



407392

LEGISLATIVE ACTION

Senate

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House

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Floor: 1/WD/2R

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04/27/2009 06:59 PM

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Senator Joyner moved the following:

**Senate Amendment (with title amendment)**

Delete line 70

and insert:

Section 2. Effective January 1, 2010, subsections (1) and (2) and paragraph (a) of subsection (4) of section 627.64171, Florida Statutes, are amended to read:

627.64171 Coverage for length of stay and outpatient postsurgical care.—

(1) Any health insurance policy that is issued, amended, delivered, or renewed in this state which provides coverage for breast cancer treatment may not limit inpatient hospital



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13 coverage for lymph node dissections or mastectomies to any  
14 period that is less than that determined by the treating  
15 physician to be medically necessary in accordance with  
16 prevailing medical standards and after consultation with the  
17 insured patient.

18 (2) Any health insurance policy that provides coverage for  
19 lymph node dissections or mastectomies under subsection (1) must  
20 also provide coverage for outpatient postsurgical followup care  
21 in keeping with prevailing medical standards by a licensed  
22 health care professional qualified to provide postsurgical lymph  
23 node dissection or mastectomy care. The treating physician,  
24 after consultation with the insured patient, may choose that the  
25 outpatient care be provided at the most medically appropriate  
26 setting, which may include the hospital, treating physician's  
27 office, outpatient center, or home of the insured patient.

28 (4) (a) This section does not require an insured patient to  
29 have a lymph node dissection or ~~the~~ mastectomy in the hospital  
30 or stay in the hospital for a fixed period of time following the  
31 lymph node dissection or mastectomy.

32 Section 3. Effective January 1, 2010, subsections (1) and  
33 (2) and paragraph (a) of subsection (4) of section 627.66121,  
34 Florida Statutes, are amended to read:

35 627.66121 Coverage for length of stay and outpatient  
36 postsurgical care.—

37 (1) Any group, blanket, or franchise accident or health  
38 insurance policy that is issued, amended, delivered, or renewed  
39 in this state which provides coverage for breast cancer  
40 treatment may not limit inpatient hospital coverage for lymph  
41 node dissections or mastectomies to any period that is less than



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42 that determined by the treating physician to be medically  
43 necessary in accordance with prevailing medical standards and  
44 after consultation with the insured patient.

45 (2) Any group, blanket, or franchise accident or health  
46 insurance policy that provides coverage for lymph node  
47 dissections or mastectomies under subsection (1) must also  
48 provide coverage for outpatient postsurgical followup care in  
49 keeping with prevailing medical standards by a licensed health  
50 care professional qualified to provide postsurgical lymph node  
51 dissection or mastectomy care. The treating physician, after  
52 consultation with the insured patient, may choose that the  
53 outpatient care be provided at the most medically appropriate  
54 setting, which may include the hospital, treating physician's  
55 office, outpatient center, or home of the insured patient.

56 (4) (a) This section does not require an insured patient to  
57 have a lymph node dissection or ~~the~~ mastectomy in the hospital  
58 or stay in the hospital for a fixed period of time following the  
59 lymph node dissection or mastectomy.

60 Section 4. Effective January 1, 2010, paragraphs (a) and  
61 (c) of subsection (31) of section 641.31, Florida Statutes, are  
62 amended to read:

63 641.31 Health maintenance contracts.—

64 (31) (a) Health maintenance contracts that provide coverage,  
65 benefits, or services for breast cancer treatment may not limit  
66 inpatient hospital coverage for lymph node dissections or  
67 mastectomies to any period that is less than that determined by  
68 the treating physician under contract with the health  
69 maintenance organization to be medically necessary in accordance  
70 with prevailing medical standards and after consultation with



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71 the covered patient. Such contract must also provide coverage  
72 for outpatient postsurgical followup care in keeping with  
73 prevailing medical standards by a licensed health care  
74 professional under contract with the health maintenance  
75 organization qualified to provide postsurgical lymph node  
76 dissection or mastectomy care. The treating physician under  
77 contract with the health maintenance organization, after  
78 consultation with the covered patient, may choose that the  
79 outpatient care be provided at the most medically appropriate  
80 setting, which may include the hospital, treating physician's  
81 office, outpatient center, or home of the covered patient.

82 (c)1. This subsection does not require a covered patient to  
83 have a lymph node dissection or ~~the~~ mastectomy in the hospital  
84 or stay in the hospital for a fixed period of time following the  
85 lymph node dissection or mastectomy.

86 2. This subsection does not prevent a contract from  
87 imposing deductibles, coinsurance, or other cost sharing in  
88 relation to benefits pursuant to this subsection, except that  
89 such cost sharing shall not exceed cost sharing with other  
90 benefits.

91 Section 5. Except as otherwise expressly provided in this  
92 act, this act shall take effect July 1, 2009.

93  
94 ===== T I T L E A M E N D M E N T =====

95 And the title is amended as follows:

96 Delete lines 2 - 10

97 and insert:

98 An act relating to breast cancer treatment; creating  
99 s. 381.932, F.S.; providing definitions; establishing



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100 a breast cancer early detection and treatment referral  
101 program within the Department of Health; providing  
102 purposes of the program; requiring the department to  
103 provide information regarding breast cancer and  
104 referrals for screening and treatment; requiring the  
105 State Surgeon General to submit a report to the  
106 Legislature; amending ss. 627.64171, 627.66121, and  
107 641.31, F.S.; including lymph node dissections under  
108 provisions prescribing the length of hospital stay  
109 relating to a mastectomy and the outpatient  
110 postsurgical followup care that specified health  
111 insurers and health maintenance organizations must  
112 cover; limiting application; providing effective  
113 dates.