

By the Committee on Banking and Insurance; and Senator Peadar

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1 A bill to be entitled

2 An act relating to health insurance; amending ss.  
3 627.42395 and 641.31, F.S.; requiring health insurance  
4 policies and health maintenance contracts in this state to  
5 provide additional premium coverage for amino-acid-based  
6 elemental formulas for the treatment of certain medical  
7 conditions; amending s. 627.6741, F.S.; requiring an  
8 insurer issuing Medicare supplement policies to offer a  
9 Medicare supplement policy without conditioning the  
10 issuance or discriminating in the price based on health  
11 status to individuals who are eligible for Medicare due to  
12 having end-stage renal disease and who meet other  
13 conditions; providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. Section 627.42395, Florida Statutes, is amended  
18 to read:

19 627.42395 Coverage for certain prescription and  
20 nonprescription enteral or amino acid formulas.--

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

27 (a) Prescription and nonprescription enteral formulas for  
28 home use which are physician prescribed as medically necessary  
29 for the treatment of inherited diseases of amino acid, organic

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

36 (b) Amino-acid-based elemental formulas, regardless of the  
37 method of intake, for the medically necessary treatment of  
38 medically diagnosed conditions of severe multiple food protein  
39 allergies, gastroesophageal reflux, eosinophilic disorders, and  
40 short bowel syndrome when ordered by a licensed physician.  
41 Treatments using amino-acid-based elemental formulas must be  
42 medically necessary and appropriate treatment that is consistent  
43 with the person's symptoms, diagnosis, and condition, and may not  
44 be furnished primarily for the convenience of the person or  
45 provider. Conditions for which these formulas are used in  
46 experimental or investigational services do not meet the  
47 criterion of medical necessity.

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

50 Section 2. Subsection (41) is added to section 641.31,  
51 Florida Statutes, to read:

52 641.31 Health maintenance contracts.--

53 (41) A health maintenance contract must make available  
54 coverage of amino-acid-based elemental formulas, regardless of  
55 the method of intake, for the medically necessary treatment of  
56 medically diagnosed conditions such as severe multiple food  
57 protein allergies, gastroesophageal reflux, eosinophilic  
58 disorders, and short bowel syndrome when ordered by a licensed

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59 physician. Treatments using amino-acid-based elemental formulas  
60 must be medically necessary and appropriate treatment that is  
61 consistent with the person's symptoms, diagnosis, and condition,  
62 and may not be furnished primarily for the convenience of the  
63 person or provider. Conditions for which these formulas are used  
64 in experimental or investigational services do not meet the  
65 criterion of medical necessity.

66 Section 3. Subsection (1) of section 627.6741, Florida  
67 Statutes, is amended to read:

68 627.6741 Issuance, cancellation, nonrenewal, and  
69 replacement.--

70 (1) An insurer issuing Medicare supplement policies in this  
71 state shall offer the opportunity of enrolling in a Medicare  
72 supplement policy, without conditioning the issuance or  
73 effectiveness of the policy on, and without discriminating in the  
74 price of the policy based on, the medical or health status or  
75 receipt of health care by the individual:

76 (a) To any individual who is 65 years of age or older and  
77 who resides in this state, upon the request of the individual  
78 during the 6-month period beginning with the first month in which  
79 the individual has attained 65 years of age and is enrolled in  
80 Medicare part B; ~~or~~

81 (b) To any individual who is 65 years of age or older and  
82 is enrolled in Medicare part B, who resides in this state, upon  
83 the request of the individual during the 2-month period following  
84 termination of coverage under a group health insurance policy;  
85 or--

86 (c) To any individual who resides in this state, who is  
87 eligible for Medicare due to having end-stage renal disease, and

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88 who is enrolled in Medicare part B, upon the request of the  
89 individual within 6 months after becoming eligible for Medicare,  
90 or by January 1, 2009, whichever is later.

91  
92 A Medicare supplement policy issued to an individual under  
93 paragraph (a) or paragraph (b) may not exclude benefits based on  
94 a preexisting condition if the individual has a continuous period  
95 of creditable coverage, as defined in s. 627.6561(5), of at least  
96 6 months as of the date of application for coverage.

97 Section 4. This act shall take effect October 1, 2008.