

1 A bill to be entitled
 2 An act relating to breast cancer treatment; providing a
 3 popular name; amending ss. 627.64171, 627.66121, and
 4 641.31, F.S.; including lymph node dissections under
 5 provisions prescribing the length of hospital stay
 6 relating to a mastectomy which specified health insurers
 7 and health maintenance organizations must cover; limiting
 8 application; providing an effective date.

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

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 12 Section 1. This act may be cited as the "Mary B. Hooks
 13 Act."

14 Section 2. Subsections (1) and (2) and paragraph (a) of
 15 subsection (4) of section 627.64171, Florida Statutes, are
 16 amended to read:

17 627.64171 Coverage for length of stay and outpatient
 18 postsurgical care.--

19 (1) Any health insurance policy that is issued, amended,
 20 delivered, or renewed in this state which provides coverage for
 21 breast cancer treatment may not limit inpatient hospital
 22 coverage for lymph node dissections or mastectomies to any
 23 period that is less than that determined by the treating
 24 physician to be medically necessary in accordance with
 25 prevailing medical standards and after consultation with the
 26 insured patient.

27 (2) Any health insurance policy that provides coverage for
 28 lymph node dissections or mastectomies under subsection (1) must

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29 also provide coverage for outpatient postsurgical followup care
30 in keeping with prevailing medical standards by a licensed
31 health care professional qualified to provide postsurgical
32 mastectomy care. The treating physician, after consultation with
33 the insured patient, may choose that the outpatient care be
34 provided at the most medically appropriate setting, which may
35 include the hospital, treating physician's office, outpatient
36 center, or home of the insured patient.

37 (4)(a) This section does not require an insured patient to
38 have a lymph node dissection or ~~the~~ mastectomy in the hospital
39 or stay in the hospital for a fixed period of time following a
40 lymph node dissection or ~~the~~ mastectomy.

41 Section 3. Subsections (1) and (2) and paragraph (a) of
42 subsection (4) of section 627.66121, Florida Statutes, are
43 amended to read:

44 627.66121 Coverage for length of stay and outpatient
45 postsurgical care.--

46 (1) Any group, blanket, or franchise accident or health
47 insurance policy that is issued, amended, delivered, or renewed
48 in this state which provides coverage for breast cancer
49 treatment may not limit inpatient hospital coverage for lymph
50 node dissections or mastectomies to any period that is less than
51 that determined by the treating physician to be medically
52 necessary in accordance with prevailing medical standards and
53 after consultation with the insured patient.

54 (2) Any group, blanket, or franchise accident or health
55 insurance policy that provides coverage for lymph node
56 dissections or mastectomies under subsection (1) must also

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57 | provide coverage for outpatient postsurgical followup care in
58 | keeping with prevailing medical standards by a licensed health
59 | care professional qualified to provide postsurgical mastectomy
60 | care. The treating physician, after consultation with the
61 | insured patient, may choose that the outpatient care be provided
62 | at the most medically appropriate setting, which may include the
63 | hospital, treating physician's office, outpatient center, or
64 | home of the insured patient.

65 | (4)(a) This section does not require an insured patient to
66 | have a lymph node dissection or ~~the~~ mastectomy in the hospital
67 | or stay in the hospital for a fixed period of time following a
68 | lymph node dissection or ~~the~~ mastectomy.

69 | Section 4. Paragraphs (a) and (c) of subsection (31) of
70 | section 641.31, Florida Statutes, are amended to read:

71 | 641.31 Health maintenance contracts.--

72 | (31)(a) Health maintenance contracts that provide
73 | coverage, benefits, or services for breast cancer treatment may
74 | not limit inpatient hospital coverage for lymph node dissections
75 | or mastectomies to any period that is less than that determined
76 | by the treating physician under contract with the health
77 | maintenance organization to be medically necessary in accordance
78 | with prevailing medical standards and after consultation with
79 | the covered patient. Such contract must also provide coverage
80 | for outpatient postsurgical followup care in keeping with
81 | prevailing medical standards by a licensed health care
82 | professional under contract with the health maintenance
83 | organization qualified to provide postsurgical mastectomy care.
84 | The treating physician under contract with the health

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85 maintenance organization, after consultation with the covered
86 patient, may choose that the outpatient care be provided at the
87 most medically appropriate setting, which may include the
88 hospital, treating physician's office, outpatient center, or
89 home of the covered patient.

90 (c)1. This subsection does not require a covered patient
91 to have a lymph node dissection or ~~the~~ mastectomy in the
92 hospital or stay in the hospital for a fixed period of time
93 following a lymph node dissection or ~~the~~ mastectomy.

94 2. This subsection does not prevent a contract from
95 imposing deductibles, coinsurance, or other cost sharing in
96 relation to benefits pursuant to this subsection, except that
97 such cost sharing shall not exceed cost sharing with other
98 benefits.

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