

1                                   A bill to be entitled  
 2           An act relating to breast cancer treatment; providing a  
 3           short title; amending ss. 627.64171, 627.66121, and  
 4           641.31, F.S.; including lymph node dissections under  
 5           provisions prescribing the length of hospital stay  
 6           relating to a mastectomy and the outpatient postsurgical  
 7           followup care that specified health insurers and health  
 8           maintenance organizations must cover; limiting  
 9           application; providing an effective date.

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

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13           Section 1. This act may be cited as the "Mary B. Hooks  
 14 Act."

15           Section 2. Subsections (1) and (2) and paragraph (a) of  
 16 subsection (4) of section 627.64171, Florida Statutes, are  
 17 amended to read:

18           627.64171 Coverage for length of stay and outpatient  
 19 postsurgical care.--

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

28           (2) Any health insurance policy that provides coverage for

29 lymph node dissections or mastectomies under subsection (1) must  
 30 also provide coverage for outpatient postsurgical followup care  
 31 in keeping with prevailing medical standards by a licensed  
 32 health care professional qualified to provide postsurgical lymph  
 33 node dissection or mastectomy care. The treating physician,  
 34 after consultation with the insured patient, may choose that the  
 35 outpatient care be provided at the most medically appropriate  
 36 setting, which may include the hospital, treating physician's  
 37 office, outpatient center, or home of the insured patient.

38 (4) (a) This section does not require an insured patient to  
 39 have a lymph node dissection or ~~the~~ mastectomy in the hospital  
 40 or stay in the hospital for a fixed period of time following the  
 41 lymph node dissection or mastectomy.

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

45 627.66121 Coverage for length of stay and outpatient  
 46 postsurgical care.--

47 (1) Any group, blanket, or franchise accident or health  
 48 insurance policy that is issued, amended, delivered, or renewed  
 49 in this state which provides coverage for breast cancer  
 50 treatment may not limit inpatient hospital coverage for lymph  
 51 node dissections or mastectomies to any period that is less than  
 52 that determined by the treating physician to be medically  
 53 necessary in accordance with prevailing medical standards and  
 54 after consultation with the insured patient.

55 (2) Any group, blanket, or franchise accident or health  
 56 insurance policy that provides coverage for lymph node

57 dissections or mastectomies under subsection (1) must also  
58 provide coverage for outpatient postsurgical followup care in  
59 keeping with prevailing medical standards by a licensed health  
60 care professional qualified to provide postsurgical lymph node  
61 dissection or mastectomy care. The treating physician, after  
62 consultation with the insured patient, may choose that the  
63 outpatient care be provided at the most medically appropriate  
64 setting, which may include the hospital, treating physician's  
65 office, outpatient center, or home of the insured patient.

66 (4) (a) This section does not require an insured patient to  
67 have a lymph node dissection or ~~the~~ mastectomy in the hospital  
68 or stay in the hospital for a fixed period of time following the  
69 lymph node dissection or mastectomy.

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

72 641.31 Health maintenance contracts.--

73 (31) (a) Health maintenance contracts that provide  
74 coverage, benefits, or services for breast cancer treatment may  
75 not limit inpatient hospital coverage for lymph node dissections  
76 or mastectomies to any period that is less than that determined  
77 by the treating physician under contract with the health  
78 maintenance organization to be medically necessary in accordance  
79 with prevailing medical standards and after consultation with  
80 the covered patient. Such contract must also provide coverage  
81 for outpatient postsurgical followup care in keeping with  
82 prevailing medical standards by a licensed health care  
83 professional under contract with the health maintenance  
84 organization qualified to provide postsurgical lymph node

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85 dissection or mastectomy care. The treating physician under  
86 contract with the health maintenance organization, after  
87 consultation with the covered patient, may choose that the  
88 outpatient care be provided at the most medically appropriate  
89 setting, which may include the hospital, treating physician's  
90 office, outpatient center, or home of the covered patient.

91 (c)1. This subsection does not require a covered patient  
92 to have a lymph node dissection or ~~the~~ mastectomy in the  
93 hospital or stay in the hospital for a fixed period of time  
94 following the lymph node dissection or mastectomy.

95 2. This subsection does not prevent a contract from  
96 imposing deductibles, coinsurance, or other cost sharing in  
97 relation to benefits pursuant to this subsection, except that  
98 such cost sharing shall not exceed cost sharing with other  
99 benefits.

100 Section 5. This act shall take effect July 1, 2008.