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LEGISLATIVE ACTION

Senate

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House

Floor: 1/AD/2R

04/27/2009 06:36 PM

Senator Joyner moved the following:

Senate Amendment (with title amendment)

Delete line 71

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 - 11

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.