

1 A bill to be entitled
 2 An act relating to cystic fibrosis treatment; creating ss.
 3 627.64194 and 627.6614, F.S.; requiring an individual
 4 health insurance policy or a group health insurance policy
 5 to cover services needed to treat cystic fibrosis as
 6 authorized by a physician; amending s. 627.6515, F.S;
 7 including within an exclusion from provisions applying to
 8 out-of-state groups group policies providing health
 9 coverage for cystic fibrosis; amending s. 641.31, F.S.;
 10 requiring a contract by a health maintenance organization
 11 to cover services needed to treat cystic fibrosis as
 12 authorized by a physician; providing an effective date.

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

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

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

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

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

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

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

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

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

627.6515 Out-of-state groups.--

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

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

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

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

73 | (c) The policy provides the benefits specified in ss.
 74 | 627.419, 627.6574, 627.6575, 627.6579, 627.6612, 627.66121,
 75 | 627.66122, 627.6613, 627.6614, 627.667, 627.6675, 627.6691, and
 76 | 627.66911.

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

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 82 | "This policy is primarily governed by the laws of
 83 | ...insert state where the master policy is filed....
 84 | As a result, all of the rating laws applicable to

85 | policies filed in this state do not apply to this
 86 | coverage, which may result in increases in your
 87 | premium at renewal that would not be permissible under
 88 | a Florida-approved policy. Any purchase of individual
 89 | health insurance should be considered carefully, as
 90 | future medical conditions may make it impossible to
 91 | qualify for another individual health policy. For
 92 | information concerning individual health coverage
 93 | under a Florida-approved policy, consult your agent or
 94 | the Florida Department of Financial Services."

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 96 | This paragraph applies only to group certificates providing
 97 | health insurance coverage which require individualized
 98 | underwriting to determine coverage eligibility for an individual
 99 | or premium rates to be charged to an individual except for the
 100 | following:

- 101 | 1. Policies issued to provide coverage to groups of
- 102 | persons all of whom are in the same or functionally related
- 103 | licensed professions, and providing coverage only to such
- 104 | licensed professionals, their employees, or their dependents;
- 105 | 2. Policies providing coverage to small employers as
- 106 | defined by s. 627.6699. Such policies shall be subject to, and
- 107 | governed by, the provisions of s. 627.6699;
- 108 | 3. Policies issued to a bona fide association, as defined
- 109 | by s. 627.6571(5), provided that there is a person or board
- 110 | acting as a fiduciary for the benefit of the members, and such
- 111 | association is not owned, controlled by, or otherwise associated
- 112 | with the insurance company; or

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

124 Section 3. Section 627.6614, Florida Statutes, is created
 125 to read:

126 627.6614 Cystic fibrosis treatment services.--A group
 127 health insurance policy sold in this state must provide coverage
 128 for all medically appropriate and necessary equipment, supplies,
 129 supplements, and patient self-management training and
 130 educational services used to treat cystic fibrosis if the
 131 patient's treating physician or a physician who specializes in
 132 the treatment of cystic fibrosis certifies that such services
 133 are necessary.

134 Section 4. Present subsections (36), (37), (38), (39), and
 135 (40) of section 641.31, Florida Statutes, are renumbered as
 136 subsections (37), (38), (39), (40), and (41), respectively, and
 137 new subsection (36) is added to said section to read:

138 641.31 Health maintenance contracts.--

139 (36) A health maintenance contract sold in this state must
 140 provide coverage for all medically appropriate and necessary

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141 equipment, supplies, supplements, and patient self-management
142 training and educational services used to treat cystic fibrosis
143 if the patient's treating physician or a physician who
144 specializes in the treatment of cystic fibrosis certifies that
145 such services are necessary.

146 Section 5. This act shall take effect July 1, 2005.