

1 A bill to be entitled
 2 An act relating to cancer treatment; providing a short
 3 title; creating ss. 627.42391 and 641.313, F.S.;
 4 providing definitions; requiring that an individual or
 5 group insurance policy or contract or a health
 6 maintenance contract that provides coverage for cancer
 7 treatment medications provide coverage for orally
 8 administered cancer treatment medications on a basis
 9 no less favorable than that required by the policy or
 10 contract for intravenously administered or injected
 11 cancer treatment medications; prohibiting insurers,
 12 health maintenance organizations, and certain other
 13 entities from engaging in specified actions to avoid
 14 compliance with this act; providing a directive to the
 15 Division of Law Revision and Information; providing an
 16 effective date.

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

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 20 Section 1. This act may be cited as the "Cancer Treatment
 21 Fairness Act."

22 Section 2. Section 627.42391, Florida Statutes, is created
 23 to read:

24 627.42391 Insurance policies; cancer treatment parity;
 25 orally administered cancer treatment medications.-

26 (1) As used in this section, the term:

27 (a) "Cancer treatment medication" means medication
 28 prescribed by a treating physician who determines that the

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29 medication is medically necessary to kill or slow the growth of
30 cancerous cells in a manner consistent with nationally accepted
31 standards of practice.

32 (b) "Cost sharing" includes copayments, coinsurance,
33 dollar limits, and deductibles imposed on the covered person.

34 (2) An individual or group insurance policy delivered,
35 issued for delivery, renewed, amended, or continued in this
36 state that provides medical, major medical, or similar
37 comprehensive coverage and includes coverage for cancer
38 treatment medications must also cover prescribed, orally
39 administered cancer treatment medications and may not apply
40 cost-sharing requirements for orally administered cancer
41 treatment medications that are less favorable to the covered
42 person than cost-sharing requirements for intravenous or
43 injected cancer treatment medications covered under the policy
44 or contract.

45 (3) An insurer providing a policy or contract described in
46 subsection (2) and any participating entity through which the
47 insurer offers health services may not:

48 (a) Vary the terms of the policy in effect on the
49 effective date of this act to avoid compliance with this
50 section.

51 (b) Provide any incentive, including, but not limited to,
52 a monetary incentive, or impose treatment limitations to
53 encourage a covered person to accept less than the minimum
54 protections available under this section.

55 (c) Penalize a health care practitioner or reduce or limit
56 the compensation of a health care practitioner for recommending

57 | or providing services or care to a covered person as required
 58 | under this section.

59 | (d) Provide any incentive, including, but not limited to,
 60 | a monetary incentive, to induce a health care practitioner to
 61 | provide care or services that do not comply with this section.

62 | (e) Change the classification of any intravenous or
 63 | injected cancer treatment medication or increase the amount of
 64 | cost sharing applicable to any intravenous or injected cancer
 65 | treatment medication in effect on the effective date of this act
 66 | in order to achieve compliance with this section.

67 | Section 3. Section 641.313, Florida Statutes, is created
 68 | to read:

69 | 641.313 Health maintenance contracts; cancer treatment
 70 | parity; orally administered cancer treatment medications.-

71 | (1) As used in this section, the term:

72 | (a) "Cancer treatment medication" means medication
 73 | prescribed by a treating physician who determines that the
 74 | medication is medically necessary to kill or slow the growth of
 75 | cancerous cells in a manner consistent with nationally accepted
 76 | standards of practice.

77 | (b) "Cost sharing" includes copayments, coinsurance,
 78 | dollar limits, and deductibles imposed on the covered person.

79 | (2) A health maintenance contract delivered, issued for
 80 | delivery, renewed, amended, or continued in this state that
 81 | provides medical, major medical, or similar comprehensive
 82 | coverage and includes coverage for cancer treatment medications
 83 | must also cover prescribed, orally administered cancer treatment
 84 | medications and may not apply cost-sharing requirements for

85 orally administered cancer treatment medications that are less
 86 favorable to the covered person than cost-sharing requirements
 87 for intravenous or injected cancer treatment medications covered
 88 under the contract.

89 (3) A health maintenance organization providing a contract
 90 described in subsection (2) and any participating entity through
 91 which the health maintenance organization offers health services
 92 may not:

93 (a) Vary the terms of the policy in effect on the
 94 effective date of this act to avoid compliance with this
 95 section.

96 (b) Provide any incentive, including, but not limited to,
 97 a monetary incentive, or impose treatment limitations to
 98 encourage a covered person to accept less than the minimum
 99 protections available under this section.

100 (c) Penalize a health care practitioner or reduce or limit
 101 the compensation of a health care practitioner for recommending
 102 or providing services or care to a covered person as required
 103 under this section.

104 (d) Provide any incentive, including, but not limited to,
 105 a monetary incentive, to induce a health care practitioner to
 106 provide care or services that do not comply with this section.

107 (e) Change the classification of any intravenous or
 108 injected cancer treatment medication or increase the amount of
 109 cost sharing applicable to any intravenous or injected cancer
 110 treatment medication in effect on the effective date of this act
 111 in order to achieve compliance with this section.

112 Section 4. The Division of Law Revision and Information is

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113 | directed to replace the phrase "the effective date of this act"
114 | wherever it occurs in this act with the date this act takes
115 | effect.

116 | Section 5. This act shall take effect July 1, 2013.