

By the Committees on Health Policy; Banking and Insurance; and  
Senator Peadar

587-07052A-08

20081598c2

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; revising a prerequisite concerning such  
8 coverage to authorize persons holding certain licenses to  
9 prescribe or order such formulas; limiting application to  
10 children of a certain age; amending s. 627.6741, F.S.;  
11 requiring an insurer issuing Medicare supplement policies  
12 to offer a Medicare supplement policy without conditioning  
13 the issuance or discriminating in the price based on  
14 health status to individuals who are eligible for Medicare  
15 due to having end-stage renal disease and who meet other  
16 conditions; providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

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

22 627.42395 Coverage for certain prescription and  
23 nonprescription enteral or amino acid formulas.--

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

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30        (a) Prescription and nonprescription enteral formulas for  
31 home use which are ordered or ~~physician~~ prescribed by a  
32 prescribing practitioner licensed under chapter 458, chapter 459,  
33 or chapter 464, as medically necessary for the treatment of  
34 inherited diseases of amino acid, organic acid, carbohydrate, or  
35 fat metabolism as well as malabsorption originating from  
36 congenital defects present at birth or acquired during the  
37 neonatal period. Such coverage for inherited diseases of amino  
38 acids and organic acids shall include food products modified to  
39 be low protein, in an amount not to exceed \$2,500 annually for  
40 any insured individual, through the age of 24.

41        (b) Amino-acid-based elemental formulas, regardless of the  
42 method of intake, for the medically necessary treatment of  
43 medically diagnosed conditions of severe multiple food protein  
44 allergies, gastroesophageal reflux, eosinophilic disorders, and  
45 short bowel syndrome when ordered or prescribed by a prescribing  
46 practitioner licensed under chapter 458, chapter 459, or chapter  
47 464. Treatments using amino-acid-based elemental formulas must be  
48 medically necessary and appropriate treatment that is consistent  
49 with the person's symptoms, diagnosis, and condition, and may not  
50 be furnished primarily for the convenience of the person or  
51 provider. Conditions for which these formulas are used in  
52 experimental or investigational services do not meet the  
53 criterion of medical necessity.

54  
55 The provisions of paragraph (b) apply only to children younger  
56 than 6 years of age who have severe multiple food protein  
57 allergies, gastroesophageal reflux, or short bowel syndrome, and  
58 to children younger than 9 years of age who have eosinophilic

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59 disorders.

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

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

64 641.31 Health maintenance contracts.--

65 (41) A health maintenance contract must make available  
66 coverage of amino-acid-based elemental formulas, regardless of  
67 the method of intake, for the medically necessary treatment of  
68 medically diagnosed conditions of severe multiple food protein  
69 allergies, gastroesophageal reflux, eosinophilic disorders, and  
70 short bowel syndrome when ordered or prescribed by a prescribing  
71 practitioner licensed under chapter 458, chapter 459, or chapter  
72 464. Treatments using amino-acid-based elemental formulas must be  
73 medically necessary and appropriate treatment that is consistent  
74 with the person's symptoms, diagnosis, and condition, and may not  
75 be furnished primarily for the convenience of the person or  
76 provider. Conditions for which these formulas are used in  
77 experimental or investigational services do not meet the  
78 criterion of medical necessity. The provisions of this subsection  
79 apply only to children younger than 6 years of age who have  
80 severe multiple food protein allergies, gastroesophageal reflux,  
81 or short bowel syndrome, and to children younger than 9 years of  
82 age who have eosinophilic disorders.

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

85 627.6741 Issuance, cancellation, nonrenewal, and  
86 replacement.--

87 (1) An insurer issuing Medicare supplement policies in this

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88 state shall offer the opportunity of enrolling in a Medicare  
89 supplement policy, without conditioning the issuance or  
90 effectiveness of the policy on, and without discriminating in the  
91 price of the policy based on, the medical or health status or  
92 receipt of health care by the individual:

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

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

103 (c) To any individual who resides in this state, who is  
104 eligible for Medicare due to having end-stage renal disease, and  
105 who is enrolled in Medicare part B, upon the request of the  
106 individual within 6 months after becoming eligible for Medicare,  
107 or by January 1, 2009, whichever is later.

108  
109 A Medicare supplement policy issued to an individual under  
110 paragraph (a) or paragraph (b) may not exclude benefits based on  
111 a preexisting condition if the individual has a continuous period  
112 of creditable coverage, as defined in s. 627.6561(5), of at least  
113 6 months as of the date of application for coverage.

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