

By Senator King

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A bill to be entitled
An act relating to insurance; amending ss.
627.4239, 641.31, F.S.; prohibiting insurers
and health maintenance organizations from
excluding coverage for any drug prescribed for
the treatment of chronic, disabling, or
life-threatening illness because it is not
federally approved; providing an effective
date.

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

Section 1. Section 627.4239, Florida Statutes, is
amended to read:

627.4239 Coverage for use of drugs in treatment of
cancer or chronic, disabling, or life-threatening illnesses.--

(1) DEFINITIONS.--As used in this section, the term:

(a) "Medical literature" means scientific studies
published in a United States peer-reviewed national
professional journal.

(b) "Standard reference compendium" means:

- 1. The United States Pharmacopeia Drug Information;
- 2. The American Medical Association Drug Evaluations;

or

3. The American Hospital Formulary Service Drug
Information.

(2) COVERAGE FOR TREATMENT OF CANCER OR CHRONIC,
DISABLING, OR LIFE-THREATENING ILLNESSES.--

(a) An insurer may not exclude coverage in any
individual or group insurance policy issued, amended,
delivered, or renewed in this state which covers the treatment

1 of cancer or other chronic, disabling, or life-threatening
2 illnesses for any drug prescribed for the treatment of such
3 illness ~~cancer~~ on the ground that the drug is not approved by
4 the United States Food and Drug Administration for a
5 particular indication, if that drug is recognized for
6 treatment of that indication in a standard reference
7 compendium or recommended in the medical literature.

8 (b) Coverage for a drug required by this section also
9 includes the medically necessary services associated with the
10 administration of the drug.

11 (3) APPLICABILITY AND SCOPE.--This section may not be
12 construed to:

13 (a) Alter any other law with regard to provisions
14 limiting coverage for drugs that are not approved by the
15 United States Food and Drug Administration.

16 (b) Require coverage for any drug if the United States
17 Food and Drug Administration has determined that the use of
18 the drug is contraindicated.

19 (c) Require coverage for a drug that is not otherwise
20 approved for any indication by the United States Food and Drug
21 Administration.

22 (d) Affect the determination as to whether particular
23 levels, dosages, or usage of a medication associated with bone
24 marrow transplant procedures are covered under an individual
25 or group health insurance policy or health maintenance
26 organization contract.

27 (e) Apply to specified disease or supplemental
28 policies.

29 (4) Nothing in this section is intended, expressly or
30 by implication, to create, impair, alter, limit, modify,
31 enlarge, abrogate, prohibit, or withdraw any authority to

1 provide reimbursement for drugs used in the treatment of any
2 other disease or condition.

3 Section 2. Subsection (39) is added to section 641.31,
4 Florida Statutes, to read:

5 641.31 Health maintenance contracts.--

6 (39) A health maintenance organization that covers
7 drugs for the treatment of a chronic, disabling, or
8 life-threatening illness must comply with s. 627.4239.

9 Section 3. This act shall take effect July 1, 2000.

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SENATE SUMMARY

Prohibits insurers and health maintenance organizations
from excluding coverage for any drug prescribed for the
treatment of chronic, disabling, or life-threatening
illness because it is not approved by the United States
Food and Drug Administration.