

1                                   A bill to be entitled  
2           An act relating to breast cancer treatment;  
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. This act may be cited as the "Mary B. Hooks  
19 Act."

20           Section 2. Subsections (1) and (2) and paragraph (a)  
21 of subsection (4) of section 627.64171, Florida Statutes, are  
22 amended to read:

23           627.64171 Coverage for length of stay and outpatient  
24 postsurgical care.--

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

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

14 (4)(a) This section does not require an insured  
15 patient to have a lymph node dissection or ~~the~~ mastectomy in  
16 the hospital or stay in the hospital for a fixed period of  
17 time following the lymph node dissection or mastectomy.

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

21 627.66121 Coverage for length of stay and outpatient  
22 postsurgical care.--

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

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

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

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

18           641.31 Health maintenance contracts.--

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

1 contract with the health maintenance organization, after  
2 consultation with the covered patient, may choose that the  
3 outpatient care be provided at the most medically appropriate  
4 setting, which may include the hospital, treating physician's  
5 office, outpatient center, or home of the covered patient.

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

10 2. This subsection does not prevent a contract from  
11 imposing deductibles, coinsurance, or other cost sharing in  
12 relation to benefits pursuant to this subsection, except that  
13 such cost sharing shall not exceed cost sharing with other  
14 benefits.

15 Section 5. This act shall take effect July 1, 2007.  
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