

By Senator Margolis

35-264A-05

1                                   A bill to be entitled  
2           An act relating to cystic fibrosis treatment;  
3           creating ss. 627.64194 and 627.6614, F.S.;  
4           requiring an individual health insurance policy  
5           or a group health insurance policy to cover  
6           services needed to treat cystic fibrosis as  
7           authorized by a physician; amending s. 641.31,  
8           F.S.; requiring a contract by a health  
9           maintenance organization to cover services  
10          needed to treat cystic fibrosis as authorized  
11          by a physician; amending s. 627.6515, F.S.,  
12          relating to out-of-state groups; conforming a  
13          cross-reference to changes made by the act;  
14          providing an effective date.

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16           WHEREAS, cystic fibrosis is a genetic disease that  
17          adversely affects the respiratory system and the digestive  
18          system, and

19           WHEREAS, there are 1,006 children and adults in Florida  
20          today suffering from cystic fibrosis, and

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

23           WHEREAS, the treatments for individuals with cystic  
24          fibrosis include ingesting pancreatic enzymes or a wide  
25          assortment of nutritional supplements, frequent postural  
26          draining to clear the respiratory system, or using a feeding  
27          tube to provide sustenance, and

28           WHEREAS, insurance companies oftentimes do not fully  
29          cover the costs associated with treating cystic fibrosis, a  
30          fatal disease, NOW, THEREFORE,

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

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3 Section 1. Section 627.64194, Florida Statutes, is  
4 created to read:

5 627.64194 Cystic fibrosis treatment services.--A  
6 health insurance policy sold in this state must provide  
7 coverage for all medically appropriate and necessary  
8 equipment, supplies, supplements, and patient self-management  
9 training and educational services used to treat cystic  
10 fibrosis if the patient's treating physician or a physician  
11 who specializes in the treatment of cystic fibrosis certifies  
12 that such services are necessary.

13 Section 2. Section 627.6614, Florida Statutes, is  
14 created to read:

15 627.6614 Cystic fibrosis treatment services.--A group  
16 health insurance policy sold in this state must provide  
17 coverage for all medically appropriate and necessary  
18 equipment, supplies, supplements, and patient self-management  
19 training and educational services used to treat cystic  
20 fibrosis if the patient's treating physician or a physician  
21 who specializes in the treatment of cystic fibrosis certifies  
22 that such services are necessary.

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

27 641.31 Health maintenance contracts.--

28 (36) A health maintenance contract sold in this state  
29 must provide coverage for all medically appropriate and  
30 necessary equipment, supplies, supplements, and patient  
31 self-management training and educational services used to

1 treat cystic fibrosis if the patient's treating physician or a  
2 physician who specializes in the treatment of cystic fibrosis  
3 certifies that such services are necessary.

4 Section 4. Subsection (2) of section 627.6515, Florida  
5 Statutes, is amended to read:

6 627.6515 Out-of-state groups.--

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

11 (a) The policy is issued to an employee group the  
12 composition of which is substantially as described in s.  
13 627.653; a labor union group or association group the  
14 composition of which is substantially as described in s.  
15 627.654; an additional group the composition of which is  
16 substantially as described in s. 627.656; a group insured  
17 under a blanket health policy when the composition of the  
18 group is substantially in compliance with s. 627.659; a group  
19 insured under a franchise health policy when the composition  
20 of the group is substantially in compliance with s. 627.663;  
21 an association group to cover persons associated in any other  
22 common group, which common group is formed primarily for  
23 purposes other than providing insurance; a group that is  
24 established primarily for the purpose of providing group  
25 insurance, provided the benefits are reasonable in relation to  
26 the premiums charged thereunder and the issuance of the group  
27 policy has resulted, or will result, in economies of  
28 administration; or a group of insurance agents of an insurer,  
29 which insurer is the policyholder;

30 (b) Certificates evidencing coverage under the policy  
31 are issued to residents of this state and contain in

1 | contrasting color and not less than 10-point type the  
2 | following statement: "The benefits of the policy providing  
3 | your coverage are governed primarily by the law of a state  
4 | other than Florida"; and

5 |       (c) The policy provides the benefits specified in ss.  
6 | 627.419, 627.6574, 627.6575, 627.6579, 627.6612, 627.66121,  
7 | 627.66122, 627.6613, 627.6614, 627.667, 627.6675, 627.6691,  
8 | and 627.66911.

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

13 |  
14 |       "This policy is primarily governed by the laws  
15 | of ...insert state where the master policy if  
16 | filed.... As a result, all of the rating laws  
17 | applicable to policies filed in this state do  
18 | not apply to this coverage, which may result in  
19 | increases in your premium at renewal that would  
20 | not be permissible under a Florida-approved  
21 | policy. Any purchase of individual health  
22 | insurance should be considered carefully, as  
23 | future medical conditions may make it  
24 | impossible to qualify for another individual  
25 | health policy. For information concerning  
26 | individual health coverage under a  
27 | Florida-approved policy, consult your agent or  
28 | the Florida Department of Financial Services."  
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30 | This paragraph applies only to group certificates providing  
31 | health insurance coverage which require individualized

1 | underwriting to determine coverage eligibility for an  
2 | individual or premium rates to be charged to an individual  
3 | except for the following:

4 |       1. Policies issued to provide coverage to groups of  
5 | persons all of whom are in the same or functionally related  
6 | licensed professions, and providing coverage only to such  
7 | licensed professionals, their employees, or their dependents;

8 |       2. Policies providing coverage to small employers as  
9 | defined by s. 627.6699. Such policies shall be subject to, and  
10 | governed by, the provisions of s. 627.6699;

11 |       3. Policies issued to a bona fide association, as  
12 | defined by s. 627.6571(5), provided that there is a person or  
13 | board acting as a fiduciary for the benefit of the members,  
14 | and such association is not owned, controlled by, or otherwise  
15 | associated with the insurance company; or

16 |       4. Any accidental death, accidental death and  
17 | dismemberment, accident-only, vision-only, dental-only,  
18 | hospital indemnity-only, hospital accident-only, cancer,  
19 | specified disease, Medicare supplement, products that  
20 | supplement Medicare, long-term care, or disability income  
21 | insurance, or similar supplemental plans provided under a  
22 | separate policy, certificate, or contract of insurance, which  
23 | cannot duplicate coverage under an underlying health plan,  
24 | coinsurance, or deductibles or coverage issued as a supplement  
25 | to workers' compensation or similar insurance, or automobile  
26 | medical-payment insurance.

27 |       Section 5. This act shall take effect October 1, 2005.  
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SENATE SUMMARY

Requires an individual health insurance policy, a group health insurance policy, or a contract by a health maintenance organization to cover services needed to treat cystic fibrosis as authorized by a physician.