

Bill No. SB 318

Barcode 720932

CHAMBER ACTION

Senate

House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

627.6614 Cystic fibrosis treatment services.--A group health insurance policy sold in this state must provide coverage for all medically necessary chest physiotherapy provided by a respiratory therapist licensed under part V of chapter 468, home health care, equipment, supplies, and enteral formulas described in s. 627.42395 used to treat cystic fibrosis if the patient's treating physician or an authorized physician who specializes in the treatment of cystic fibrosis certifies that such services are medically necessary. The insurer may require the policyholder to be responsible for any deductible or copayment that 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 an authorized physician who specializes in the treatment of
 13 cystic fibrosis certifies that such services are medically
 14 necessary. The health maintenance organization may require the
 15 subscriber to be responsible for any deductible or copayment
 16 that generally applies under the contract.

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

19 627.6515 Out-of-state groups.--

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

24 (a) The policy is issued to an employee group the
 25 composition of which is substantially as described in s.
 26 627.653; a labor union group or association group the
 27 composition of which is substantially as described in s.
 28 627.654; an additional group the composition of which is
 29 substantially as described in s. 627.656; a group insured
 30 under a blanket health policy when the composition of the
 31 group is substantially in compliance with s. 627.659; a group

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

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

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

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

26
 27 "This policy is primarily governed by the laws
 28 of ...insert state where the master policy if
 29 filed.... As a result, all of the rating laws
 30 applicable to policies filed in this state do
 31 not apply to this coverage, which may result in

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

11
 12 This paragraph applies only to group certificates providing
 13 health insurance coverage which require individualized
 14 underwriting to determine coverage eligibility for an
 15 individual or premium rates to be charged to an individual
 16 except for the following:

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

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

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

29 4. Any accidental death, accidental death and
 30 dismemberment, accident-only, vision-only, dental-only,
 31 hospital indemnity-only, hospital accident-only, cancer,

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

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

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

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

17 And the title is amended as follows:

18 Delete everything before the enacting clause

19
 20 and insert:

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

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

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

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

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

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

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