

Bill No. SB 318

Barcode 711392

CHAMBER ACTION

Senate

House

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11 The Committee on Banking and Insurance (Atwater) recommended
12 the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

17 and insert:

18 Section 1. Section 627.6614, Florida Statutes, is
19 created to read:

20 627.6614 Cystic fibrosis treatment services.--A group
21 health insurance policy sold in this state must provide
22 coverage for all medically necessary chest physiotherapy
23 provided by a respiratory therapist licensed under part V of
24 chapter 468, home health care, equipment, supplies, and
25 enteral formulas described in s. 627.42395 used to treat
26 cystic fibrosis if the patient's treating physician or a
27 physician authorized by the insurer who specializes in the
28 treatment of cystic fibrosis certifies that such services are
29 medically necessary. The insurer may require the policyholder
30 to be responsible for any deductible or copayment that
31 generally applies under the policy.

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1 Section 2. Present subsections (36), (37), (38), (39),
 2 and (40) of section 641.31, Florida Statutes, are redesignated
 3 as subsections (37), (38), (39), (40), and (41), respectively,
 4 and a new subsection (36) is added to that section to read:

5 641.31 Health maintenance contracts.--

6 (36) A group health maintenance contract sold in this
 7 state must provide coverage for all medically necessary chest
 8 physiotherapy provided by a respiratory therapist licensed
 9 under part V of chapter 468, home health care, equipment,
 10 supplies, and enteral formulas described in s. 627.42395 used
 11 to treat cystic fibrosis if the patient's treating physician
 12 or a physician authorized by the health maintenance
 13 organization who specializes in the treatment of cystic
 14 fibrosis certifies that such services are medically necessary.
 15 The health maintenance organization may require the subscriber
 16 to be responsible for any deductible or copayment that
 17 generally applies under the contract.

18 Section 3. Subsection (2) of section 627.6515, Florida
 19 Statutes, is amended to read:

20 627.6515 Out-of-state groups.--

21 (2) Except as otherwise provided in this part, this
 22 part does not apply to a group health insurance policy issued
 23 or delivered outside this state under which a resident of this
 24 state is provided coverage if:

25 (a) The policy is issued to an employee group the
 26 composition of which is substantially as described in s.
 27 627.653; a labor union group or association group the
 28 composition of which is substantially as described in s.
 29 627.654; an additional group the composition of which is
 30 substantially as described in s. 627.656; a group insured
 31 under a blanket health policy when the composition of the

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1 group is substantially in compliance with s. 627.659; a group
 2 insured under a franchise health policy when the composition
 3 of the group is substantially in compliance with s. 627.663;
 4 an association group to cover persons associated in any other
 5 common group, which common group is formed primarily for
 6 purposes other than providing insurance; a group that is
 7 established primarily for the purpose of providing group
 8 insurance, provided the benefits are reasonable in relation to
 9 the premiums charged thereunder and the issuance of the group
 10 policy has resulted, or will result, in economies of
 11 administration; or a group of insurance agents of an insurer,
 12 which insurer is the policyholder;

13 (b) Certificates evidencing coverage under the policy
 14 are issued to residents of this state and contain in
 15 contrasting color and not less than 10-point type the
 16 following statement: "The benefits of the policy providing
 17 your coverage are governed primarily by the law of a state
 18 other than Florida"; and

19 (c) The policy provides the benefits specified in ss.
 20 627.419, 627.6574, 627.6575, 627.6579, 627.6612, 627.66121,
 21 627.66122, 627.6613, 627.6614, 627.667, 627.6675, 627.6691,
 22 and 627.66911.

23 (d) Applications for certificates of coverage offered
 24 to residents of this state must contain, in contrasting color
 25 and not less than 12-point type, the following statement on
 26 the same page as the applicant's signature:

27
 28 "This policy is primarily governed by the laws
 29 of ...insert state where the master policy if
 30 filed.... As a result, all of the rating laws
 31 applicable to policies filed in this state do

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1 not apply to this coverage, which may result in
 2 increases in your premium at renewal that would
 3 not be permissible under a Florida-approved
 4 policy. Any purchase of individual health
 5 insurance should be considered carefully, as
 6 future medical conditions may make it
 7 impossible to qualify for another individual
 8 health policy. For information concerning
 9 individual health coverage under a
 10 Florida-approved policy, consult your agent or
 11 the Florida Department of Financial Services."
 12

13 This paragraph applies only to group certificates providing
 14 health insurance coverage which require individualized
 15 underwriting to determine coverage eligibility for an
 16 individual or premium rates to be charged to an individual
 17 except for the following:

18 1. Policies issued to provide coverage to groups of
 19 persons all of whom are in the same or functionally related
 20 licensed professions, and providing coverage only to such
 21 licensed professionals, their employees, or their dependents;

22 2. Policies providing coverage to small employers as
 23 defined by s. 627.6699. Such policies shall be subject to, and
 24 governed by, the provisions of s. 627.6699;

25 3. Policies issued to a bona fide association, as
 26 defined by s. 627.6571(5), provided that there is a person or
 27 board acting as a fiduciary for the benefit of the members,
 28 and such association is not owned, controlled by, or otherwise
 29 associated with the insurance company; or

30 4. Any accidental death, accidental death and
 31 dismemberment, accident-only, vision-only, dental-only,

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1 hospital indemnity-only, hospital accident-only, cancer,
 2 specified disease, Medicare supplement, products that
 3 supplement Medicare, long-term care, or disability income
 4 insurance, or similar supplemental plans provided under a
 5 separate policy, certificate, or contract of insurance, which
 6 cannot duplicate coverage under an underlying health plan,
 7 coinsurance, or deductibles or coverage issued as a supplement
 8 to workers' compensation or similar insurance, or automobile
 9 medical-payment insurance.

10 Section 4. The Legislature finds that this act
 11 fulfills an important state interest.

12 Section 5. This act shall take effect October 1, 2005,
 13 and applies to policies and contracts issued or renewed on or
 14 after that date.

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

18 And the title is amended as follows:

19 Delete everything before the enacting clause
 20
 21 and insert:

22 A bill to be entitled
 23 An act relating to cystic fibrosis treatment;
 24 creating s. 627.6614, F.S.; requiring a group
 25 health insurance policy to cover services
 26 needed to treat cystic fibrosis as authorized
 27 by a physician; amending s. 641.31, F.S.;
 28 requiring a contract by a health maintenance
 29 organization to cover services needed to treat
 30 cystic fibrosis as authorized by a physician;
 31 amending s. 627.6515, F.S., relating to

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1 out-of-state groups; conforming a
2 cross-reference to changes made by the act;
3 providing that the act fulfills an important
4 state interest; providing an effective date.
5

6 WHEREAS, cystic fibrosis is a genetic disease that
7 adversely affects the respiratory system and the digestive
8 system, and

9 WHEREAS, only half of those suffering with cystic
10 fibrosis live to the age of 32, and

11 WHEREAS, the treatments for individuals with cystic
12 fibrosis include ingesting pancreatic enzymes or a wide
13 assortment of nutritional supplements, frequent postural
14 draining to clear the respiratory system, or using a feeding
15 tube to provide sustenance, and

16 WHEREAS, insurance companies oftentimes do not fully
17 cover the costs associated with treating cystic fibrosis, a
18 fatal disease, NOW, THEREFORE,

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