

By the Committee on Banking and Insurance; and Senator Joyner

597-02367-09

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1 A bill to be entitled

2 An act relating to breast cancer treatment; providing
3 a 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
7 postsurgical followup care that specified health
8 insurers and health maintenance organizations must
9 cover; limiting application; providing an effective
10 date.

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

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

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

19 627.64171 Coverage for length of stay and outpatient
20 postsurgical care.—

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

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

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

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

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

46 627.66121 Coverage for length of stay and outpatient
47 postsurgical care.—

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

56 (2) Any group, blanket, or franchise accident or health
57 insurance policy that provides coverage for lymph node
58 dissections or mastectomies under subsection (1) must also

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

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

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

73 641.31 Health maintenance contracts.—

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

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88 consultation with the covered patient, may choose that the
89 outpatient care be provided at the most medically appropriate
90 setting, which may include the hospital, treating physician's
91 office, outpatient center, or home of the covered patient.

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

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

101 Section 5. This act shall take effect January 1, 2010.