

1 A bill to be entitled
 2 An act relating to breast cancer treatment; providing a
 3 popular name; amending ss. 627.64171, 627.66121, and
 4 641.31, F.S.; including lymph node dissections under
 5 provisions prescribing the length of hospital stay
 6 relating to a mastectomy which specified health insurers
 7 and health maintenance organizations must cover; limiting
 8 application; providing legislative findings; requiring the
 9 Office of Program Policy Analysis and Government
 10 Accountability to study certain issues relating to
 11 mammography services; providing study requirements;
 12 requiring a report to the Legislature; providing an
 13 effective date.

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

17 Section 1. This act may be cited as the "Mary B. Hooks
 18 Act."

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

22 627.64171 Coverage for length of stay and outpatient
 23 postsurgical care.--

24 (1) Any health insurance policy that is issued, amended,
 25 delivered, or renewed in this state which provides coverage for
 26 breast cancer treatment may not limit inpatient hospital
 27 coverage for lymph node dissections or mastectomies to any
 28 period that is less than that determined by the treating

29 | physician to be medically necessary in accordance with
 30 | prevailing medical standards and after consultation with the
 31 | insured patient.

32 | (2) Any health insurance policy that provides coverage for
 33 | lymph node dissections or mastectomies under subsection (1) must
 34 | also provide coverage for outpatient postsurgical followup care
 35 | in keeping with prevailing medical standards by a licensed
 36 | health care professional qualified to provide postsurgical
 37 | mastectomy care. The treating physician, after consultation with
 38 | the insured patient, may choose that the outpatient care be
 39 | provided at the most medically appropriate setting, which may
 40 | include the hospital, treating physician's office, outpatient
 41 | center, or 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 3. 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 which provides coverage for breast cancer
 54 | treatment may not limit inpatient hospital coverage for lymph
 55 | node dissections or mastectomies to any period that is less than
 56 | that determined by the treating physician to be medically

57 necessary in accordance with prevailing medical standards and
 58 after consultation with the insured patient.

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

70 (4)(a) This section does not require an insured patient to
 71 have a lymph node dissection or ~~the~~ mastectomy in the hospital
 72 or stay in the hospital for a fixed period of time following a
 73 lymph node dissection or ~~the~~ mastectomy.

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

76 641.31 Health maintenance contracts.--

77 (31)(a) Health maintenance contracts that provide
 78 coverage, benefits, or services for breast cancer treatment may
 79 not limit inpatient hospital coverage for lymph node dissections
 80 or mastectomies to any period that is less than that determined
 81 by the treating physician under contract with the health
 82 maintenance organization to be medically necessary in accordance
 83 with prevailing medical standards and after consultation with
 84 the covered patient. Such contract must also provide coverage

85 for outpatient postsurgical followup care in keeping with
 86 prevailing medical standards by a licensed health care
 87 professional under contract with the health maintenance
 88 organization qualified to provide postsurgical mastectomy care.
 89 The treating physician under contract with the health
 90 maintenance organization, after consultation with the covered
 91 patient, may choose that the outpatient care be provided at the
 92 most medically appropriate setting, which may include the
 93 hospital, treating physician's office, outpatient center, or
 94 home of the covered patient.

95 (c)1. This subsection does not require a covered patient
 96 to have a lymph node dissection or ~~the~~ mastectomy in the
 97 hospital or stay in the hospital for a fixed period of time
 98 following a lymph node dissection or ~~the~~ mastectomy.

99 2. This subsection does not prevent a contract from
 100 imposing deductibles, coinsurance, or other cost sharing in
 101 relation to benefits pursuant to this subsection, except that
 102 such cost sharing shall not exceed cost sharing with other
 103 benefits.

104 Section 5. The Legislature finds that it is of the utmost
 105 public importance that quality mammography services and other
 106 diagnostic tools remain available to detect and treat breast
 107 cancer. The Office of Program Policy Analysis and Government
 108 Accountability shall study issues relating to the availability,
 109 utilization, quality, and cost of mammography services in all
 110 facilities performing mammography. The study shall include, but
 111 not be limited to, examining the following factors which impact
 112 availability, utilization, quality, and cost: reimbursement

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113 fees, copayment fees paid by patients, closed claim data
114 retained by the Office of Insurance Regulation relating to the
115 failure to diagnose breast cancer, equipment and liability
116 insurance costs, equipment maintenance and calibration, staffing
117 requirements and training, type and number of facilities
118 performing mammography, facilities surveyed by the Department of
119 Health, Bureau of Radiation Control, population density of
120 females aged 40 and older in each county in this state, the
121 average wait time for diagnostic and screening mammograms, and
122 other factors which relate to the demand and availability of
123 mammography services. The Office of Program Policy Analysis and
124 Government Accountability shall complete its study and submit a
125 report to the President of the Senate and the Speaker of the
126 House of Representatives by February 15, 2006.

127 Section 6. This act shall take effect July 1, 2005.