

1 A bill to be entitled
 2 An act relating to health insurance; creating ss.
 3 627.6404, 627.6572, and 641.31093, F.S.; requiring all
 4 antiretroviral agents to be included on health plan
 5 formularies; prohibiting access-limiting procedures used
 6 to restrict antiretroviral agents prescribed to treat a
 7 person with HIV; amending s. 627.6515, F.S.; including
 8 reference to such requirements on policies issued by out-
 9 of-state groups; providing an effective date.

10

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

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13 Section 1. Section 627.6404, Florida Statutes, is created
 14 to read:

15 627.6404 HIV treatment.—Antiretroviral agents prescribed
 16 to treat a person with HIV must be included on a health plan
 17 formulary and may not be restricted through a requirement for
 18 prior authorization, step therapy, or other limitation that
 19 limits access to any antiretroviral agent.

20 Section 2. Subsection (2) of section 627.6515, Florida
 21 Statutes, is amended to read:

22 627.6515 Out-of-state groups.—

23 (2) Except as otherwise provided in this part, this part
 24 does not apply to a group health insurance policy issued or
 25 delivered outside this state under which a resident of this
 26 state is provided coverage if:

27 (a) The policy is issued to an employee group the
 28 composition of which is substantially as described in s.

29 627.653; a labor union group or association group the
 30 composition of which is substantially as described in s.
 31 627.654; an additional group the composition of which is
 32 substantially as described in s. 627.656; a group insured under
 33 a blanket health policy when the composition of the group is
 34 substantially in compliance with s. 627.659; a group insured
 35 under a franchise health policy when the composition of the
 36 group is substantially in compliance with s. 627.663; an
 37 association group to cover persons associated in any other
 38 common group, which common group is formed primarily for
 39 purposes other than providing insurance; a group that is
 40 established primarily for the purpose of providing group
 41 insurance, provided the benefits are reasonable in relation to
 42 the premiums charged thereunder and the issuance of the group
 43 policy has resulted, or will result, in economies of
 44 administration; or a group of insurance agents of an insurer,
 45 which insurer is the policyholder.~~†~~

46 (b) Certificates evidencing coverage under the policy are
 47 issued to residents of this state and contain in contrasting
 48 color and not less than 10-point type the following statement:
 49 "The benefits of the policy providing your coverage are governed
 50 primarily by the law of a state other than Florida".~~†~~ and

51 (c) The policy provides the benefits specified in ss.
 52 627.419, 627.6572, 627.6574, 627.6575, 627.6579, 627.6612,
 53 627.66121, 627.66122, 627.6613, 627.667, 627.6675, 627.6691, and
 54 627.66911.

55 (d) Applications for certificates of coverage offered to
 56 residents of this state must contain, in contrasting color and

57 | not less than 12-point type, the following statement on the same
58 | page as the applicant's signature:

59 |
60 | "This policy is primarily governed by the laws of ...insert
61 | state where the master policy is filed.... As a result, all of
62 | the rating laws applicable to policies filed in this state do
63 | not apply to this coverage, which may result in increases in
64 | your premium at renewal that would not be permissible under a
65 | Florida-approved policy. Any purchase of individual health
66 | insurance should be considered carefully, as future medical
67 | conditions may make it impossible to qualify for another
68 | individual health policy. For information concerning individual
69 | health coverage under a Florida-approved policy, consult your
70 | agent or the Florida Department of Financial Services."
71 |

72 | This paragraph applies only to group certificates providing
73 | health insurance coverage which require individualized
74 | underwriting to determine coverage eligibility for an individual
75 | or premium rates to be charged to an individual except for the
76 | following:

77 | 1. Policies issued to provide coverage to groups of
78 | persons all of whom are in the same or functionally related
79 | licensed professions, and providing coverage only to such
80 | licensed professionals, their employees, or their dependents;

81 | 2. Policies providing coverage to small employers as
82 | defined by s. 627.6699. Such policies shall be subject to, and
83 | governed by, the provisions of s. 627.6699;

84 | 3. Policies issued to a bona fide association, as defined

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85 by s. 627.6571(5), provided that there is a person or board
86 acting as a fiduciary for the benefit of the members, and such
87 association is not owned, controlled by, or otherwise associated
88 with the insurance company; or

89 4. Any accidental death, accidental death and
90 dismemberment, accident-only, vision-only, dental-only, hospital
91 indemnity-only, hospital accident-only, cancer, specified
92 disease, Medicare supplement, products that supplement Medicare,
93 long-term care, or disability income insurance, or similar
94 supplemental plans provided under a separate policy,
95 certificate, or contract of insurance, which cannot duplicate
96 coverage under an underlying health plan, coinsurance, or
97 deductibles or coverage issued as a supplement to workers'
98 compensation or similar insurance, or automobile medical-payment
99 insurance.

100 Section 3. Section 627.6572, Florida Statutes, is created
101 to read:

102 627.6572 HIV treatment.—Antiretroviral agents prescribed
103 to treat a person with HIV must be included on a health plan
104 formulary and may not be restricted through a requirement for
105 prior authorization, step therapy, or other limitation that
106 limits access to any antiretroviral agent.

107 Section 4. Section 641.31093, Florida Statutes, is created
108 to read:

109 641.31093 HIV treatment.—Antiretroviral agents prescribed
110 to treat a person with HIV must be included on a health plan
111 formulary and may not be restricted through a requirement for

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112 | prior authorization, step therapy, or other limitation that
113 | limits access to any antiretroviral agent.

114 | Section 5. This act shall take effect July 1, 2010.