the mail order pharmacy for the same services.

106 (b) A health maintenance organization that issues a  
107 contract that provides coverage for pharmaceutical services from  
108 a mail order pharmacy shall provide each subscriber living with  
109 a chronic illness an explanation of the payment or reimbursement  
110 method and charges applicable to the mail order pharmacy and a  
111 comparison of such method and charges to those of other  
112 providers of pharmaceutical services. For health maintenance  
113 organizations which provide a benefit booklet to a subscriber  
114 living with a chronic illness, the inclusion of such an  
115 explanation in the benefit booklet constitutes compliance with  
116 this subsection.

117 (c) A health maintenance organization that contracts with  
118 a mail order pharmacy to provide pharmaceutical services under a  
119 health maintenance contract shall include a contract provision  
120 requiring the mail order pharmacy to disclose in its initial  
121 written correspondence with a subscriber living with a chronic  
122 illness that such subscriber may obtain pharmaceutical services  
123 from other providers of pharmaceutical services and that the  
124 exclusive use of a mail order pharmacy is not required.

125 (d) Upon written request to the health maintenance  
126 organization, a pharmacy that desires to provide services to  
127 subscribers living with a chronic illness in the pharmacy's  
128 service area shall be provided information pertaining to the  
129 terms and conditions applicable to mail order pharmacies  
130 available in that service area. If the pharmacy agrees to the

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131 same terms and conditions in writing and agrees to be paid at no  
132 more than the amount that would be paid to a mail order pharmacy  
133 for the same services, the organization shall pay the pharmacy  
134 the same amount paid to the mail order pharmacy for the same  
135 pharmaceutical services.

136 Section 3. This act shall take effect July 1, 2016.