

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Mayfield offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

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

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

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

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

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

19 (c) "Grandfathered health plan" has the same meaning as
20 provided in 42 U.S.C. s. 18011 and is subject to the conditions
21 for maintaining status as a grandfathered health plan as
22 specified in 45 C.F.R. s. 147.140.

23 (2) An individual or group insurance policy delivered,
24 issued for delivery, renewed, amended, or continued in this
25 state that provides medical, major medical, or similar
26 comprehensive coverage and includes coverage for cancer
27 treatment medications must also cover prescribed, orally
28 administered cancer treatment medications and may not apply
29 cost-sharing requirements for orally administered cancer
30 treatment medications that are less favorable to the covered
31 person than cost-sharing requirements for intravenous or
32 injected cancer treatment medications covered under the policy
33 or contract.

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

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

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

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

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45 or providing services or care to a covered person as required
46 under this section.

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

50 (e) Change the classification of any intravenous or
51 injected cancer treatment medication or increase the amount of
52 cost sharing applicable to any intravenous or injected cancer
53 treatment medication in effect on the effective date of this
54 section in order to achieve compliance with this section.

55 (4) This section does not apply to grandfathered health
56 plans.

57
58 Notwithstanding this section, if the cost-sharing requirements
59 for intravenous or injected cancer treatment medications under
60 the policy or contract are less than \$50 per month, then the
61 cost-sharing requirements for orally administered cancer
62 treatment medications may be up to \$50 per month.

63 Section 3. Section 641.313, Florida Statutes, is created to
64 read:

65 641.313 Health maintenance contracts; cancer treatment
66 parity; orally administered cancer treatment medications.-

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

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

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

75 (c) "Grandfathered health plan" has the same meaning as
76 provided in 42 U.S.C. s. 18011 and is subject to the conditions
77 for maintaining status as a grandfathered health plan as
78 specified in 45 C.F.R. s. 147.140.

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 effective
94 date of this act to avoid compliance with this section.

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

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

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101 or providing services or care to a covered person as required
102 under this section.

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

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

111 (4) This section does not apply to grandfathered health
112 plans.

113
114 Notwithstanding this section, if the cost-sharing requirements
115 for intravenous or injected cancer treatment medications under
116 the contract are less than \$50 per month, then the cost-sharing
117 requirements for orally administered cancer treatment
118 medications may be up to \$50 per month.

119 Section 4. The Division of Law Revision and Information is
120 directed to replace the phrase "the effective date of this act"
121 and "the effective date of this section" wherever it occurs in
122 this act with the date this act takes effect.

123 Section 5. This act shall take effect January 1, 2015, and
124 applies to policies and contracts issued or renewed on or after
125 that date.

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128 **T I T L E A M E N D M E N T**

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129 Remove everything before the enacting clause and insert:

130 A bill to be entitled

131 An act relating to cancer treatment; providing a short
132 title; creating ss. 627.42391 and 641.313, F.S.;

133 providing definitions; requiring that an individual or
134 group insurance policy or contract or a health

135 maintenance contract that provides coverage for cancer
136 treatment medications provide coverage for orally

137 administered cancer treatment medications; requiring

138 that an individual or group insurance policy or

139 contract or a health maintenance contract provide

140 coverage for orally administered cancer treatment

141 medications on a basis no less favorable than that

142 required by the policy or contract for intravenously

143 administered or injected cancer treatment medications;

144 excluding grandfathered health plans from coverage and

145 cost-sharing requirements; prohibiting insurers,

146 health maintenance organizations, and certain other

147 entities from engaging in specified actions to avoid

148 compliance with this act; providing limits on certain

149 cost-sharing requirements; providing a directive to

150 the Division of Law Revision and Information;

151 providing applicability; providing an effective date.