

CHAMBER ACTION

1 The Insurance Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to cystic fibrosis treatment; amending s.
7 627.6515, F.S.; including within an exclusion from
8 provisions applying to out-of-state groups group policies
9 providing health coverage for cystic fibrosis; creating s.
10 627.6614, F.S.; requiring a group health insurance policy
11 to cover services needed to treat cystic fibrosis as
12 authorized by a physician; amending s. 641.31, F.S.;
13 requiring a contract by a health maintenance organization
14 to cover services needed to treat cystic fibrosis as
15 authorized by a physician; providing a legislative finding
16 of fulfillment of an important state interest; providing
17 application; providing an effective date.

18
19 WHEREAS, cystic fibrosis is a genetic disease that
20 adversely affects the respiratory system and the digestive
21 system, and

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

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

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

32

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

34

35 Section 1. Subsection (2) of section 627.6515, Florida
36 Statutes, is amended to read:

37 627.6515 Out-of-state groups.--

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

42 (a) The policy is issued to an employee group the
43 composition of which is substantially as described in s.
44 627.653; a labor union group or association group the
45 composition of which is substantially as described in s.
46 627.654; an additional group the composition of which is
47 substantially as described in s. 627.656; a group insured under
48 a blanket health policy when the composition of the group is
49 substantially in compliance with s. 627.659; a group insured
50 under a franchise health policy when the composition of the
51 group is substantially in compliance with s. 627.663; an

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52 | association group to cover persons associated in any other
 53 | common group, which common group is formed primarily for
 54 | purposes other than providing insurance; a group that is
 55 | established primarily for the purpose of providing group
 56 | insurance, provided the benefits are reasonable in relation to
 57 | the premiums charged thereunder and the issuance of the group
 58 | policy has resulted, or will result, in economies of
 59 | administration; or a group of insurance agents of an insurer,
 60 | which insurer is the policyholder. ~~;~~

61 | (b) Certificates evidencing coverage under the policy are
 62 | issued to residents of this state and contain in contrasting
 63 | color and not less than 10-point type the following statement:
 64 | "The benefits of the policy providing your coverage are governed
 65 | primarily by the law of a state other than Florida". ~~;~~ ~~and~~

66 | (c) The policy provides the benefits specified in ss.
 67 | 627.419, 627.6574, 627.6575, 627.6579, 627.6612, 627.66121,
 68 | 627.66122, 627.6613, 627.6614, 627.667, 627.6675, 627.6691, and
 69 | 627.66911.

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

74 |
 75 | "This policy is primarily governed by the laws of
 76 | ...insert state where the master policy is ~~if~~
 77 | filed.... As a result, all of the rating laws
 78 | applicable to policies filed in this state do not
 79 | apply to this coverage, which may result in increases

80 | in your premium at renewal that would not be
 81 | permissible under a Florida-approved policy. Any
 82 | purchase of individual health insurance should be
 83 | considered carefully, as future medical conditions may
 84 | make it impossible to qualify for another individual
 85 | health policy. For information concerning individual
 86 | health coverage under a Florida-approved policy,
 87 | consult your agent or the Florida Department of
 88 | Financial Services."

89 |
 90 | This paragraph applies only to group certificates providing
 91 | health insurance coverage which require individualized
 92 | underwriting to determine coverage eligibility for an individual
 93 | or premium rates to be charged to an individual except for the
 94 | following:

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

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

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

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

118 Section 2. Section 627.6614, Florida Statutes, is created
 119 to read:

120 627.6614 Cystic fibrosis treatment services.--A group
 121 health insurance policy sold in this state must provide coverage
 122 for all medically necessary chest physiotherapy provided by a
 123 respiratory therapist licensed under part V of chapter 468, home
 124 health care, equipment, supplies, and enteral formulas described
 125 in s. 627.42395 used to treat cystic fibrosis if the patient's
 126 treating physician or a physician authorized by the insurer who
 127 specializes in the treatment of cystic fibrosis certifies that
 128 such services are medically necessary. The insurer may require
 129 the policyholder to be responsible for any deductible or
 130 copayment that generally applies under the policy.

131 Section 3. Present subsections (36), (37), (38), (39), and
 132 (40) of section 641.31, Florida Statutes, are renumbered as
 133 subsections (37), (38), (39), (40), and (41), respectively, and
 134 new subsection (36) is added to said section to read:

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135 641.31 Health maintenance contracts.--

136 (36) A group health maintenance contract sold in this
137 state must provide coverage for all medically necessary chest
138 physiotherapy provided by a respiratory therapist licensed under
139 part V of chapter 468 and home health care, equipment, supplies,
140 and enteral formulas described in s. 627.42395 used to treat
141 cystic fibrosis if the patient's treating physician or a
142 physician authorized by the health maintenance organization who
143 specializes in the treatment of cystic fibrosis certifies that
144 such services are medically necessary. The health maintenance
145 organization may require the subscriber to be responsible for
146 any deductible or copayment that generally applies under the
147 contract.

148 Section 4. The Legislature finds that this act fulfills an
149 important state interest.

150 Section 5. This act shall take effect October 1, 2005, and
151 applies to all policies and contracts issued or renewed on or
152 after that date.