

Bill No. CS for SB 1092

Amendment No. \_\_\_\_ Barcode 314286

CHAMBER ACTION

Senate

House

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Senator Lynn moved the following amendment:

**Senate Amendment (with title amendment)**

On page 3, between lines 8 and 9,

insert:

Section 3. 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

Bill No. CS for SB 1092

Amendment No. \_\_\_\_ Barcode 314286

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 4. 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

Bill No. CS for SB 1092

Amendment No. \_\_\_\_ Barcode 314286

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 5. 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

Bill No. CS for SB 1092

Amendment No. \_\_\_\_ Barcode 314286

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 6. 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.

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Bill No. CS for SB 1092

Amendment No. \_\_\_\_ Barcode 314286

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

2 And the title is amended as follows:

3            On page 1, line 8, after the semicolon,

4

5 insert:

6            amending ss. 627.64171, 627.66121, and 641.31,

7            F.S.; providing requirements for the length of

8            hospital stay relating to a lymph-node

9            dissection which specified health insurers and

10            health maintenance organizations must cover;

11            limiting application; directing the Office of

12            Program Policy Analysis and Government

13            Accountability to study mammography and report

14            to the Legislature;

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