

By Senator Margolis

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1 A bill to be entitled

2 An act relating to cystic fibrosis treatment; creating s.
3 627.6614, F.S.; requiring a group health insurance policy
4 to cover services needed to treat cystic fibrosis which
5 are authorized by a physician; amending s. 641.31, F.S.;
6 requiring a contract by a health maintenance organization
7 to cover services needed to treat cystic fibrosis as
8 authorized by a physician; amending s. 627.6515, F.S.,
9 relating to out-of-state groups; conforming a cross-
10 reference to changes made by the act; providing that the
11 act fulfills an important state interest; providing an
12 effective date.

13
14 WHEREAS, cystic fibrosis is a genetic disease that adversely
15 affects the respiratory system and the digestive system, and

16 WHEREAS, only half of those suffering who have cystic
17 fibrosis live to the age of 32, and

18 WHEREAS, the treatments for individuals who have cystic
19 fibrosis include ingesting pancreatic enzymes or a wide
20 assortment of nutritional supplements, frequent postural draining
21 to clear the respiratory system, or using a feeding tube to
22 provide sustenance, and

23 WHEREAS, insurance companies often times do not fully cover
24 the costs associated with treating cystic fibrosis, a fatal
25 disease, NOW, THEREFORE,

26
27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Section 627.6614, Florida Statutes, is created

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30 to read:

31 627.6614 Cystic fibrosis treatment services.--A group
32 health insurance policy issued in this state must provide
33 coverage for all medically necessary chest physiotherapy provided
34 by a respiratory therapist licensed under part V of chapter 468,
35 home health care, equipment, supplies, and enteral formulas
36 described in s. 627.42395 which are used to treat cystic fibrosis
37 if the patient's treating physician or a physician authorized by
38 the insurer who specializes in the treatment of cystic fibrosis
39 certifies that such services are medically necessary. The insurer
40 may require the policyholder to be responsible for any deductible
41 or copayment that generally applies under the policy.

42 Section 2. Present subsections (36), (37), (38), (39), and
43 (40) of section 641.31, Florida Statutes, are redesignated as
44 subsections (37), (38), (39), (40), and (41), respectively, and a
45 new subsection (36) is added to that section, to read:

46 641.31 Health maintenance contracts.--

47 (36) A group health maintenance contract issued in this
48 state must provide coverage for all medically necessary chest
49 physiotherapy provided by a respiratory therapist licensed under
50 part V of chapter 468, home health care, equipment, supplies, and
51 enteral formulas described in s. 627.42395 which are used to
52 treat cystic fibrosis if the patient's treating physician or a
53 physician authorized by the health maintenance organization who
54 specializes in the treatment of cystic fibrosis certifies that
55 such services are medically necessary. The health maintenance
56 organization may require the subscriber to be responsible for any
57 deductible or copayment that generally applies under the
58 contract.

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59 Section 3. Subsection (2) of section 627.6515, Florida
60 Statutes, is amended to read:

61 627.6515 Out-of-state groups.--

62 (2) Except as otherwise provided in this part, this part
63 does not apply to a group health insurance policy issued or
64 delivered outside this state under which a resident of this state
65 is provided coverage if:

66 (a) The policy is issued to an employee group the
67 composition of which is substantially as described in s. 627.653;
68 a labor union group or association group the composition of which
69 is substantially as described in s. 627.654; an additional group
70 the composition of which is substantially as described in s.
71 627.656; a group insured under a blanket health policy when the
72 composition of the group is substantially in compliance with s.
73 627.659; a group insured under a franchise health policy when the
74 composition of the group is substantially in compliance with s.
75 627.663; an association group to cover persons associated in any
76 other common group, which common group is formed primarily for
77 purposes other than providing insurance; a group that is
78 established primarily for the purpose of providing group
79 insurance, provided the benefits are reasonable in relation to
80 the premiums charged thereunder and the issuance of the group
81 policy has resulted, or will result, in economies of
82 administration; or a group of insurance agents of an insurer,
83 which insurer is the policyholder;

84 (b) Certificates evidencing coverage under the policy are
85 issued to residents of this state and contain in contrasting
86 color and not less than 10-point type the following statement:
87 "The benefits of the policy providing your coverage are governed

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88 primarily by the law of a state other than Florida"; and

89 (c) The policy provides the benefits specified in ss.
90 627.419, 627.6574, 627.6575, 627.6579, 627.6612, 627.66121,
91 627.66122, 627.6613, 627.6614, 627.667, 627.6675, 627.6691, and
92 627.66911.

93 (d) Applications for certificates of coverage offered to
94 residents of this state must contain, in contrasting color and
95 not less than 12-point type, the following statement on the same
96 page as the applicant's signature:

97
98 "This policy is primarily governed by the laws of
99 ...insert state where the master policy is ~~if~~
100 filed.... As a result, all of the rating laws
101 applicable to policies filed in this state do not
102 apply to this coverage, which may result in increases
103 in your premium at renewal that would not be
104 permissible under a Florida-approved policy. Any
105 purchase of individual health insurance should be
106 considered carefully, as future medical conditions
107 may make it impossible to qualify for another
108 individual health policy. For information concerning
109 individual health coverage under a Florida-approved
110 policy, consult your agent or the Florida Department
111 of Financial Services."

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113 This paragraph applies only to group certificates providing
114 health insurance coverage which require individualized
115 underwriting to determine coverage eligibility for an
116 individual or premium rates to be charged to an individual

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117 | except for the following:

118 | 1. Policies issued to provide coverage to groups of
119 | persons all of whom are in the same or functionally related
120 | licensed professions, and providing coverage only to such
121 | licensed professionals, their employees, or their dependents;

122 | 2. Policies providing coverage to small employers as
123 | defined by s. 627.6699. Such policies shall be subject to, and
124 | governed by, the provisions of s. 627.6699;

125 | 3. Policies issued to a bona fide association, as defined
126 | by s. 627.6571(5), provided that there is a person or board
127 | acting as a fiduciary for the benefit of the members, and such
128 | association is not owned, controlled by, or otherwise
129 | associated with the insurance company; or

130 | 4. Any accidental death, accidental death and
131 | dismemberment, accident-only, vision-only, dental-only,
132 | hospital indemnity-only, hospital accident-only, cancer,
133 | specified disease, Medicare supplement, products that
134 | supplement Medicare, long-term care, or disability income
135 | insurance, or similar supplemental plans provided under a
136 | separate policy, certificate, or contract of insurance, which
137 | cannot duplicate coverage under an underlying health plan,
138 | coinsurance, or deductibles or coverage issued as a supplement
139 | to workers' compensation or similar insurance, or automobile
140 | medical-payment insurance.

141 | Section 4. The Legislature finds that this act fulfills
142 | an important state interest.

143 | Section 5. This act shall take effect January 1, 2009,
144 | and applies to policies and contracts issued or renewed on or
145 | after that date.