

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A bill to be entitled
 An act relating to the treatment of congenital
 craniofacial anomalies; creating ss. 627.64194 and
 627.6614, F.S.; requiring an individual health insurance
 policy or a group health insurance policy to cover
 services needed to treat congenital craniofacial anomalies
 as authorized by a physician; amending s. 627.6515, F.S.;
 including within an exclusion from provisions applying to
 out-of-state groups group policies providing health
 coverage for congenital craniofacial anomalies; amending
 s. 641.31, F.S.; requiring a contract by a health
 maintenance organization to cover services needed to treat
 congenital craniofacial anomalies as authorized by a
 physician; providing an effective date.

WHEREAS, craniofacial anomalies are a group of deformities
 involving the growth of the head and facial bones, and these
 anomalies are present at birth and vary in type and severity,
 and

WHEREAS, experts agree that many factors contribute to the
 development of craniofacial anomalies, that some craniofacial
 anomalies are a result of genetic mutations, and that other
 craniofacial anomalies may be a result of environmental factors
 that scientists do not completely understand, and

WHEREAS, the most common types of craniofacial anomalies
 include, but are not limited to, cleft lip, cleft palate,
 craniosynostosis, hemifacial microsomia, vascular malformation,
 hemangioma, and deformational or positional plagiocephaly, and

29 WHEREAS, insurance companies often do not fully cover the
 30 costs associated with treating congenital craniofacial
 31 anomalies, NOW, THEREFORE,

32

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

34

35 Section 1. Section 627.64194, Florida Statutes, is created
 36 to read:

37 627.64194 Services for the treatment of congenital
 38 craniofacial anomalies.--A health insurance policy sold in this
 39 state must provide coverage for all medically appropriate and
 40 necessary equipment, supplies, supplements, and patient self-
 41 management training and educational services used to treat a
 42 congenital craniofacial anomaly if the patient's treating
 43 physician or a physician who specializes in the treatment of
 44 craniofacial anomalies certifies that such services are
 45 necessary.

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

48 627.6515 Out-of-state groups.--

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

53 (a) The policy is issued to an employee group the
 54 composition of which is substantially as described in s.
 55 627.653; a labor union group or association group the
 56 composition of which is substantially as described in s.

57 627.654; an additional group the composition of which is
 58 substantially as described in s. 627.656; a group insured under
 59 a blanket health policy when the composition of the group is
 60 substantially in compliance with s. 627.659; a group insured
 61 under a franchise health policy when the composition of the
 62 group is substantially in compliance with s. 627.663; an
 63 association group to cover persons associated in any other
 64 common group, which common group is formed primarily for
 65 purposes other than providing insurance; a group that is
 66 established primarily for the purpose of providing group
 67 insurance, provided the benefits are reasonable in relation to
 68 the premiums charged thereunder and the issuance of the group
 69 policy has resulted, or will result, in economies of
 70 administration; or a group of insurance agents of an insurer,
 71 which insurer is the policyholder.†

72 (b) Certificates evidencing coverage under the policy are
 73 issued to residents of this state and contain in contrasting
 74 color and not less than 10-point type the following statement:
 75 "The benefits of the policy providing your coverage are governed
 76 primarily by the law of a state other than Florida".†~~and~~

77 (c) The policy provides the benefits specified in ss.
 78 627.419, 627.6574, 627.6575, 627.6579, 627.6612, 627.66121,
 79 627.66122, 627.6613, 627.6614, 627.667, 627.6675, 627.6691, and
 80 627.66911.

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

85
86 "This policy is primarily governed by the laws of
87 ...insert state where the master policy is filed....
88 As a result, all of the rating laws applicable to
89 policies filed in this state do not apply to this
90 coverage, which may result in increases in your
91 premium at renewal that would not be permissible under
92 a Florida-approved policy. Any purchase of individual
93 health insurance should be considered carefully, as
94 future medical conditions may make it impossible to
95 qualify for another individual health policy. For
96 information concerning individual health coverage
97 under a Florida-approved policy, consult your agent or
98 the Florida Department of Financial Services."
99

100 This paragraph applies only to group certificates providing
101 health insurance coverage which require individualized
102 underwriting to determine coverage eligibility for an individual
103 or premium rates to be charged to an individual except for the
104 following:

- 105 1. Policies issued to provide coverage to groups of
106 persons all of whom are in the same or functionally related
107 licensed professions, and providing coverage only to such
108 licensed professionals, their employees, or their dependents;
- 109 2. Policies providing coverage to small employers as
110 defined by s. 627.6699. Such policies shall be subject to, and
111 governed by, the provisions of s. 627.6699;
- 112 3. Policies issued to a bona fide association, as defined

113 by s. 627.6571(5), provided that there is a person or board
 114 acting as a fiduciary for the benefit of the members, and such
 115 association is not owned, controlled by, or otherwise associated
 116 with the insurance company; or

117 4. Any accidental death, accidental death and
 118 dismemberment, accident-only, vision-only, dental-only, hospital
 119 indemnity-only, hospital accident-only, cancer, specified
 120 disease, Medicare supplement, products that supplement Medicare,
 121 long-term care, or disability income insurance, or similar
 122 supplemental plans provided under a separate policy,
 123 certificate, or contract of insurance, which cannot duplicate
 124 coverage under an underlying health plan, coinsurance, or
 125 deductibles or coverage issued as a supplement to workers'
 126 compensation or similar insurance, or automobile medical-payment
 127 insurance.

128 Section 3. Section 627.6614, Florida Statutes, is created
 129 to read:

130 627.6614 Services for the treatment of congenital
 131 craniofacial anomalies.--A group health insurance policy sold in
 132 this state must provide coverage for all medically appropriate
 133 and necessary equipment, supplies, supplements, and patient
 134 self-management training and educational services used to treat
 135 a congenital craniofacial anomaly if the patient's treating
 136 physician or a physician who specializes in the treatment of
 137 craniofacial anomalies certifies that such services are
 138 necessary.

139 Section 4. Present subsections (36), (37), (38), (39), and
 140 (40) of section 641.31, Florida Statutes, are renumbered as

HB 0327

2005

141 subsections (37), (38), (39), (40), and (41), respectively, and
142 a new subsection (36) is added to said section to read:

143 641.31 Health maintenance contracts.--

144 (36) A health maintenance contract sold in this state must
145 provide coverage for all medically appropriate and necessary
146 equipment, supplies, supplements, and patient self-management
147 training and educational services used to treat a congenital
148 craniofacial anomaly if the patient's treating physician or a
149 physician who specializes in the treatment of craniofacial
150 anomalies certifies that such services are necessary.

151 Section 5. This act shall take effect October 1, 2005.