

HB 1105

2007

1 A bill to be entitled

2 An act relating to cystic fibrosis treatment; creating s.  
3 627.6614, F.S.; requiring a group health insurance policy  
4 to cover services needed to treat cystic fibrosis  
5 authorized by a physician; amending s. 641.31, F.S.;  
6 requiring a contract by a health maintenance organization  
7 to cover services needed to treat cystic fibrosis as  
8 authorized by a physician; amending s. 627.6515, F.S.,  
9 relating to out-of-state groups; conforming a cross-  
10 reference to changes made by the act; providing that the  
11 act fulfills an important state interest; providing an  
12 effective date.

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

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

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

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

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

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Section 1. Section 627.6614, Florida Statutes, is created to read:

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

Section 2. Present subsections (36), (37), (38), (39), and (40) of section 641.31, Florida Statutes, are redesignated as subsections (37), (38), (39), (40), and (41), respectively, and a new subsection (36) is added to that section, to read:

641.31 Health maintenance contracts.--

(36) A group health maintenance contract sold in this state must provide coverage for all medically necessary chest physiotherapy provided by a respiratory therapist licensed under part V of chapter 468, home health care, equipment, supplies, and enteral formulas described in s. 627.42395 which are used to treat cystic fibrosis if the patient's treating physician or a physician authorized by the health maintenance organization who specializes in the treatment of cystic fibrosis certifies that such services are medically necessary. The health maintenance

57 organization may require the subscriber to be responsible for  
58 any deductible or copayment that generally applies under the  
59 contract.

60 Section 3. Subsection (2) of section 627.6515, Florida  
61 Statutes, is amended to read:

62 627.6515 Out-of-state groups.--

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

67 (a) The policy is issued to an employee group the  
68 composition of which is substantially as described in s.  
69 627.653; a labor union group or association group the  
70 composition of which is substantially as described in s.  
71 627.654; an additional group the composition of which is  
72 substantially as described in s. 627.656; a group insured under  
73 a blanket health policy when the composition of the group is  
74 substantially in compliance with s. 627.659; a group insured  
75 under a franchise health policy when the composition of the  
76 group is substantially in compliance with s. 627.663; an  
77 association group to cover persons associated in any other  
78 common group, which common group is formed primarily for  
79 purposes other than providing insurance; a group that is  
80 established primarily for the purpose of providing group  
81 insurance, provided the benefits are reasonable in relation to  
82 the premiums charged thereunder and the issuance of the group  
83 policy has resulted, or will result, in economies of  
84 administration; or a group of insurance agents of an insurer,

85 which insurer is the policyholder;

86 (b) Certificates evidencing coverage under the policy are  
 87 issued to residents of this state and contain in contrasting  
 88 color and not less than 10-point type the following statement:  
 89 "The benefits of the policy providing your coverage are governed  
 90 primarily by the law of a state other than Florida"; and

91 (c) The policy provides the benefits specified in ss.  
 92 627.419, 627.6574, 627.6575, 627.6579, 627.6612, 627.66121,  
 93 627.66122, 627.6613, 627.6614, 627.667, 627.6675, 627.6691, and  
 94 627.66911.

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

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 100 "This policy is primarily governed by the laws of insert state  
 101 where the master policy is ~~is~~ filed . As a result, all of the  
 102 rating laws applicable to policies filed in this state do not  
 103 apply to this coverage, which may result in increases in your  
 104 premium at renewal that would not be permissible under a  
 105 Florida-approved policy. Any purchase of individual health  
 106 insurance should be considered carefully, as future medical  
 107 conditions may make it impossible to qualify for another  
 108 individual health policy. For information concerning individual  
 109 health coverage under a Florida-approved policy, consult your  
 110 agent or the Florida Department of Financial Services."

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 112 This paragraph applies only to group certificates providing

113 health insurance coverage which require individualized  
 114 underwriting to determine coverage eligibility for an individual  
 115 or premium rates to be charged to an individual except for the  
 116 following:

117 1. Policies issued to provide coverage to groups of  
 118 persons all of whom are in the same or functionally related  
 119 licensed professions, and providing coverage only to such  
 120 licensed professionals, their employees, or their dependents;

121 2. Policies providing coverage to small employers as  
 122 defined by s. 627.6699. Such policies shall be subject to, and  
 123 governed by, the provisions of s. 627.6699;

124 3. Policies issued to a bona fide association, as defined  
 125 by s. 627.6571(5), provided that there is a person or board  
 126 acting as a fiduciary for the benefit of the members, and such  
 127 association is not owned, controlled by, or otherwise associated  
 128 with the insurance company; or

129 4. Any accidental death, accidental death and  
 130 dismemberment, accident-only, vision-only, dental-only, hospital  
 131 indemnity-only, hospital accident-only, cancer, specified  
 132 disease, Medicare supplement, products that supplement Medicare,  
 133 long-term care, or disability income insurance, or similar  
 134 supplemental plans provided under a separate policy,  
 135 certificate, or contract of insurance, which cannot duplicate  
 136 coverage under an underlying health plan, coinsurance, or  
 137 deductibles or coverage issued as a supplement to workers'  
 138 compensation or similar insurance, or automobile medical-payment  
 139 insurance.

140 Section 4. The Legislature finds that this act fulfills an

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141 | important state interest.

142 |       Section 5. This act shall take effect October 1, 2007, and  
143 | applies to policies and contracts issued or renewed on or after  
144 | that date.