

HB 1353

2006

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

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

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

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

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

28

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

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

33 627.6515 Out-of-state groups.--

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

38 (a) The policy is issued to an employee group the
 39 composition of which is substantially as described in s.
 40 627.653; a labor union group or association group the
 41 composition of which is substantially as described in s.
 42 627.654; an additional group the composition of which is
 43 substantially as described in s. 627.656; a group insured under
 44 a blanket health policy when the composition of the group is
 45 substantially in compliance with s. 627.659; a group insured
 46 under a franchise health policy when the composition of the
 47 group is substantially in compliance with s. 627.663; an
 48 association group to cover persons associated in any other
 49 common group, which common group is formed primarily for
 50 purposes other than providing insurance; a group that is
 51 established primarily for the purpose of providing group
 52 insurance, provided the benefits are reasonable in relation to
 53 the premiums charged thereunder and the issuance of the group
 54 policy has resulted, or will result, in economies of
 55 administration; or a group of insurance agents of an insurer,
 56 which insurer is the policyholder.†

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

62 (c) The policy provides the benefits specified in ss.
 63 627.419, 627.6574, 627.6575, 627.6579, 627.6612, 627.66121,
 64 627.66122, 627.6613, 627.6614, 627.667, 627.6675, 627.6691, and
 65 627.66911.

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

70
 71 "This policy is primarily governed by the laws of insert state
 72 where the master policy is ~~is~~ filed . As a result, all of the
 73 rating laws applicable to policies filed in this state do not
 74 apply to this coverage, which may result in increases in your
 75 premium at renewal that would not be permissible under a
 76 Florida-approved policy. Any purchase of individual health
 77 insurance should be considered carefully, as future medical
 78 conditions may make it impossible to qualify for another
 79 individual health policy. For information concerning individual
 80 health coverage under a Florida-approved policy, consult your
 81 agent or the Florida Department of Financial Services."

82
 83 This paragraph applies only to group certificates providing
 84 health insurance coverage which require individualized

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85 | underwriting to determine coverage eligibility for an individual
86 | or premium rates to be charged to an individual except for the
87 | following:

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

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

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

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

111 | Section 2. Section 627.6614, Florida Statutes, is created
112 | to read:

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113 627.6614 Cystic fibrosis treatment services.--A group
114 health insurance policy sold in this state must provide coverage
115 for all medically necessary chest physiotherapy provided by a
116 respiratory therapist licensed under part V of chapter 468 and
117 home health care, equipment, supplies, and enteral formulas
118 described in s. 627.42395 used to treat cystic fibrosis if the
119 patient's treating physician or a physician authorized by the
120 insurer who specializes in the treatment of cystic fibrosis
121 certifies that such services are medically necessary. The
122 insurer may require the policyholder to be responsible for any
123 deductible or copayment that generally applies under the policy.

124 Section 3. Present subsections (36), (37), (38), (39), and
125 (40) of section 641.31, Florida Statutes, are renumbered as
126 subsections (37), (38), (39), (40), and (41), respectively, and
127 new subsection (36) is added to that section to read:

128 641.31 Health maintenance contracts.--

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

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141 Section 4. The Legislature finds that this act fulfills an
142 important state interest.

143 Section 5. This act shall take effect October 1, 2006, and
144 applies to all policies and contracts issued or renewed on or
145 after that date.