



105958

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/16/2015	.	
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The Committee on Regulated Industries (Latvala) recommended the following:

1 **Senate Amendment to Amendment (435334) (with title**
2 **amendment)**

3
4 Between lines 13 and 14
5 insert:

6 Section 2. Section 465.1862, Florida Statutes, is created
7 to read:

8 465.1862 Pharmacy benefit managers.—

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

10 (a) "Health insurance plan" has the same meaning as the



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11 term "health insurance" as defined in s. 627.6482.

12 (b) "Maximum allowable cost" means the upper limit or
13 maximum amount that a health insurance plan will pay for generic
14 prescription drugs or brand name prescription drugs that have
15 available generic versions that are included on a list of
16 products generated by the pharmacy benefit manager.

17 (c) "Pharmacy benefit manager" means a person or entity
18 doing business in this state which contracts to administer or
19 manage prescription drug benefits on behalf of a health
20 insurance plan that provides prescription drug benefits to
21 residents of this state.

22 (2) In each contract between a pharmacy benefit manager and
23 a pharmacy, the pharmacy shall have the right to obtain from the
24 pharmacy benefit manager a current list of the sources used to
25 determine the maximum allowable cost pricing. The pharmacy
26 benefit manager must:

27 (a) Update the maximum allowable cost pricing information
28 at least every 7 business days and provide a means by which a
29 contracted pharmacy may promptly review current pricing
30 information in an electronic, print, or telephonic format that
31 is readily available to a contracted pharmacy within 1 business
32 day after the pricing information is updated at no cost to the
33 contracted pharmacy.

34 (b) Maintain a procedure to eliminate products from the
35 list of products subject to maximum allowable cost pricing in a
36 timely manner in order to remain consistent with changes in the
37 marketplace.

38 (3) To place a prescription drug on a list of products, a
39 pharmacy benefit manager must ensure that the prescription drug



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40 is generally available for purchase by pharmacies in this state
41 from a national or regional wholesaler and is not obsolete.

42 (4) (a) Each contract between a pharmacy benefit manager and
43 a pharmacy must include a process for appeal, investigation, and
44 resolution of disputes regarding maximum allowable cost pricing.

45 The process must:

46 1. Limit the right to appeal to 30 calendar days after the
47 initial claim.

48 2. Require investigation and resolution by the pharmacy
49 benefit manager of a dispute within 7 business days after an
50 appeal is received by the pharmacy benefit manager.

51 3. Include a telephone number at which a contracted
52 pharmacy may contact the pharmacy benefit manager regarding an
53 appeal.

54 4. Require that the pharmacy benefit manager provide a
55 reason for a denial of an appeal and identify the National Drug
56 Code of a prescription drug that may be purchased by the
57 contracted pharmacy at a price at or below the maximum allowable
58 cost as determined by the pharmacy benefit manager.

59 (b) If an appeal is upheld, the pharmacy benefit manager
60 shall make an adjustment to the maximum allowable cost pricing
61 within 1 business day after the date the appeal is upheld. The
62 pharmacy benefit manager shall make the price adjustment
63 applicable to all similarly situated contracted pharmacies.

64
65 ===== T I T L E A M E N D M E N T =====

66 And the title is amended as follows:

67 Delete line 27 and insert:

68 providing applicability; creating s. 465.1862, F.S.;



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69 defining terms; requiring that a contract between a
70 pharmacy benefit manager and a pharmacy allow the
71 pharmacy to obtain from the manager a list of sources
72 used to determine maximum allowable cost pricing;
73 requiring a pharmacy benefit manager to periodically
74 update the maximum allowable cost pricing information
75 and to provide a means for pharmacies to review such
76 information within a specified time; requiring a
77 pharmacy benefit manager to maintain a procedure to
78 eliminate certain products from the list of products
79 subject to maximum allowable cost pricing; specifying
80 requirements for a pharmacy benefit manager to place a
81 prescription drug on a list of products; requiring
82 contracts between a pharmacy benefit manager and a
83 pharmacy to include a specified process for appeal;
84 requiring a pharmacy benefit manager to make
85 adjustments to the maximum allowable cost price within
86 a specified period if an appeal is upheld; providing
87 an effective date.