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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.

11
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.

16
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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