

By Senator Wise

5-826-06

See HB 59

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

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

15           Section 1. This act may be cited as the "Mary B. Hooks  
16 Act."

17           Section 2. Subsections (1) and (2) and paragraph (a)  
18 of subsection (4) of section 627.64171, Florida Statutes, are  
19 amended to read:

20           627.64171 Coverage for length of stay and outpatient  
21 postsurgical care.--

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

30           (2) Any health insurance policy that provides coverage  
31 for lymph node dissections or mastectomies under subsection

1 (1) must also provide coverage for outpatient postsurgical  
2 followup care in keeping with prevailing medical standards by  
3 a licensed health care professional qualified to provide  
4 postsurgical lymph node dissection or mastectomy care. The  
5 treating physician, after consultation with the insured  
6 patient, may choose that the outpatient care be provided at  
7 the most medically appropriate setting, which may include the  
8 hospital, treating physician's office, outpatient center, or  
9 home of the insured patient.

10 (4)(a) This section does not require an insured  
11 patient to have a lymph node dissection or ~~the~~ mastectomy in  
12 the hospital or stay in the hospital for a fixed period of  
13 time following a lymph node dissection or ~~the~~ mastectomy.

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

17 627.66121 Coverage for length of stay and outpatient  
18 postsurgical care.--

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

27 (2) Any group, blanket, or franchise accident or  
28 health insurance policy that provides coverage for lymph node  
29 dissections or mastectomies under subsection (1) must also  
30 provide coverage for outpatient postsurgical followup care in  
31 keeping with prevailing medical standards by a licensed health

1 care professional qualified to provide postsurgical lymph node  
2 dissection or mastectomy care. The treating physician, after  
3 consultation with the insured patient, may choose that the  
4 outpatient care be provided at the most medically appropriate  
5 setting, which may include the hospital, treating physician's  
6 office, outpatient center, or home of the insured patient.

7 (4)(a) This section does not require an insured  
8 patient to have a lymph node dissection or ~~the~~ mastectomy in  
9 the hospital or stay in the hospital for a fixed period of  
10 time following a lymph node dissection or ~~the~~ mastectomy.

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

13 641.31 Health maintenance contracts.--

14 (31)(a) Health maintenance contracts that provide  
15 coverage, benefits, or services for breast cancer treatment  
16 may not limit inpatient hospital coverage for lymph node  
17 dissections or mastectomies to any period that is less than  
18 that determined by the treating physician under contract with  
19 the health maintenance organization to be medically necessary  
20 in accordance with prevailing medical standards and after  
21 consultation with the covered patient. Such contract must also  
22 provide coverage for outpatient postsurgical followup care in  
23 keeping with prevailing medical standards by a licensed health  
24 care professional under contract with the health maintenance  
25 organization qualified to provide postsurgical lymph node  
26 dissection or mastectomy care. The treating physician under  
27 contract with the health maintenance organization, after  
28 consultation with the covered patient, may choose that the  
29 outpatient care be provided at the most medically appropriate  
30 setting, which may include the hospital, treating physician's  
31 office, outpatient center, or home of the covered patient.

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

5           2. This subsection does not prevent a contract from  
6 imposing deductibles, coinsurance, or other cost sharing in  
7 relation to benefits pursuant to this subsection, except that  
8 such cost sharing shall not exceed cost sharing with other  
9 benefits.

10           Section 5. This act shall take effect July 1, 2006.

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