

Bill No. CS for SB 1092

Amendment No. ____ Barcode 142382

CHAMBER ACTION

Senate

House

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Senator Lynn moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsections (1) and (2) and paragraph (a) of subsection (4) of section 627.64171, Florida Statutes, are amended to read:

627.64171 Coverage for length of stay and outpatient postsurgical care.--

(1) Any health insurance policy that is issued, amended, delivered, or renewed in this state which provides coverage for breast cancer treatment may not limit inpatient hospital coverage for lymph-node dissections or mastectomies to any period that is less than that determined by the treating physician to be medically necessary in accordance with prevailing medical standards and after consultation with the insured patient.

(2) Any health insurance policy that provides coverage for mastectomies under subsection (1) must also provide

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1 coverage for outpatient postsurgical followup care in keeping
2 with prevailing medical standards by a licensed health care
3 professional qualified to provide postsurgical mastectomy
4 care. The treating physician, after consultation with the
5 insured patient, may choose that the outpatient care be
6 provided at the most medically appropriate setting, which may
7 include the hospital, treating physician's office, outpatient
8 center, or home of the insured patient.

9 (4)(a) This section does not require an insured
10 patient to have a lymph-node dissection or a ~~the~~ mastectomy in
11 the hospital or stay in the hospital for a fixed period of
12 time following a lymph-node dissection or a ~~the~~ mastectomy.

13 Section 2. Subsections (1) and (2) and paragraph (a)
14 of subsection (4) of section 627.66121, Florida Statutes, are
15 amended to read:

16 627.66121 Coverage for length of stay and outpatient
17 postsurgical care.--

18 (1) Any group, blanket, or franchise accident or
19 health insurance policy that is issued, amended, delivered, or
20 renewed in this state which provides coverage for breast
21 cancer treatment may not limit inpatient hospital coverage for
22 lymph-node dissections or mastectomies to any period that is
23 less than that determined by the treating physician to be
24 medically necessary in accordance with prevailing medical
25 standards and after consultation with the insured patient.

26 (2) Any group, blanket, or franchise accident or
27 health insurance policy that provides coverage for
28 mastectomies under subsection (1) must also provide coverage
29 for outpatient postsurgical followup care in keeping with
30 prevailing medical standards by a licensed health care
31 professional qualified to provide postsurgical mastectomy

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1 care. The treating physician, after consultation with the
2 insured patient, may choose that the outpatient care be
3 provided at the most medically appropriate setting, which may
4 include the hospital, treating physician's office, outpatient
5 center, or home of the insured patient.

6 (4)(a) This section does not require an insured
7 patient to have a lymph-node dissection or a ~~the~~ mastectomy in
8 the hospital or stay in the hospital for a fixed period of
9 time following a lymph-node dissection or a ~~the~~ mastectomy.

10 Section 3. Paragraphs (a) and (c) of subsection (31)
11 of section 641.31, Florida Statutes, are amended to read:

12 641.31 Health maintenance contracts.--

13 (31)(a) Health maintenance contracts that provide
14 coverage, benefits, or services for breast cancer treatment
15 may not limit inpatient hospital coverage for lymph-node
16 dissections or mastectomies to any period that is less than
17 that determined by the treating physician under contract with
18 the health maintenance organization to be medically necessary
19 in accordance with prevailing medical standards and after
20 consultation with the covered patient. Such contract must also
21 provide coverage for outpatient postsurgical followup care in
22 keeping with prevailing medical standards by a licensed health
23 care professional under contract with the health maintenance
24 organization qualified to provide postsurgical mastectomy
25 care. The treating physician under contract with the health
26 maintenance organization, after consultation with the covered
27 patient, may choose that the outpatient care be provided at
28 the most medically appropriate setting, which may include the
29 hospital, treating physician's office, outpatient center, or
30 home of the covered patient.

31 (c)1. This subsection does not require a covered

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1 patient to have a lymph-node dissection or a ~~the~~ mastectomy in
2 the hospital or stay in the hospital for a fixed period of
3 time following a lymph-node dissection or a ~~the~~ mastectomy.

4 2. This subsection does not prevent a contract from
5 imposing deductibles, coinsurance, or other cost sharing in
6 relation to benefits pursuant to this subsection, except that
7 such cost sharing shall not exceed cost sharing with other
8 benefits.

9 Section 4. The Legislature finds that it is of the
10 utmost public importance that quality mammography services and
11 other diagnostic tools remain available to detect and treat
12 breast cancer. The Office of Program Policy Analysis and
13 Government Accountability shall study issues relating to the
14 availability utilization, quality, and cost of mammography
15 services in all facilities performing mammography. The study
16 shall include, but need not be limited to, examining the
17 following factors that impact availability utilization,
18 quality, and cost: reimbursement fees, copayment fees paid by
19 patients, incidence of lawsuits filed, equipment and liability
20 insurance costs, equipment maintenance and calibration,
21 staffing requirements and training, type and number of
22 facilities performing mammography, facilities surveyed by the
23 Bureau of Radiation Control of the Department of Health,
24 population density of females aged 40 and older in each
25 county, and other factors that relate to the demand and
26 availability of mammography services. The Office of Program
27 Policy Analysis and Government Accountability shall complete
28 its study and submit its report to the Legislature by February
29 15, 2005.

30 Section 5. This act shall take effect July 1, 2005.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 A bill to be entitled

7 An act relating to breast cancer treatment;
8 amending ss. 627.64171, 627.66121, and 641.31,
9 F.S.; providing requirements for the length of
10 hospital stay relating to a lymph-node
11 dissection which specified health insurers and
12 health maintenance organizations must cover;
13 limiting application; directing the Office of
14 Program Policy Analysis and Government
15 Accountability to study mammography and report
16 to the Legislature; providing an effective
17 date.

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