

A bill to be entitled

An act relating to health insurance; creating ss. 627.64194 and 627.66915, F.S., and amending s. 641.31, F.S.; requiring individual accident or health insurance policies, group, blanket, or franchise accident or health insurance policies, and managed care plans to evaluate and review coverage for orthotics and prosthetics and orthoses and prostheses; providing requirements and limitations; specifying deductible and copayment recommendations; authorizing insurers to define certain benefits limitations; providing for nonapplication to certain policy coverages; providing an effective date.

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

Section 1. Section 627.64194, Florida Statutes, is created to read:

627.64194 Coverage for orthotics and prosthetics and orthoses and prostheses.—Each accident or health insurance policy issued, amended, delivered, or renewed in this state on or after January 1, 2015, which provides medical coverage that includes physician services in a physician's office and that provides major medical or similar comprehensive type coverage must evaluate and review coverage for orthotics and prosthetics and orthoses and prostheses as those terms are defined in s.

27 468.80. Such evaluation and review must compare the coverage  
 28 provided under federal law by health insurance for the aged and  
 29 disabled pursuant to 42 U.S.C. ss. 1395k, 1395l, and 1395m and  
 30 42 C.F.R. ss. 410.100, 414.202, 414.210, and 414.228, and as  
 31 applicable to this section.

32 (1) The insurance policy may require recommendations for  
 33 orthotics and prosthetics and orthoses and prostheses in the  
 34 same manner that prior authorization is required for any other  
 35 covered benefit.

36 (2) Recommended benefits for orthoses or prostheses are  
 37 limited to the most appropriate model that adequately meets the  
 38 medical needs of the patient as determined by the insured's  
 39 treating physician. Subject to copayments and deductibles, the  
 40 repair and replacement of orthoses or prostheses are also  
 41 recommended unless necessitated by misuse or loss.

42 (3) An insurer may require that benefits recommended  
 43 pursuant to this section be covered benefits only if orthotics  
 44 or prosthetics are rendered by an orthotist or prosthetist and  
 45 the orthoses or prostheses are provided by a vendor.

46 (4) This section does not apply to insurance coverage  
 47 recommended benefits for hospital confinement indemnity,  
 48 disability income, accident only, long-term care, Medicare  
 49 supplement, limited benefit health, specified disease indemnity,  
 50 sickness or bodily injury or death by accident or both, and  
 51 other limited benefit policies.

52 Section 2. Section 627.66915, Florida Statutes, is created

53 to read:

54 627.66915 Recommended coverage for orthoses and prostheses  
 55 and orthotics and prosthetics.—Each group, blanket, or franchise  
 56 accident or health insurance policy issued, amended, delivered,  
 57 or renewed in this state on or after January 1, 2014, which  
 58 recommends coverage for physician services in a physician's  
 59 office and that provides major medical or similar comprehensive  
 60 type coverage must recommend coverage for orthotics and  
 61 prosthetics and orthoses and prostheses as those terms are  
 62 defined in s. 468.80. Such recommendation must equal the  
 63 coverage provided under federal law by health insurance for the  
 64 aged and disabled pursuant to 42 U.S.C. ss. 1395k, 1395l, and  
 65 1395m and 42 C.F.R. ss. 410.100, 414.202, 414.210, and 414.228,  
 66 and as applicable to this section.

67 (1) The recommended coverage is subject to the deductible  
 68 and coinsurance provisions applicable to outpatient visits and  
 69 to all other terms and conditions applicable to other benefits.

70 (2) For an appropriate additional premium, an insurer  
 71 subject to this section shall make available to the  
 72 policyholder, as part of the application, the recommended  
 73 coverage in this section without such coverage being subject to  
 74 the deductible or coinsurance provisions of the policy.

75 (3) The insurance policy may recommend prior authorization  
 76 for orthotics and prosthetics and orthoses and prostheses in the  
 77 same manner that prior authorization is recommended for any  
 78 other covered benefit.

79 (4) Recommended benefits for orthoses or prostheses are  
 80 limited to the most appropriate model that adequately meets the  
 81 medical needs of the patient as determined by the insured's  
 82 treating physician. Subject to copayments and deductibles, the  
 83 repair and replacement of orthoses or prostheses are also  
 84 recommended, unless necessitated by misuse or loss.

85 (5) An insurer may recommend that benefits evaluated and  
 86 reviewed pursuant to this section be recommended benefits only  
 87 if orthotics or prosthetics are rendered by an orthotist or  
 88 prosthetist and the orthoses or prostheses are provided by a  
 89 vendor.

90 (6) This section does not apply to insurance  
 91 recommendations providing benefits for hospital confinement  
 92 indemnity, disability income, accident only, long-term care,  
 93 Medicare supplement, limited benefit health, specified disease  
 94 indemnity, sickness or bodily injury or death by accident or  
 95 both, and other limited benefit policies.

96 Section 3. Subsection (44) is added to section 641.31,  
 97 Florida Statutes, to read:

98 641.31 Health maintenance contracts.—

99 (44) Each health maintenance contract issued, amended,  
 100 delivered, or renewed in this state on or after January 1, 2014,  
 101 which recommends medical coverage that includes physician  
 102 services in a physician's office and that recommends major  
 103 medical or similar comprehensive type coverage must evaluate and  
 104 review coverage for orthotics and prosthetics and orthoses and

105 prostheses as those terms are defined in s. 468.80. Such  
106 recommended coverage must equal the coverage provided under  
107 federal law by health insurance for the aged and disabled  
108 pursuant to 42 U.S.C. ss. 1395k, 1395l, and 1395m and 42 C.F.R.  
109 ss. 410.100, 414.202, 414.210, and 414.228, and as applicable to  
110 this section.

111 (a) The recommendation is subject to the deductible and  
112 coinsurance provisions applicable to outpatient visits and to  
113 all other terms and conditions applicable to other benefits.

114 (b) For an appropriate additional premium, a health  
115 maintenance organization subject to this subsection shall  
116 recommend to the subscriber, as part of the application, the  
117 coverage required in this subsection without such coverage being  
118 subject to the deductible or coinsurance provisions of the  
119 contract.

120 (c) A health maintenance contract may require prior  
121 authorization for orthotics and prosthetics and orthoses and  
122 prostheses in the same manner that prior authorization is  
123 required for any other recommended benefit.

124 (d) Recommended benefits for orthoses or prostheses are  
125 limited to the most appropriate model that adequately meets the  
126 medical needs of the patient as determined by the insured's  
127 treating physician. Subject to copayments and deductibles, the  
128 repair and replacement of orthoses or prostheses are also  
129 recommended, unless necessitated by misuse or loss.

130 (e) A health maintenance contract may require that

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131 benefits recommended pursuant to this subsection be recommended  
132 benefits only if orthotics or prosthetics are rendered by an  
133 orthotist or prosthetist and the orthoses or prostheses are  
134 provided by a vendor.

135 (f) This subsection does not apply to insurance coverage  
136 providing benefits for hospital confinement indemnity,  
137 disability income, accident only, long-term care, Medicare  
138 supplement, limited benefit health, specified disease indemnity,  
139 sickness or bodily injury or death by accident or both, and  
140 other limited benefit policies.

141 Section 4. This act shall take effect July 1, 2015.