

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 with a
 7 diagnosis of human immunodeficiency virus must be
 8 allowed to access pharmaceuticals at a network retail
 9 pharmacy or a pharmacy credentialed by the insurer for
 10 this purpose; proving for a credentialing application
 11 fee; providing for cost-sharing by the insured or the
 12 subscriber; providing for reimbursement to the health
 13 insurer or health maintenance organization; providing
 14 an effective date.

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

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 18 Section 1. Section 627.6442, Florida Statutes, is created
 19 to read:

20 627.6442 Provision of pharmaceutical services
 21 (1) A health insurance policy, health care services plan,
 22 or other contract issued, delivered, or renewed by a health
 23 insurer in this state that provides coverage for prescription
 24 drugs must allow insureds with a diagnosis of human
 25 immunodeficiency virus to access pharmaceutical services at
 26 network retail pharmacies or at credentialed out-of-network

27 retail pharmacies. Out-of-network retail pharmacies shall be
28 credentialed by the health insurer pursuant to subsection (2)
29 for the limited purpose of providing pharmaceutical services
30 under this section.

31 (2) The health insurer shall credential an out-of-network
32 retail pharmacy that applies to provide pharmaceutical services
33 to insureds with a diagnosis of human immunodeficiency virus
34 according to the same procedures and criteria used by the health
35 insurer to select retail pharmacies for inclusion in the health
36 insurer's network of providers. The health insurer may charge
37 the out-of-network retail pharmacy a reasonable fee to cover the
38 cost of credentialing not to exceed \$1,500.

39 (3) A health insurer may charge an insured a cost-sharing
40 amount for obtaining a covered drug at a retail pharmacy that is
41 different from the cost-sharing amount for obtaining a covered
42 drug at a mail order pharmacy, but may not charge an amount for
43 obtaining a covered drug at an out-of-network retail pharmacy
44 that has been credentialed by the health insurer pursuant to
45 subsection (2) which is higher than the amount charged for
46 obtaining a covered drug at a network retail pharmacy. All cost
47 sharing will count towards the plan's annual limitation on
48 network cost sharing as provided in 45 CFR s. 156.130. Any
49 retail pharmacy that provides pharmaceutical services pursuant
50 to this section shall be treated as a network provider for
51 purposes of calculating and applying cost-sharing paid by, or on
52 behalf of, an insured to the plan's annual limits. The cost-

53 sharing limitations shall apply to plans issued, delivered, or
 54 renewed in the small group, individual, and large group markets.

55 (4) The reimbursement rate for network retail pharmacies
 56 shall be as provided in the contract between the network retail
 57 pharmacy and the health insurer. The reimbursement rate for out-
 58 of-network retail pharmacies that have been credentialed by the
 59 insurer pursuant to subsection (2) shall be at the same rate as
 60 mail order pharmacies under contract with the health insurer.

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

63 641.31 Health maintenance contracts. -

64 (44)

65 (a) A health maintenance contract that provides coverage
 66 for prescription drugs must allow subscribers with a diagnosis
 67 of human immunodeficiency virus to access pharmaceutical
 68 services at network retail pharmacies or at credentialed out-of-
 69 network retail pharmacies. Out-of-network pharmacies shall be
 70 credentialed by the health maintenance organization pursuant to
 71 paragraph (b) for the limited purpose of providing
 72 pharmaceutical services under this subsection.

73 (b) The health maintenance organization shall credential
 74 an out-of-network retail pharmacy that applies to provide
 75 pharmaceutical services to subscribers with a diagnosis of human
 76 immunodeficiency virus according to the same procedures and
 77 criteria used by the health maintenance organization to select
 78 retail pharmacies for inclusion in the health maintenance

79 organization's network of providers. The health maintenance
80 organization may charge the out-of-network retail pharmacy a
81 reasonable fee to cover the cost of credentialing not to exceed
82 \$1,500.

83 (c) A health maintenance organization may charge a
84 subscriber a cost-sharing amount for obtaining a covered drug at
85 a retail pharmacy that is different from the cost-sharing amount
86 for obtaining a covered drug at a mail order pharmacy, but may
87 not charge an amount for obtaining a covered drug at an out-of-
88 network retail pharmacy that has been credentialed by the health
89 maintenance organization pursuant to paragraph (b) which is
90 higher than the amount charged for obtaining a covered drug at a
91 network retail pharmacy. All cost sharing will count towards the
92 plan's annual limitation on network cost sharing as provided in
93 45 CFR s. 156.130. Any retail pharmacy that provides
94 pharmaceutical services pursuant to this subsection shall be
95 treated as a network provider for purposes of calculating and
96 applying cost-sharing paid by, or on behalf of, a subscriber to
97 the plan's annual limits. The cost-sharing limitations shall
98 apply to plans issued, delivered, or renewed in the small group,
99 individual, and large group markets.

100 (d) The reimbursement rate for network retail pharmacies
101 shall be as provided in the contract between the network retail
102 pharmacy and the health maintenance organization. The
103 reimbursement rate for out-of-network retail pharmacies that
104 have been credentialed by the health maintenance organization

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ORIGINAL

2016

105 | pursuant to paragraph (b) shall be at the same rate as mail
106 | order pharmacies under contract with the health maintenance
107 | organization

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