



870336

LEGISLATIVE ACTION

Senate

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House

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Appropriations Subcommittee on Health and Human Services  
(Harrell) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 583 - 609

and insert:

(3) This section does not require a health insurer to add a drug to its prescription drug formulary or to cover a prescription drug that the insurer does not otherwise cover.

Section 11. Effective January 1, 2020, subsection (45) is added to section 641.31, Florida Statutes, to read:

641.31 Health maintenance contracts.—



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11           (45) (a) A health maintenance organization issuing major  
12 medical coverage through an individual or group contract may not  
13 require a step-therapy protocol under the contract for a covered  
14 prescription drug requested by a subscriber if:

15           1. The subscriber has previously been approved to receive  
16 the prescription drug through the completion of a step-therapy  
17 protocol required by a separate health coverage plan; and

18           2. The subscriber provides documentation originating from  
19 the health coverage plan that approved the prescription drug as  
20 described in subparagraph 1. indicating that the health coverage  
21 plan paid for the drug on the subscriber's behalf during the 180  
22 days immediately prior to the request.

23           (b) As used in this subsection, the term "health coverage  
24 plan" means any of the following which previously provided or is  
25 currently providing major medical or similar comprehensive  
26 coverage or benefits to the subscriber:

27           1. A health insurer or health maintenance organization;

28           2. A plan established or maintained by an individual  
29 employer as provided by the Employee Retirement Income Security  
30 Act of 1974, Pub. L. No. 93-406;

31           3. A multiple-employer welfare arrangement as defined in s.  
32 624.437; or

33           4. A governmental entity providing a plan of self-  
34 insurance.

35           (c) This subsection does not require a health maintenance  
36 organization to add a drug to its prescription drug formulary or  
37 to cover a prescription drug that the health maintenance  
38 organization does not otherwise cover.

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40 ===== T I T L E A M E N D M E N T =====

41 And the title is amended as follows:

42 Delete lines 80 - 84

43 and insert:

44 term "health coverage plan"; clarifying that a health  
45 insurer is not required to take specific actions  
46 regarding prescription drugs; amending s. 641.31,  
47 F.S.; prohibiting certain health maintenance  
48 organizations from employing step-therapy protocols  
49 under certain circumstances; defining the term "health  
50 coverage plan"; clarifying that a health maintenance  
51 organization is not required to take specific actions  
52 regarding prescription drugs; amending s. 409.973,  
53 F.S.; prohibiting Medicaid