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2004

A bill to be entitled

An act relating to breast cancer treatment; amending ss. 627.64171, 627.66121, and 641.31, F.S.; revising provisions prescribing the length of hospital stay relating to a mastectomy which specified health insurers and health maintenance organizations must cover; providing requirements for the length of hospital stay relating to a lymph-node dissection which specified health insurers and health maintenance organizations must cover; limiting application; providing an effective date.

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

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 and ~~which~~ provides medical and surgical benefits coverage ~~coverage for breast cancer treatment~~ may not limit inpatient hospital coverage:

(a) For a lymph-node dissection for treatment of breast cancer, to a period that is less than 24 hours of hospital care immediately following the lymph-node dissection; or

(b) For a mastectomy, mastectomies to a any period that is less than that determined by the treating physician, after consultation with the insured patient, to be medically necessary in accordance with prevailing medical standards, or 48 hours

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30 following such a mastectomy, whichever period is longer and  
 31 ~~after consultation with the insured patient.~~

32 (2) Any health insurance policy that provides coverage for  
 33 mastectomies under paragraph (1)(b) ~~subsection (1)~~ must also  
 34 provide coverage for outpatient postsurgical followup care in  
 35 keeping with prevailing medical standards by a licensed health  
 36 care professional qualified to provide postsurgical mastectomy  
 37 care. The treating physician, after consultation with the  
 38 insured patient, may choose that the outpatient care be provided  
 39 at the most medically appropriate setting, which may include the  
 40 hospital, treating physician's office, outpatient center, or  
 41 home of the insured patient.

42 (4)(a) This section does not require an insured patient to  
 43 have a lymph-node dissection or the mastectomy in the hospital  
 44 or stay in the hospital for a fixed period of time following a  
 45 lymph-node dissection or the mastectomy.

46 Section 2. Subsections (1) and (2) and paragraph (a) of  
 47 subsection (4) of section 627.66121, Florida Statutes, are  
 48 amended to read:

49 627.66121 Coverage for length of stay and outpatient  
 50 postsurgical care.--

51 (1) Any group, blanket, or franchise accident or health  
 52 insurance policy that is issued, amended, delivered, or renewed  
 53 in this state and which provides medical and surgical benefits  
 54 ~~coverage for breast cancer treatment~~ may not limit inpatient  
 55 hospital coverage:

56 (a) For a lymph-node dissection for treatment of breast  
 57 cancer, to a period that is less than 24 hours of hospital care  
 58 immediately following the lymph-node dissection; or

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59        (b) For a mastectomy, ~~mastectomies~~ to a ~~any~~ period that is  
 60 less than that determined by the treating physician, after  
 61 consultation with the insured patient, to be medically necessary  
 62 in accordance with prevailing medical standards, or 48 hours  
 63 following such a mastectomy, whichever period is longer ~~and~~  
 64 ~~after consultation with the insured patient.~~

65        (2) Any group, blanket, or franchise accident or health  
 66 insurance policy that provides coverage for mastectomies under  
 67 paragraph (1)(b) ~~subsection (1)~~ must also provide coverage for  
 68 outpatient postsurgical followup care in keeping with prevailing  
 69 medical standards by a licensed health care professional  
 70 qualified to provide postsurgical mastectomy care. The treating  
 71 physician, after consultation with the insured patient, may  
 72 choose that the outpatient care be provided at the most  
 73 medically appropriate setting, which may include the hospital,  
 74 treating physician's office, outpatient center, or home of the  
 75 insured patient.

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

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

82        641.31 Health maintenance contracts.--

83        (31)(a) Health maintenance contracts that provide medical  
 84 and surgical benefits ~~coverage, benefits, or services for breast~~  
 85 ~~cancer treatment~~ may not limit inpatient hospital coverage:

86 1. For a lymph-node dissection for treatment of breast  
 87 cancer, to a period that is less than 24 hours of hospital care  
 88 immediately following the lymph-node dissection; or

89 2. For a mastectomy, ~~mastectomies~~ to a ~~any~~ period that is  
 90 less than that determined by the treating physician under  
 91 contract with the health maintenance organization, ~~after~~  
 92 consultation with the covered patient, to be medically necessary  
 93 in accordance with prevailing medical standards, ~~or 48 hours~~  
 94 following such a mastectomy, whichever period is longer ~~and~~  
 95 ~~after consultation with the covered patient.~~

96  
 97 A ~~Such~~ contract that provides coverage for mastectomies must  
 98 also provide coverage for outpatient postsurgical followup care  
 99 in keeping with prevailing medical standards by a licensed  
 100 health care professional under contract with the health  
 101 maintenance organization qualified to provide postsurgical  
 102 mastectomy care. The treating physician under contract with the  
 103 health maintenance organization, after consultation with the  
 104 covered patient, may choose that the outpatient care be provided  
 105 at the most medically appropriate setting, which may include the  
 106 hospital, treating physician's office, outpatient center, or  
 107 home of the covered patient.

108 (c)1. This subsection does not require a covered patient  
 109 to have a lymph-node dissection or ~~the~~ mastectomy in the  
 110 hospital or stay in the hospital for a fixed period of time  
 111 following a lymph-node dissection or ~~the~~ mastectomy.

112 2. This subsection does not prevent a contract from  
 113 imposing deductibles, coinsurance, or other cost sharing in  
 114 relation to benefits pursuant to this subsection, except that

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115 | such cost sharing shall not exceed cost sharing with other  
116 | benefits.

117 |       Section 4. This act shall take effect July 1, 2004.