

By Representative Murman

1 A bill to be entitled
2 An act relating to children's cancer insurance
3 coverage; providing definitions; requiring
4 health insurance coverage for certain costs
5 relating to certain child cancer treatment
6 programs; providing for application; providing
7 construction; providing an effective date.

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

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11 Section 1. (1) For purposes of this act:

12 (a) "Health insurance benefit plan, policy, or
13 contract" means:

14 1. Any individual health insurance policy or contract
15 issued under part VI of chapter 627, Florida Statutes;

16 2. Any group, blanket, or franchise health insurance
17 policy or contract issued in this state under part VII of
18 chapter 627, Florida Statutes;

19 3. Any individual or group contract of the type issued
20 in this state by a nonprofit hospital service plan corporation
21 or nonprofit medical service plan corporation;

22 4. Any individual or group contract of the type issued
23 in this state by a health maintenance organization or prepaid
24 health clinic for health care services under chapter 641,
25 Florida Statutes; or

26 5. Any similar individual or group health insurance
27 benefit plan, policy, or contract.

28 (b) "Approved clinical trial program for treatment of
29 children's cancer" means a phase II or III prescription drug
30 clinical trial program in this state, as approved by the
31 federal Food and Drug Administration or the National Cancer

1 Institute for the treatment of cancer that generally first
2 manifests itself in children under the age of 19 and that:
3 1.a. Tests new therapies, regimens, or combinations of
4 therapies or regimens against standard therapies or regimens
5 for the treatment of cancer in children;
6 b. Introduces a new therapy or regimen to treat
7 recurrent cancer in children; or
8 c. Seeks to discover new therapies or regimens for the
9 treatment of cancer in children which are more cost-effective
10 than standard therapies or regimens; and
11 2. Has been certified by and uses the standards for
12 acceptable protocols established by the:
13 a. Pediatric oncology group;
14 b. Children's cancer group; or
15 c. Insurance Commissioner as he or she may otherwise
16 define by rule after due notice, any required hearing, and
17 compliance with any other requirements of applicable law, but
18 only providing for such definition in a manner at least as
19 restrictive as that established in this act.
20 (c) "Routine patient care costs" means those medically
21 necessary costs of blood tests, X-rays, bone scans, magnetic
22 resonance images, patient visits, hospital stays, or other
23 similar costs generally incurred by the insured party in
24 connection with the provision of goods, services, or benefits
25 to dependent children under an approved clinical trial program
26 for treatment of children's cancer which otherwise would be
27 covered under the major medical health insurance benefit plan,
28 policy, or contract if such medically necessary costs were not
29 incurred in connection with an approved clinical trial program
30 for treatment of children's cancer. Routine patient care
31 costs specifically shall not include the costs of any clinical

1 trial therapies, regimens, or combinations thereof, any drugs
2 or pharmaceuticals, any costs associated with the provision of
3 any goods, services, or benefits to dependent children which
4 generally are furnished without charge in connection with such
5 an approved clinical trial program for treatment of children's
6 cancer, any additional costs associated with the provision of
7 any goods, services, or benefits which previously have been
8 provided to the dependent child, paid for, or reimbursed, or
9 any other similar costs. It is specifically the intent of
10 this act not to relieve the sponsor of a clinical trial
11 program of financial responsibility for accepted costs of such
12 program.

13 (d) "State health plan" means any health insurance
14 plan established for employees of this state under s. 110.123,
15 Florida Statutes.

16 (2) On and after July 1, 2000, any state health plan
17 or any health insurance benefit plan, policy, or contract that
18 provides major medical coverage for dependent children and
19 which is issued, delivered, issued for delivery, or renewed in
20 this state on or after July 1, 2000, shall provide coverage
21 for routine patient care costs incurred in connection with the
22 provision of goods, services, and benefits to such dependent
23 children in connection with approved clinical trial programs
24 for the treatment of children's cancer with respect to those
25 dependent children who:

26 (a) Are covered dependents under a state health plan
27 or the major medical coverage of a health insurance benefit
28 plan, policy, or contract.

29 (b) Have been diagnosed with cancer prior to their
30 19th birthday.

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1 (c) Are enrolled in an approved clinical trial program
2 for treatment of children's cancer.

3 (d) Are not otherwise eligible for benefits, payments,
4 or reimbursements from any other third party payors or other
5 similar sources.

6 (3) For purposes of this act, any exclusions,
7 reductions, or limitations as to coverages or any cost-sharing
8 arrangements provided for in a state health plan or in a
9 health insurance benefit plan, policy, or contract which
10 provides major medical coverage for dependent children and
11 which applies to any benefits, payments, or reimbursements for
12 routine patient care provided to dependent children in
13 connection with generally recognized therapies or regimens for
14 the treatment of children's cancer shall also apply to such
15 benefits, payments, or reimbursements for any dependent child
16 who is enrolled in an approved clinical trial program for
17 treatment of children's cancer.

18 (4) Except as provided in subsections (2) and (3),
19 nothing in this act shall be construed to:

20 (a) Prohibit a state health plan or an insurer,
21 nonprofit corporation, health care plan, health maintenance
22 organization, fraternal benefit society, or other person from
23 issuing or continuing to issue a health insurance benefit
24 plan, policy, or contract which has benefits that are greater
25 than the minimum benefits required by this act or from issuing
26 or continuing to issue any health insurance benefit plan,
27 policy, or contract which provides benefits which are
28 generally more favorable to the insured than the benefits
29 required by this act; or

30 (b) Change the contractual relationships between any
31 insurer, nonprofit corporation, health care plan, health

1 maintenance organization, fraternal benefit society, or other
2 similar person and their insureds or covered dependents by
3 whatever name called.

4 Section 2. This act shall take effect July 1, 2000.

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7 HOUSE SUMMARY

8 Requires health insurance contracts, policies, and plans
9 to provide coverage for routine patient care costs
10 incurred in providing specified dependent children with
11 goods, services, and benefits in connection with approved
12 clinical trial child cancer treatment programs.
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