

By the Committee on Health Care Services and Representatives Ritter, Casey, Tamargo, Peaden, Culp, Livingston, Frankel, Hafner, Heyman, Bloom, Fasano, Fuller, Littlefield, Lippman, Kelly, Ritchie, Fischer, Mackenzie, Effman, Sanderson, Starks, Maygarden, Jones, Wise and Crow

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A bill to be entitled
An act relating to health insurance; creating
ss. 627.64193 and 627.66911, F.S., and amending
s. 641.31, F.S.; providing requirements for
coverage for cleft lip and cleft palate;
amending ss. 627.6515 and 627.6699, F.S.;
providing for application of such requirements;
providing a finding of public necessity;
providing an effective date.

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

Section 1. Section 627.64193, Florida Statutes, is created to read:

627.64193 Coverage for cleft lip and cleft palate.--A health insurance policy that provides coverage for a child under the age of 18 must provide coverage for cleft lip and cleft palate for such child. The coverage must include medical, dental, speech, mental health, and genetic counseling services performed by a licensed physician, dentist, speech pathologist, audiologist, dietician, or psychologist for services within the scope of such practitioner's license only if such services are prescribed by the treating physician or surgeon and such physician or surgeon certifies that such services are medically necessary and consequent to treatment of the cleft lip or cleft palate.

Section 2. Paragraph (c) of subsection (2) of section 627.6515, Florida Statutes, is amended to read:

627.6515 Out-of-state groups.--

1 (2) This part does not apply to a group health
2 insurance policy issued or delivered outside this state under
3 which a resident of this state is provided coverage if:

4 (c) The policy provides the benefits specified in ss.
5 627.419, 627.6574, 627.6575, 627.6579, 627.6612, 627.66121,
6 627.66122, 627.6613, 627.667, 627.6675, ~~and 627.6691~~, and
7 627.66911.

8 Section 3. Section 627.66911, Florida Statutes, is
9 created to read:

10 627.66911 Coverage for cleft lip and cleft palate.--A
11 health insurance policy that provides coverage for a child
12 under the age of 18 must provide coverage for cleft lip and
13 cleft palate for such child. The coverage must include
14 medical, dental, speech, mental health, and genetic counseling
15 services performed by a licensed physician, dentist, speech
16 pathologist, audiologist, dietician, or psychologist for
17 services within the scope of such practitioner's license only
18 if such services are prescribed by the treating physician or
19 surgeon and such physician or surgeon certifies that such
20 services are medically necessary and consequent to treatment
21 of the cleft lip or cleft palate.

22 Section 4. Paragraph (b) of subsection (12) of section
23 627.6699, Florida Statutes, is amended to read:

24 627.6699 Employee Health Care Access Act.--

25 (12) STANDARD, BASIC, AND LIMITED HEALTH BENEFIT
26 PLANS.--

27 (b)1. Each small employer carrier issuing new health
28 benefit plans shall offer to any small employer, upon request,
29 a standard health benefit plan and a basic health benefit plan
30 that meets the criteria set forth in this section.
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1 2. For purposes of this subsection, the terms
2 "standard health benefit plan" and "basic health benefit plan"
3 mean policies or contracts that a small employer carrier
4 offers to eligible small employers that contain:
5 a. An exclusion for services that are not medically
6 necessary or that are not covered preventive health services;
7 and
8 b. A procedure for preauthorization by the small
9 employer carrier, or its designees.
10 3. A small employer carrier may include the following
11 managed care provisions in the policy or contract to control
12 costs:
13 a. A preferred provider arrangement or exclusive
14 provider organization or any combination thereof, in which a
15 small employer carrier enters into a written agreement with
16 the provider to provide services at specified levels of
17 reimbursement or to provide reimbursement to specified
18 providers. Any such written agreement between a provider and a
19 small employer carrier must contain a provision under which
20 the parties agree that the insured individual or covered
21 member has no obligation to make payment for any medical
22 service rendered by the provider which is determined not to be
23 medically necessary. A carrier may use preferred provider
24 arrangements or exclusive provider arrangements to the same
25 extent as allowed in group products that are not issued to
26 small employers.
27 b. A procedure for utilization review by the small
28 employer carrier or its designees.
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30 This subparagraph does not prohibit a small employer carrier
31 from including in its policy or contract additional managed

1 care and cost containment provisions, subject to the approval
2 of the department, which have potential for controlling costs
3 in a manner that does not result in inequitable treatment of
4 insureds or subscribers. The carrier may use such provisions
5 to the same extent as authorized for group products that are
6 not issued to small employers.

7 4. The standard health benefit plan shall include:
8 a. Coverage for inpatient hospitalization;
9 b. Coverage for outpatient services;
10 c. Coverage for newborn children pursuant to s.
11 627.6575;
12 d. Coverage for child care supervision services
13 pursuant to s. 627.6579;
14 e. Coverage for adopted children upon placement in the
15 residence pursuant to s. 627.6578;
16 f. Coverage for mammograms pursuant to s. 627.6613;
17 g. Coverage for handicapped children pursuant to s.
18 627.6615;
19 h. Emergency or urgent care out of the geographic
20 service area; and
21 i. Coverage for services provided by a hospice
22 licensed under s. 400.602 in cases where such coverage would
23 be the most appropriate and the most cost-effective method for
24 treating a covered illness.

25 5. The standard health benefit plan and the basic
26 health benefit plan may include a schedule of benefit
27 limitations for specified services and procedures. If the
28 committee develops such a schedule of benefits limitation for
29 the standard health benefit plan or the basic health benefit
30 plan, a small employer carrier offering the plan must offer
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1 the employer an option for increasing the benefit schedule
2 amounts by 4 percent annually.

3 6. The basic health benefit plan shall include all of
4 the benefits specified in subparagraph 4.; however, the basic
5 health benefit plan shall place additional restrictions on the
6 benefits and utilization and may also impose additional cost
7 containment measures.

8 7. Sections 627.419(2), (3), and (4), 627.6574,
9 627.6612, 627.66121, 627.66122, 627.6616, 627.6618, ~~and~~
10 627.668, and 627.66911 apply to the standard health benefit
11 plan and to the basic health benefit plan. However,
12 notwithstanding said provisions, the plans may specify limits
13 on the number of authorized treatments, if such limits are
14 reasonable and do not discriminate against any type of
15 provider.

16 8. Each small employer carrier that provides for
17 inpatient and outpatient services by allopathic hospitals may
18 provide as an option of the insured similar inpatient and
19 outpatient services by hospitals accredited by the American
20 Osteopathic Association when such services are available and
21 the osteopathic hospital agrees to provide the service.

22 Section 5. Subsection (34) is added to section 641.31,
23 Florida Statutes, to read:

24 641.31 Health maintenance contracts.--

25 (34) A health maintenance contract that provides
26 coverage for a child under the age of 18 must provide coverage
27 for cleft lip and cleft palate for such child. The coverage
28 must include medical, dental, speech, mental health, and
29 genetic counseling services performed by a licensed physician,
30 dentist, speech pathologist, audiologist, dietician, or
31 psychologist for services within the scope of such

1 practitioner's license only if such services are prescribed by
2 the treating physician or surgeon and such physician or
3 surgeon certifies that such services are medically necessary
4 and consequent to treatment of the cleft lip or cleft palate.

5 Section 6. Pursuant to section 18, Article VII of the
6 State Constitution, the Legislature determines that this act
7 fulfills an important state interest.

8 Section 7. This act shall take effect October 1 of the
9 year in which enacted and shall apply to policies and
10 contracts issued or renewed on or after such date.

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