

HB 95

2009

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.

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

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

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

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

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

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

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

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

55 (2) Any group, blanket, or franchise accident or health
 56 insurance policy that provides coverage for lymph node

57 dissections or mastectomies under subsection (1) must also
58 provide coverage for outpatient postsurgical followup care in
59 keeping with prevailing medical standards by a licensed health
60 care professional qualified to provide postsurgical lymph node
61 dissection or mastectomy care. The treating physician, after
62 consultation with the insured patient, may choose that the
63 outpatient care be provided at the most medically appropriate
64 setting, which may include the hospital, treating physician's
65 office, outpatient center, or home of the insured patient.

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

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

72 641.31 Health maintenance contracts.--

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

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85 dissection or mastectomy care. The treating physician under
86 contract with the health maintenance organization, after
87 consultation with the covered patient, may choose that the
88 outpatient care be provided at the most medically appropriate
89 setting, which may include the hospital, treating physician's
90 office, outpatient center, or home of the covered patient.

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

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

100 Section 5. This act shall take effect July 1, 2009.