

Committee Substitute for Senate Bill No. 320

An act relating to the Florida Medicaid program; amending s. 409.9066, F.S.; requiring the Agency for Health Care Administration to publish on a website the average wholesale prices of drugs provided through the program; requiring the agency to publish additional information to assist consumers; requiring a report on methods of pricing pharmaceutical products purchased by the program; providing an effective date.

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

Section 1. Section 409.9066, Florida Statutes, is amended to read:

409.9066 Medicare prescription discount program.—

(1) As a condition of participation in the Florida Medicaid program or the pharmaceutical expense assistance program, a pharmacy must agree to charge any individual who is a Medicare beneficiary and who is a Florida resident showing a Medicare card when he or she presents a prescription, a price no greater than the cost of ingredients equal to the average wholesale price minus 9 percent, and a dispensing fee of \$4.50.

(2) In lieu of the provisions of subsection (1), and as a condition of participation in the Florida Medicaid program or the pharmaceutical expense assistance program, a pharmacy must agree to:

(a) Provide a private voluntary prescription discount program to state residents who are Medicare beneficiaries; or

(b) Accept a private voluntary discount prescription program from state residents who are Medicare beneficiaries.

Discounts under this subsection must be at least as great as discounts under subsection (1).

(3) The Agency for Health Care Administration shall publish, on a free website available to the public, the most recent average wholesale prices for the 200 drugs most frequently dispensed to the elderly and, to the extent possible, shall provide a mechanism that consumers may use to calculate the retail price that should be paid after the discount required in subsection (1) is applied.

Section 2. By January 1, 2004, the Agency for Health Care Administration shall submit to the Legislature a report regarding the cost-effectiveness of, and alternatives to, using average wholesale price in the pricing of pharmaceutical products purchased by the Medicaid program.

Section 3. This act shall take effect July 1, 2003.

Approved by the Governor June 2, 2003.

Filed in Office Secretary of State June 2, 2003.