

By Senator Rossin

35-1029-98

1 A bill to be entitled
2 An act relating to insurance, creating the
3 "Equity in Prescription Insurance and
4 Contraceptive Coverage Act"; providing
5 definitions; requiring health insurance plans
6 that provide benefits for prescription drugs
7 and devices and benefits for outpatient
8 services to provide coverage for persons
9 needing contraceptive drugs or devices or
10 outpatient contraceptive services; prohibiting
11 extraordinary surcharges; prohibiting health
12 insurance plans from other specified
13 discriminatory practices; providing for
14 enforcement by the Department of Insurance;
15 authorizing the department to adopt rules;
16 providing an effective date.

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18 WHEREAS, the United States Department of Health and
19 Human Services and the Institute of Medicine Committee on
20 Unintended Pregnancy urge that the rate of unintended
21 pregnancy in the United States be reduced by 50 percent by the
22 year 2000, and

23 WHEREAS, fifty-seven percent of all pregnancies in this
24 country are unintended, which results in approximately 3
25 million unintended pregnancies each year in the United States,
26 and

27 WHEREAS, there are approximately 1.5 million abortions
28 annually in the United States, and

29 WHEREAS, many women in this state are at risk of
30 unintended pregnancy, and unintended pregnancies carry
31 appreciable risks, including higher rates of infant mortality,

1 low-birth weight, and maternal morbidity and can threaten the
2 economic stability of families, and

3 WHEREAS, contraceptives are a cost-effective way of
4 preventing unintended pregnancies, because every \$1 of public
5 funds spent on contraception saves \$3 that otherwise would be
6 spent on pregnancy-related and newborn medical care alone, and

7 WHEREAS, two-thirds of women of childbearing age rely
8 on some form of private-employment-related insurance to defray
9 their medical expenses, and

10 WHEREAS, women of reproductive age spend 68 percent
11 more than men on out-of-pocket health care costs, with
12 contraceptives and reproductive health care services
13 accounting for much of the difference, and

14 WHEREAS, forty-nine percent of all typical large group
15 insurance plans do not routinely cover any contraceptive
16 method, and

17 WHEREAS, ninety-seven percent of large group insurance
18 plans routinely cover prescription drugs, yet only 33 percent
19 routinely cover oral contraceptives, the most commonly used
20 reversible prescription contraceptive in the United States,
21 and

22 WHEREAS, ninety-two percent of large group insurance
23 plans routinely cover medical devices, yet only 15 percent
24 cover diaphragms, and

25 WHEREAS, the Institute of Medicine Committee on
26 Unintended Pregnancy recommends that more health insurance
27 policies provide coverage for contraceptive services and
28 supplies in order to reduce the rate of unintended
29 pregnancies, NOW, THEREFORE,

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

1 Section 1. Short title.--This act may be cited as the
2 "Equity in Prescription Insurance and Contraceptive Coverage
3 Act."

4 Section 2. Definitions.--As used in this act the term:

5 (1) "Covered person" means the policyholder,
6 subscriber, certificateholder, enrollee, or other individual
7 who is participating in or receiving coverage under the health
8 insurance plan.

9 (2) "Health insurance plan" means any individual or
10 group plan, policy, certificate, subscriber contract, contract
11 of insurance provided by a managed-care plan,
12 preferred-provider agreement, or health maintenance
13 organization subscriber contract that is delivered, issued,
14 renewed, modified, amended, or extended by a health insurer in
15 this state and that pays for or purchases health care services
16 for covered persons.

17 (3) "Health insurer" means a disability insurer,
18 health care insurer, health maintenance organization, accident
19 and sickness insurer, fraternal benefit society, nonprofit
20 hospital service corporation, health service corporation,
21 health care service plan, preferred provider organization or
22 arrangement, or multiple employer welfare arrangement.

23 (4) "Outpatient contraceptive services" includes
24 consultations, examinations, procedures, and medical services
25 provided on an outpatient basis and related to the use of
26 contraceptive methods to prevent pregnancy.

27 Section 3. Parity for contraceptives.--

28 (1) Health insurance plans that provide benefits for
29 prescription drugs or devices may not exclude or restrict
30 benefits to covered persons for prescription contraceptive
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1 drugs or devices approved by the Federal Food and Drug
2 Administration.

3 (2) Health insurance plans that provide benefits for
4 outpatient services provided by a health care professional may
5 not exclude or restrict outpatient contraceptive services for
6 covered persons.

7 Section 4. Extraordinary surcharges prohibited.--A
8 health insurance plan may not:

9 (1) Impose a deductible, coinsurance, or other
10 cost-sharing or a waiting period in relation to benefits for
11 prescription contraceptive drugs or devices under a health
12 insurance plan unless such a deductible, coinsurance, or
13 other cost-sharing or waiting period is no greater than that
14 for other prescription drugs or devices covered under the
15 health insurance plan.

16 (2) Impose a deductible, coinsurance, or other
17 cost-sharing or a waiting period in relation to benefits for
18 outpatient contraceptive services under a health insurance
19 plan unless such a deductible, coinsurance, or other
20 cost-sharing or waiting period is no greater than that for
21 other outpatient services covered under the health insurance
22 plan.

23 Section 5. Other prohibitions.--A health insurance
24 plan may not:

25 (1) Deny to any individual or covered person
26 eligibility or continued eligibility to enroll in or to renew
27 coverage under the terms of the plan because of the
28 individual's or covered person's use or potential use of items
29 or services that are covered under this act.

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1 (2) Provide monetary payments or rebates to a covered
2 person to encourage such covered person to accept less than
3 the minimum protections available under this act.

4 (3) Penalize or otherwise reduce or limit the
5 reimbursement of a health care professional because the
6 professional prescribed contraceptive drugs or devices or
7 provided contraceptive services under this act.

8 (4) Provide incentives to a health care professional
9 to induce the professional to withhold from a covered person
10 contraceptives drugs, devices, or contraceptive services.

11 Section 6. Enforcement.--The Department of Insurance
12 shall accept and review written complaints regarding
13 compliance with this act. If the department determines that a
14 health insurance plan is not in compliance with this act, the
15 department must:

16 (1) Recommend a correction plan that must be followed
17 by the health insurer.

18 (2) Institute corrective action that must be followed
19 by the health insurer.

20 (3) Suspend or revoke the health insurer's certificate
21 of authority or deny the health insurer's application for a
22 certificate of authority.

23 (4) Use any of the department's enforcement powers to
24 obtain the health insurer's compliance with this act.

25 Section 7. Rules.--The Department of Insurance may
26 adopt rules to enforce this act.

27 Section 8. Applicability.--This act does not apply to
28 a health insurance plan in force on July 1, 1998, but does
29 apply to any health insurance plan that is delivered, issued,
30 renewed, modified, amended, or extended on or after that date.

31 Section 9. This act shall take effect July 1, 1998.

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SENATE SUMMARY

Creates the "Equity in Prescription Insurance and
Contraceptive Coverage Act." Provides definitions.
Requires health insurance plans that provide benefits for
prescription drugs and devices and benefits for
outpatient services to provide coverage for persons
needing contraceptive drugs or devices or outpatient
contraceptive services. Prohibits extraordinary
surcharges. Prohibits health insurance plans from other
specified discriminatory practices. Provides for
enforcement by the Department of Insurance. Authorizes
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