

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 providing definitions; providing that an insured may
5 not be 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.; providing definitions; 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:

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 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 major medical coverage and
 48 | prescription drug coverage may not require an insured to obtain
 49 | a prescription drug for the treatment of a chronic illness
 50 | exclusively from a mail order pharmacy, unless the prescription

51 drug is an excluded drug.

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

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

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

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

71 (5) This section does not apply to grandfathered plans as
72 defined in s. 627.402 or to benefits set forth in s.
73 627.6562(3)(b), (c), (d), and (e).

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

627.6572 Access to prescription drugs.—

(1) As used in this section:

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

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

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

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

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

(b) Accepts payment or reimbursement from the insurer which is no more than the amount that would be paid to a mail

101 order pharmacy for the same prescription drugs for the treatment
 102 of a chronic illness.

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

110 (5) This section does not apply to grandfathered plans as
 111 defined in s. 627.402 or to benefits set forth in s.
 112 627.6562(3)(b), (c), (d), and (e).

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

115 641.31 Health maintenance contracts.—

116 (44) (a) As used in this subsection:

117 1. "Chronic illness" means human immunodeficiency virus
 118 infection, epilepsy, hypertension, or diabetes.

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

124 (b) A health maintenance contract issued, delivered, or
 125 renewed in this state which provides major medical coverage and

126 prescription drug coverage may not require a subscriber to
127 obtain a prescription drug for the treatment of a chronic
128 illness exclusively from a mail order pharmacy, unless the
129 prescription drug is an excluded drug.

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

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

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

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

149 (e) This subsection does not apply to grandfathered health
150 plans as defined in s. 641.313(1)(c) or to benefits set forth in

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

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

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