

1 A bill to be entitled

2 An act relating to cancer treatment; providing a short
3 title; creating ss. 627.42391 and 641.313, F.S.;
4 providing definitions; requiring that an individual or
5 group insurance policy or contract or a health
6 maintenance contract that provides coverage for cancer
7 treatment medications provide coverage for orally
8 administered cancer treatment medications; requiring
9 that an individual or group insurance policy or
10 contract or a health maintenance contract provide
11 coverage for orally administered cancer treatment
12 medications on a basis no less favorable than that
13 required by the policy or contract for intravenously
14 administered or injected cancer treatment medications;
15 excluding grandfathered health plans from coverage and
16 cost-sharing requirements; prohibiting insurers,
17 health maintenance organizations, and certain other
18 entities from engaging in specified actions to avoid
19 compliance with this act; providing limits on certain
20 cost-sharing requirements; providing a directive to
21 the Division of Law Revision and Information;
22 providing applicability; providing an effective date.

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

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26 Section 1. This act may be cited as the "Cancer Treatment
27 Fairness Act."

28 Section 2. Section 627.42391, Florida Statutes, is created

29 | to read:

30 | 627.42391 Insurance policies; cancer treatment parity;
 31 | orally administered cancer treatment medications.-

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

33 | (a) "Cancer treatment medication" means medication
 34 | prescribed by a treating physician who determines that the
 35 | medication is medically necessary to kill or slow the growth of
 36 | cancerous cells in a manner consistent with nationally accepted
 37 | standards of practice.

38 | (b) "Cost sharing" includes copayments, coinsurance,
 39 | dollar limits, and deductibles imposed on the covered person.

40 | (c) "Grandfathered health plan" has the same meaning as
 41 | provided in 42 U.S.C. s. 18011 and is subject to the conditions
 42 | for maintaining status as a grandfathered health plan as
 43 | specified in 45 C.F.R. s. 147.140.

44 | (2) An individual or group insurance policy delivered,
 45 | issued for delivery, renewed, amended, or continued in this
 46 | state that provides medical, major medical, or similar
 47 | comprehensive coverage and includes coverage for cancer
 48 | treatment medications must also cover prescribed, orally
 49 | administered cancer treatment medications and may not apply
 50 | cost-sharing requirements for orally administered cancer
 51 | treatment medications that are less favorable to the covered
 52 | person than cost-sharing requirements for intravenous or
 53 | injected cancer treatment medications covered under the policy
 54 | or contract.

55 | (3) An insurer providing a policy or contract described in
 56 | subsection (2) and any participating entity through which the

57 | insurer offers health services may not:

58 | (a) Vary the terms of the policy in effect on the
59 | effective date of this act to avoid compliance with this
60 | section.

61 | (b) Provide any incentive, including, but not limited to,
62 | a monetary incentive, or impose treatment limitations to
63 | encourage a covered person to accept less than the minimum
64 | protections available under this section.

65 | (c) Penalize a health care practitioner or reduce or limit
66 | the compensation of a health care practitioner for recommending
67 | or providing services or care to a covered person as required
68 | under this section.

69 | (d) Provide any incentive, including, but not limited to,
70 | a monetary incentive, to induce a health care practitioner to
71 | provide care or services that do not comply with this section.

72 | (e) Change the classification of any intravenous or
73 | injected cancer treatment medication or increase the amount of
74 | cost sharing applicable to any intravenous or injected cancer
75 | treatment medication in effect on the effective date of this
76 | section in order to achieve compliance with this section.

77 | (4) This section does not apply to grandfathered health
78 | plans.

79 |
80 | Notwithstanding this section, if the cost-sharing requirements
81 | for intravenous or injected cancer treatment medications under
82 | the policy or contract are less than \$50 per month, then the
83 | cost-sharing requirements for orally administered cancer
84 | treatment medications may be up to \$50 per month.

85 Section 3. Section 641.313, Florida Statutes, is created
86 to read:

87 641.313 Health maintenance contracts; cancer treatment
88 parity; orally administered cancer treatment medications.-

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

90 (a) "Cancer treatment medication" means medication
91 prescribed by a treating physician who determines that the
92 medication is medically necessary to kill or slow the growth of
93 cancerous cells in a manner consistent with nationally accepted
94 standards of practice.

95 (b) "Cost sharing" includes copayments, coinsurance,
96 dollar limits, and deductibles imposed on the covered person.

97 (c) "Grandfathered health plan" has the same meaning as
98 provided in 42 U.S.C. s. 18011 and is subject to the conditions
99 for maintaining status as a grandfathered health plan as
100 specified in 45 C.F.R. s. 147.140.

101 (2) A health maintenance contract delivered, issued for
102 delivery, renewed, amended, or continued in this state that
103 provides medical, major medical, or similar comprehensive
104 coverage and includes coverage for cancer treatment medications
105 must also cover prescribed, orally administered cancer treatment
106 medications and may not apply cost-sharing requirements for
107 orally administered cancer treatment medications that are less
108 favorable to the covered person than cost-sharing requirements
109 for intravenous or injected cancer treatment medications covered
110 under the contract.

111 (3) A health maintenance organization providing a contract
112 described in subsection (2) and any participating entity through

113 which the health maintenance organization offers health services
114 may not:

115 (a) Vary the terms of the policy in effect on the
116 effective date of this act to avoid compliance with this
117 section.

118 (b) Provide any incentive, including, but not limited to,
119 a monetary incentive, or impose treatment limitations to
120 encourage a covered person to accept less than the minimum
121 protections available under this section.

122 (c) Penalize a health care practitioner or reduce or limit
123 the compensation of a health care practitioner for recommending
124 or providing services or care to a covered person as required
125 under this section.

126 (d) Provide any incentive, including, but not limited to,
127 a monetary incentive, to induce a health care practitioner to
128 provide care or services that do not comply with this section.

129 (e) Change the classification of any intravenous or
130 injected cancer treatment medication or increase the amount of
131 cost sharing applicable to any intravenous or injected cancer
132 treatment medication in effect on the effective date of this
133 section in order to achieve compliance with this section.

134 (4) This section does not apply to grandfathered health
135 plans.

136
137 Notwithstanding this section, if the cost-sharing requirements
138 for intravenous or injected cancer treatment medications under
139 the contract are less than \$50 per month, then the cost-sharing
140 requirements for orally administered cancer treatment

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141 | medications may be up to \$50 per month.

142 | Section 4. The Division of Law Revision and Information is
143 | directed to replace the phrase "the effective date of this act"
144 | and "the effective date of this section" wherever it occurs in
145 | this act with the date this act takes effect.

146 | Section 5. This act shall take effect January 1, 2015, and
147 | applies to policies and contracts issued or renewed on or after
148 | that date.