

1 A bill to be entitled
 2 An act relating to breast cancer treatment; providing a
 3 short title; 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 and the outpatient postsurgical
 7 followup care which specified health insurers and health
 8 maintenance organizations must cover; limiting
 9 application; providing an effective date.

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

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

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

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

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

28 (2) Any health insurance policy that provides coverage for
 29 lymph node dissections or mastectomies under subsection (1) must
 30 also provide coverage for outpatient postsurgical followup care
 31 in keeping with prevailing medical standards by a licensed
 32 health care professional qualified to provide postsurgical lymph
 33 node dissection or mastectomy care. The treating physician,
 34 after consultation with the insured patient, may choose that the
 35 outpatient care be provided at the most medically appropriate
 36 setting, which may include the hospital, treating physician's
 37 office, outpatient center, or home of the insured patient.

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

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

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

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

55 (2) Any group, blanket, or franchise accident or health
 56 insurance policy that provides coverage for lymph node
 57 dissections or mastectomies under subsection (1) must also
 58 provide coverage for outpatient postsurgical followup care in
 59 keeping with prevailing medical standards by a licensed health
 60 care professional qualified to provide postsurgical lymph node
 61 dissection or mastectomy care. The treating physician, after
 62 consultation with the insured patient, may choose that the
 63 outpatient care be provided at the most medically appropriate
 64 setting, which may include the hospital, treating physician's
 65 office, outpatient center, or home of the insured patient.

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

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

72 641.31 Health maintenance contracts.--

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

83 professional under contract with the health maintenance
84 organization qualified to provide postsurgical lymph node
85 dissection or mastectomy care. The treating physician under
86 contract with the health maintenance organization, after
87 consultation with the covered patient, may choose that the
88 outpatient care be provided at the most medically appropriate
89 setting, which may include the hospital, treating physician's
90 office, outpatient center, or home of the covered patient.

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

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

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