

By Senator Benacquisto

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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
29 medication is medically necessary to kill or slow the growth of

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30 cancerous cells in a manner consistent with nationally accepted
31 standards of practice.

32 (b) "Cost sharing" includes copayments, coinsurance, dollar
33 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 effective
49 date of this act to avoid compliance with this section.

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

54 (c) Penalize a health care practitioner or reduce or limit
55 the compensation of a health care practitioner for recommending
56 or providing services or care to a covered person as required
57 under this section.

58 (d) Provide any incentive, including, but not limited to, a

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59 monetary incentive, to induce a health care practitioner to
60 provide care or services that do not comply with this section.

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

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

68 641.313 Health maintenance contracts; cancer treatment
69 parity; orally administered cancer treatment medications.-

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

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

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

78 (2) A health maintenance contract delivered, issued for
79 delivery, renewed, amended, or continued in this state that
80 provides medical, major medical, or similar comprehensive
81 coverage and includes coverage for cancer treatment medications
82 must also cover prescribed, orally administered cancer treatment
83 medications and may not apply cost-sharing requirements for
84 orally administered cancer treatment medications that are less
85 favorable to the covered person than cost-sharing requirements
86 for intravenous or injected cancer treatment medications covered
87 under the contract.

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

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

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

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

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

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

110 Section 4. The Division of Law Revision and Information is
111 directed to replace the phrase "the effective date of this act"
112 wherever it occurs in this act with the date this act takes
113 effect.

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