

By Senator Sobel

31-00278-11

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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  
6           used to restrict antiretroviral agents prescribed to  
7           treat a person with HIV; amending s. 627.6515, F.S.;  
8           including reference to such requirements on policies  
9           issued by out-of-state groups; providing an effective  
10          date.

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

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

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

21           Section 2. Section 627.6572, Florida Statutes, is created  
22 to read:

23           627.6572 HIV treatment.—Antiretroviral agents prescribed to  
24 treat a person with HIV must be included on a health plan  
25 formulary and may not be restricted through a requirement for  
26 prior authorization, step therapy, or other limitation that  
27 limits access to any antiretroviral agent.

28           Section 3. Section 641.31093, Florida Statutes, is created  
29 to read:

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30       641.31093 HIV treatment.—Antiretroviral agents prescribed  
31 to treat a person with HIV must be included on a health plan  
32 formulary and may not be restricted through a requirement for  
33 prior authorization, step therapy, or other limitation that  
34 limits access to any antiretroviral agent.

35       Section 4. Subsection (2) of section 627.6515, Florida  
36 Statutes, is amended to read:

37       627.6515 Out-of-state groups.—

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

42       (a) The policy is issued to an employee group the  
43 composition of which is substantially as described in s.  
44 627.653; a labor union group or association group the  
45 composition of which is substantially as described in s.  
46 627.654; an additional group the composition of which is  
47 substantially as described in s. 627.656; a group insured under  
48 a blanket health policy when the composition of the group is  
49 substantially in compliance with s. 627.659; a group insured  
50 under a franchise health policy when the composition of the  
51 group is substantially in compliance with s. 627.663; an  
52 association group to cover persons associated in any other  
53 common group, which common group is formed primarily for  
54 purposes other than providing insurance; a group that is  
55 established primarily for the purpose of providing group  
56 insurance, provided the benefits are reasonable in relation to  
57 the premiums charged thereunder and the issuance of the group  
58 policy has resulted, or will result, in economies of

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59 administration; or a group of insurance agents of an insurer,  
60 which insurer is the policyholder.~~†~~

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

66 (c) The policy provides the benefits specified in ss.  
67 627.419, 627.6572, 627.6574, 627.6575, 627.6579, 627.6612,  
68 627.66121, 627.66122, 627.6613, 627.667, 627.6675, 627.6691, and  
69 627.66911.

70 (d) Applications for certificates of coverage offered to  
71 residents of this state must contain, in contrasting color and  
72 not less than 12-point type, the following statement on the same  
73 page as the applicant's signature:

74  
75 "This policy is primarily governed by the laws of ...insert  
76 state where the master policy is filed.... As a result, all of  
77 the rating laws applicable to policies filed in this state do  
78 not apply to this coverage, which may result in increases in  
79 your premium at renewal that would not be permissible under a  
80 Florida-approved policy. Any purchase of individual health  
81 insurance should be considered carefully, as future medical  
82 conditions may make it impossible to qualify for another  
83 individual health policy. For information concerning individual  
84 health coverage under a Florida-approved policy, consult your  
85 agent or the Florida Department of Financial Services."

86  
87 This paragraph applies only to group certificates providing

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88 health insurance coverage which require individualized  
89 underwriting to determine coverage eligibility for an individual  
90 or premium rates to be charged to an individual except for the  
91 following:

92 1. Policies issued to provide coverage to groups of persons  
93 all of whom are in the same or functionally related licensed  
94 professions, and providing coverage only to such licensed  
95 professionals, their employees, or their dependents;

96 2. Policies providing coverage to small employers as  
97 defined by s. 627.6699. Such policies shall be subject to, and  
98 governed by, the provisions of s. 627.6699;

99 3. Policies issued to a bona fide association, as defined  
100 by s. 627.6571(5), provided that there is a person or board  
101 acting as a fiduciary for the benefit of the members, and such  
102 association is not owned, controlled by, or otherwise associated  
103 with the insurance company; or

104 4. Any accidental death, accidental death and  
105 dismemberment, accident-only, vision-only, dental-only, hospital  
106 indemnity-only, hospital accident-only, cancer, specified  
107 disease, Medicare supplement, products that supplement Medicare,  
108 long-term care, or disability income insurance, or similar  
109 supplemental plans provided under a separate policy,  
110 certificate, or contract of insurance, which cannot duplicate  
111 coverage under an underlying health plan, coinsurance, or  
112 deductibles or coverage issued as a supplement to workers'  
113 compensation or similar insurance, or automobile medical-payment  
114 insurance.

115 Section 5. This act shall take effect July 1, 2011.