

1 A bill to be entitled
 2 An act relating to health insurance coverage;
 3 amending s. 627.42395, F.S.; including certain
 4 amino-acid-based formulas within requirements
 5 concerning optional coverage for formulas;
 6 providing a short title; amending ss.
 7 627.64171, 627.66121, and 641.31, F.S.;
 8 including lymph node dissections under
 9 provisions prescribing the length of hospital
 10 stay relating to a mastectomy and the
 11 outpatient postsurgical followup care which
 12 specified health insurers and health
 13 maintenance organizations must cover; limiting
 14 application; providing an effective date.

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

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 18 Section 1. Section 627.42395, Florida Statutes, is
 19 amended to read:

20 627.42395 Coverage for certain prescription and
 21 nonprescription enteral or amino acid formulas.--

22 (1) Notwithstanding any other provision of law, any
 23 health insurance policy delivered or issued for delivery, to
 24 any person in this state or any group, blanket, or franchise
 25 health insurance policy delivered or issued for delivery in
 26 this state shall make available to the policyholder as part of
 27 the application, for an appropriate additional premium,
 28 coverage for:

29 (a) Prescription and nonprescription enteral formulas
 30 for home use which are physician prescribed as medically
 31 necessary for the treatment of inherited diseases of amino

1 acid, organic acid, carbohydrate, or fat metabolism as well as
2 malabsorption originating from congenital defects present at
3 birth or acquired during the neonatal period. Such coverage
4 for inherited diseases of amino acids and organic acids shall
5 include food products modified to be low protein, in an amount
6 not to exceed \$2,500 annually for any insured individual,
7 through the age of 24.

8 (b) Amino-acid-based elemental formulas, regardless of
9 the method of intake, for the medically necessary treatment of
10 medically diagnosed conditions such as severe multiple
11 allergies, gastroesophageal reflux, and eosinophilic disorders
12 when ordered by a licensed physician.

13 (2) This section applies to any person or family
14 notwithstanding the existence of any preexisting condition.

15 Section 2. Sections 2 through 4 of this act may be
16 cited as the "Mary B. Hooks Act."

17 Section 3. 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 the lymph node dissection or mastectomy.

14 Section 4. 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 the lymph node dissection or mastectomy.

11 Section 5. 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 the lymph node dissection or 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 6. This act shall take effect July 1, 2007.

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