

By Representative Bloom

1                                   A bill to be entitled  
 2           An act relating to health care; creating the  
 3           "Contraceptive Equity Act"; creating ss.  
 4           627.64061 and 627.65741, F.S., and amending s.  
 5           641.31, F.S.; requiring certain health  
 6           insurance policies and health maintenance  
 7           contracts that cover drugs prescribed for the  
 8           treatment of sexual dysfunction to provide  
 9           coverage for any contraceptive method  
 10          prescribed or provided by a licensed  
 11          practitioner; amending ss. 627.651, 627.6515,  
 12          and 627.6699, F.S.; providing for application  
 13          to group coverage for multiple-employer welfare  
 14          arrangements, out-of-state groups, and small  
 15          employers; providing an effective date.

16  
 17 Be It Enacted by the Legislature of the State of Florida:

18  
 19           Section 1. This act may be cited as the "Contraceptive  
 20 Equity Act".

21           Section 2. Section 627.64061, Florida Statutes, is  
 22 created to read:

23           627.64061 Coverage for contraceptives.--

24           (1) Any health insurance policy that provides coverage  
 25 for drugs prescribed for the treatment of sexual dysfunction  
 26 shall also cover any contraceptive method prescribed or  
 27 provided by a licensed practitioner.

28           (2) Nothing in this section applies to any contract  
 29 with any existing or future plan which objects to such  
 30 coverage on the basis of religious belief. In implementing  
 31 this section, any plan that enters into or renews a contract

1 under this section may not subject any individual to  
2 discrimination on the basis that the individual refuses to  
3 prescribe contraceptives because such activities would be  
4 contrary to the individual's religious beliefs or moral  
5 convictions.

6 (3) This section applies to benefits for state  
7 employees under s. 110.123.

8 Section 3. Subsection (4) of section 627.651, Florida  
9 Statutes, is amended to read:

10 627.651 Group contracts and plans of self-insurance  
11 must meet group requirements.--

12 (4) This section does not apply to any plan which is  
13 established or maintained by an individual employer in  
14 accordance with the Employee Retirement Income Security Act of  
15 1974, Pub. L. No. 93-406, or to a multiple-employer welfare  
16 arrangement as defined in s. 624.437(1), except that a  
17 multiple-employer welfare arrangement shall comply with ss.  
18 627.419, 627.657, 627.65741, 627.6575, 627.6576, 627.6578,  
19 627.6579, 627.6612, 627.66121, 627.66122, 627.6615, 627.6616,  
20 and 627.662(6). This subsection does not allow an authorized  
21 insurer to issue a group health insurance policy or  
22 certificate which does not comply with this part.

23 Section 4. Paragraph (c) of subsection (2) of section  
24 627.6515, Florida Statutes, 1998 Supplement, is amended to  
25 read:

26 627.6515 Out-of-state groups.--

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

30 (c) The policy provides the benefits specified in ss.  
31 627.419, 627.6574, 627.65741, 627.6575, 627.6579, 627.6612,

1 627.66121, 627.66122, 627.6613, 627.667, 627.6675, 627.6691,  
2 and 627.66911.

3 Section 5. Section 627.65741, Florida Statutes, is  
4 created to read:

5 627.65741 Coverage for contraceptives.--

6 (1) Any group, franchise accident, or health insurance  
7 policy that provides coverage for the treatment of sexual  
8 dysfunction shall also cover any contraceptive method  
9 prescribed or provided by a licensed practitioner.

10 (2) Nothing in this section applies to any contract  
11 with any existing or future plan which objects to such  
12 coverage on the basis of religious belief. In implementing  
13 this section, any plan that enters into or renews a contract  
14 under this section may not subject any individual to  
15 discrimination on the basis that the individual refuses to  
16 prescribe contraceptives because such activities would be  
17 contrary to the individual's religious beliefs or moral  
18 convictions.

19 (3) This section applies to benefits for state  
20 employees under s. 110.123.

21 Section 6. Paragraph (b) of subsection (12) of section  
22 627.6699, Florida Statutes, 1998 Supplement, is amended to  
23 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.

31

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.

29  
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  
31

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,  
9 627.65741, 627.6612, 627.66121, 627.66122, 627.6616, 627.6618,  
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 7. Subsection (36) is added to section 641.31,  
23 Florida Statutes, 1998 Supplement, to read:

24 641.31 Health maintenance contracts.--

25 (36) Any health insurance policy that provides  
26 coverage for drugs prescribed for the treatment of sexual  
27 dysfunction shall also cover any contraceptive method  
28 prescribed or provided by a licensed practitioner.

29 (a) Nothing in this section applies to any contract  
30 with any existing or future plan which objects to such  
31 coverage on the basis of religious belief. In implementing

1 this section, any plan that enters into or renews a contract  
2 under this section may not subject any individual to  
3 discrimination on the basis that the individual refuses to  
4 prescribe contraceptives because such activities would be  
5 contrary to the individual's religious beliefs or moral  
6 convictions.

7 (b) This section applies to benefits for state  
8 employees under s. 110.123.

9 Section 8. This act shall take effect October 1, 1999.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

\*\*\*\*\*

HOUSE SUMMARY

Creates the "Contraceptive Equity Act." Requires health insurance policies and health maintenance contracts that cover drugs prescribed for the treatment of sexual dysfunction to provide coverage for any contraceptive method prescribed or provided by a licensed practitioner. Provides for application to group coverage for multiple-employer welfare arrangements, out-of-state groups, and small employers. See bill for details.