

HB 519

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CHAMBER ACTION

1 The Committee on Insurance recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to breast cancer treatment; providing a
7 popular name; amending ss. 627.64171, 627.66121, and
8 641.31, F.S.; including lymph node dissections under
9 provisions prescribing the length of hospital stay
10 relating to a mastectomy which specified health insurers
11 and health maintenance organizations must cover; limiting
12 application; providing legislative findings; requiring the
13 Office of Program Policy Analysis and Government
14 Accountability to study certain issues relating to
15 mammography services; providing study requirements;
16 requiring a report to the Legislature; providing an
17 effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. This act may be referred to by the popular name
22 the "Mary B. Hooks Act."

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

26 627.64171 Coverage for length of stay and outpatient
27 postsurgical care.--

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

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

46 (4)(a) This section does not require an insured patient to
47 have a lymph node dissection or ~~the~~ mastectomy in the hospital
48 or stay in the hospital for a fixed period of time following a
49 lymph node dissection or ~~the~~ mastectomy.

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50 Section 3. Subsections (1) and (2) and paragraph (a) of
51 subsection (4) of section 627.66121, Florida Statutes, are
52 amended to read:

53 627.66121 Coverage for length of stay and outpatient
54 postsurgical care.--

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

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

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

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78 Section 4. Paragraphs (a) and (c) of subsection (31) of
79 section 641.31, Florida Statutes, are amended to read:

80 641.31 Health maintenance contracts.--

81 (31)(a) Health maintenance contracts that provide
82 coverage, benefits, or services for breast cancer treatment may
83 not limit inpatient hospital coverage for lymph node dissections
84 or mastectomies to any period that is less than that determined
85 by the treating physician under contract with the health
86 maintenance organization to be medically necessary in accordance
87 with prevailing medical standards and after consultation with
88 the covered patient. Such contract must also provide coverage
89 for outpatient postsurgical followup care in keeping with
90 prevailing medical standards by a licensed health care
91 professional under contract with the health maintenance
92 organization qualified to provide postsurgical mastectomy care.
93 The treating physician under contract with the health
94 maintenance organization, after consultation with the covered
95 patient, may choose that the outpatient care be provided at the
96 most medically appropriate setting, which may include the
97 hospital, treating physician's office, outpatient center, or
98 home of the covered patient.

99 (c)1. This subsection does not require a covered patient
100 to have a lymph node dissection or ~~the~~ mastectomy in the
101 hospital or stay in the hospital for a fixed period of time
102 following a lymph node dissection or ~~the~~ mastectomy.

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

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106 | such cost sharing shall not exceed cost sharing with other
107 | benefits.

108 | Section 5. The Legislature finds that it is of the utmost
109 | public importance that quality mammography services and other
110 | diagnostic tools remain available to detect and treat breast
111 | cancer. The Office of Program Policy Analysis and Government
112 | Accountability shall study issues relating to the availability,
113 | utilization, quality, and cost of mammography services in all
114 | facilities performing mammography. The study shall include, but
115 | not be limited to, examining the following factors which impact
116 | availability, utilization, quality, and cost: reimbursement
117 | fees, copayment fees paid by patients, closed claim data
118 | retained by the Office of Insurance Regulation relating to the
119 | failure to diagnose breast cancer, equipment and liability
120 | insurance costs, equipment maintenance and calibration, staffing
121 | requirements and training, type and number of facilities
122 | performing mammography, facilities surveyed by the Department of
123 | Health, Bureau of Radiation Control, population density of
124 | females aged 40 and older in each county in this state, the
125 | average wait time for diagnostic and screening mammograms, and
126 | other factors which relate to the demand and availability of
127 | mammography services. The Office of Program Policy Analysis and
128 | Government Accountability shall complete its study and submit a
129 | report to the President of the Senate and the Speaker of the
130 | House of Representatives by February 15, 2005.

131 | Section 6. This act shall take effect July 1, 2004.