

By Senator Joyner

18-00028-08

2008448\_\_

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.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
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 coverage  
23 for lymph node dissections or mastectomies to any period that is  
24 less than that determined by the treating physician to be  
25 medically necessary in accordance with prevailing medical  
26 standards and after consultation with the insured patient.

27           (2) Any health insurance policy that provides coverage for  
28 lymph node dissections or mastectomies under subsection (1) must  
29 also provide coverage for outpatient postsurgical followup care

18-00028-08

2008448\_\_

30 | in keeping with prevailing medical standards by a licensed health  
31 | care professional qualified to provide postsurgical lymph node  
32 | dissection or mastectomy care. The treating physician, after  
33 | consultation with the insured patient, may choose that the  
34 | outpatient care be provided at the most medically appropriate  
35 | setting, which may include the hospital, treating physician's  
36 | office, outpatient center, or home of the insured patient.

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

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

44 |       627.66121 Coverage for length of stay and outpatient  
45 | postsurgical care.--

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

54 |       (2) Any group, blanket, or franchise accident or health  
55 | insurance policy that provides coverage for lymph node  
56 | dissections or mastectomies under subsection (1) must also  
57 | provide coverage for outpatient postsurgical followup care in  
58 | keeping with prevailing medical standards by a licensed health

18-00028-08

2008448\_\_

59 | care professional qualified to provide postsurgical lymph node  
60 | dissection or mastectomy care. The treating physician, after  
61 | consultation with the insured patient, may choose that the  
62 | outpatient care be provided at the most medically appropriate  
63 | setting, which may include the hospital, treating physician's  
64 | office, outpatient center, or home of the insured patient.

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

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

71 | 641.31 Health maintenance contracts.--

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

18-00028-08

2008448\_\_

88 physician's office, outpatient center, or home of the covered  
89 patient.

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

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

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