

1                   A bill to be entitled  
2           An act relating to dental insurance coverage;  
3           creating ss. 627.4295 and 627.65755, F.S., and  
4           amending ss. 627.6515 and 641.31, F.S.;  
5           requiring health insurance policies and health  
6           maintenance organization contracts to provide  
7           coverage for general anesthesia and  
8           hospitalization for certain persons under  
9           certain circumstances; providing application of  
10          contract terms and conditions to services;  
11          providing exceptions; providing a declaration  
12          of important state interest; providing  
13          application of the act to policies and  
14          contracts; providing 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 627.4295, Florida Statutes, is  
19 created to read:

20           627.4295 Dental procedures; anesthesia and  
21 hospitalization coverage.--For purposes of this section,  
22 dental treatment or surgery shall be considered necessary when  
23 the dental condition is likely to result in a medical  
24 condition if left untreated. Any individual health insurance  
25 policy issued or issued for delivery in this state which  
26 provides coverage for general anesthesia and hospitalization  
27 services to a covered person shall not preclude such coverage  
28 in assuring the safe delivery of necessary dental care  
29 provided to a covered person who:

30           (1) Is under 8 years of age and is determined by a  
31 licensed dentist, and the child's physician licensed under

1 chapter 458 or chapter 459, to require necessary dental  
2 treatment in a hospital or ambulatory surgical center due to a  
3 significantly complex dental condition or a developmental  
4 disability in which patient management in the dental office  
5 has proved to be ineffective; or

6 (2) Has one or more medical conditions that would  
7 create significant or undue medical risk for the individual in  
8 the course of delivery of any necessary dental treatment or  
9 surgery if not rendered in a hospital or ambulatory surgical  
10 center.

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12 As provided herein, all terms and conditions of the covered  
13 person's health insurance policy shall apply to such services  
14 and this section does not require coverage for the diagnosis  
15 or treatment of dental disease. An insurer may require prior  
16 authorization for general anesthesia and hospital services  
17 required under this section in the same manner the insurer  
18 requires prior authorization for hospitalization for other  
19 covered services. This section shall not apply to Medicare  
20 supplement, long-term care, disability, limited benefit,  
21 accident only, or specified disease policies.

22 Section 2. Subsection (8) is added to section  
23 627.6515, Florida Statutes, to read:

24 627.6515 Out-of-state groups.--

25 (8) For purposes of this subsection, dental treatment  
26 or surgery shall be considered necessary when the dental  
27 condition is likely to result in a medical condition if left  
28 untreated. Any group, franchise, or blanket health insurance  
29 policy issued or delivered outside this state, under which  
30 policy a resident of this state is provided coverage for  
31 general anesthesia and hospitalization services to a covered

1 person, shall not preclude such coverage in assuring the safe  
2 delivery of necessary dental care provided to a covered person  
3 who:

4 (a) Is under 8 years of age and is determined by a  
5 licensed dentist, and the child's physician licensed under  
6 chapter 458 or chapter 459, to require necessary dental  
7 treatment in a hospital or ambulatory surgical center due to a  
8 significantly complex dental condition or a developmental  
9 disability in which patient management in the dental office  
10 has proved to be ineffective; or

11 (b) Has one or more medical conditions that would  
12 create significant or undue medical risk for the individual in  
13 the course of delivery of any necessary dental treatment or  
14 surgery if not rendered in a hospital or ambulatory surgical  
15 center.

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17 As provided herein, all terms and conditions of the covered  
18 person's health insurance policy shall apply to such services  
19 and this section does not require coverage for the diagnosis  
20 or treatment of dental disease. An insurer may require prior  
21 authorization for general anesthesia and hospital services  
22 required under this section in the same manner the insurer  
23 requires prior authorization for hospitalization for other  
24 covered services. This subsection shall not apply to Medicare  
25 supplement, long-term care, disability, limited benefit,  
26 accident only, or specified disease policies.

27 Section 3. Section 627.65755, Florida Statutes, is  
28 created to read:

29 627.65755 Dental procedures; anesthesia and  
30 hospitalization coverage.--For purposes of this section,  
31 dental treatment or surgery shall be considered necessary when

1 the dental condition is likely to result in a medical  
2 condition if left untreated. Any group, blanket, or franchise  
3 health insurance policy issued or issued for delivery in this  
4 state which provides coverage for general anesthesia and  
5 hospitalization services to a covered person shall not  
6 preclude such coverage in assuring the safe delivery of  
7 necessary dental care provided to a covered person who:

8 (1) Is under 8 years of age and is determined by a  
9 licensed dentist, and the child's physician licensed under  
10 chapter 458 or chapter 459, to require necessary dental  
11 treatment in a hospital or ambulatory surgical center due to a  
12 significantly complex dental condition or a developmental  
13 disability in which patient management in the dental office  
14 has proved to be ineffective; or

15 (2) Has one or more medical conditions that would  
16 create significant or undue medical risk for the individual in  
17 the course of delivery of any necessary dental treatment or  
18 surgery if not rendered in a hospital or ambulatory surgical  
19 center.

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21 As provided herein, all terms and conditions of the covered  
22 person's health insurance policy shall apply to such services  
23 and this section does not require coverage for the diagnosis  
24 or treatment of dental disease. An insurer may require prior  
25 authorization for general anesthesia and hospital services  
26 required under this section in the same manner the insurer  
27 requires prior authorization for hospitalization for other  
28 covered services. This section shall not apply to Medicare  
29 supplement, long-term care, disability, limited benefit,  
30 accident only, or specified disease policies.

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1           Section 4. Subsection (34) is added to section 641.31,  
2 Florida Statutes, to read:

3           641.31 Health maintenance contracts.--

4           (34) For purposes of this subsection, dental treatment  
5 or surgery shall be considered necessary when the dental  
6 condition is likely to result in a medical condition if left  
7 untreated. Any health maintenance organization contract which  
8 provides coverage for general anesthesia and hospitalization  
9 services to a covered person shall not preclude such coverage  
10 in assuring the safe delivery of necessary dental care  
11 provided to a covered person who:

12           (a) Is under 8 years of age and is determined by a  
13 licensed dentist, and the child's physician licensed under  
14 chapter 458 or chapter 459, to require necessary dental  
15 treatment in a hospital or ambulatory surgical center due to a  
16 significantly complex dental condition or a developmental  
17 disability in which patient management in the dental office  
18 has proved to be ineffective; or

19           (b) Has one or more medical conditions that would  
20 create significant or undue medical risk for the individual in  
21 the course of delivery of any necessary dental treatment or  
22 surgery if not rendered in a hospital or ambulatory surgical  
23 center.

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25 As provided herein, all terms and conditions of the covered  
26 person's health maintenance organization contract shall apply  
27 to such services and this section does not require coverage  
28 for the diagnosis or treatment of dental disease. A health  
29 maintenance organization may require prior authorization for  
30 general anesthesia and hospital services required under this  
31 section in the same manner the organization requires prior

1 authorization for hospitalization for other covered services.  
2 This subsection shall not apply to Medicare supplement,  
3 long-term care, disability, limited benefit, accident only, or  
4 specified disease policies.

5           Section 5. The provisions of this act fulfill an  
6 important state interest in that they promote the relief,  
7 alleviation, and prevention of health, dental, or medical  
8 problems associated with inadequate dental care.

9           Section 6. This act shall take effect October 1 of the  
10 year in which enacted and shall apply to any policy issued,  
11 written, or renewed, or contract entered into, on or after  
12 such date.

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