1 A bill to be entitled 2 An act relating to coverage for cancer and associated 3 conditions drug treatment; amending s. 627.4239, F.S.; defining the terms "associated condition" and "health 4 5 care provider"; prohibiting insurers of certain health 6 maintenance organization contracts from excluding 7 coverage for certain drugs on a specified ground; 8 prohibiting insurers of certain individual and group 9 health insurance policies and health maintenance 10 organization contracts from requiring, before a drug 11 is covered, that an insured or subscriber fail or have 12 failed to successfully respond to a different drug; providing applicability; prohibiting such insurers 13 14 from excluding coverage for certain drugs on a 15 specified ground; requiring coverage for specified 16 services; providing an effective date. 17 18 Be It Enacted by the Legislature of the State of Florida: 19 20 Section 1. Section 627.4239, Florida Statutes, is amended 21 to read: 22 627.4239 Coverage for use of drugs in treatment of 23 cancer.-24 (1)DEFINITIONS.-As used in this section, the term: 25 "Associated condition" means a symptom or side effect (a)

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26	that:
27	1. Is associated with a particular cancer at a particular
28	stage or with the treatment of that cancer; and
29	2. In the judgment of a health care provider, will further
30	jeopardize the health of a patient if left untreated. As used in
31	this subparagraph, the term "health care provider" means a
32	physician licensed under chapter 458, chapter 459, or chapter
33	461, a physician assistant licensed under chapter 458 or chapter
34	459, an advanced practice registered nurse licensed under
35	chapter 464, or a dentist licensed under chapter 466.
36	<u>(b)</u> "Medical literature" means scientific studies
37	published in a United States peer-reviewed national professional
38	journal.
39	<u>(c)</u> "Standard reference compendium" means authoritative
40	compendia identified by the Secretary of the United States
41	Department of Health and Human Services and recognized by the
42	federal Centers for Medicare and Medicaid Services.
43	(2) COVERAGE FOR TREATMENT OF CANCER
44	(a) An insurer may not exclude coverage in any individual
45	or group <u>health</u> insurance policy <u>or health maintenance</u>
46	organization contract issued, amended, delivered, or renewed in
47	this state which covers the treatment of cancer for any drug
48	prescribed for the treatment of cancer on the ground that the
49	drug is not approved by the United States Food and Drug
50	Administration for a particular indication, if that drug is
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recognized for treatment of that indication in a standard 51 52 reference compendium or recommended in the medical literature. 53 (b) Coverage for a drug required by this section also 54 includes the medically necessary services associated with the 55 administration of the drug. 56 (3) COVERAGE FOR TREATMENT OF STAGE 4 METASTATIC CANCER 57 AND ASSOCIATED CONDITIONS.-58 (a) An insurer may not require in any individual or group 59 health insurance policy or health maintenance organization 60 contract issued, amended, delivered, or renewed in this state which covers the treatment of stage 4 metastatic cancer and its 61 62 associated conditions that, before a drug prescribed for the treatment is covered, the insured or subscriber fail or have 63 64 previously failed to successfully respond to a different drug. 65 Paragraph (a) applies to a drug that is recognized for (b) 66 the treatment of such stage 4 metastatic cancer or its 67 associated conditions, as applicable, in a standard reference 68 compendium or that is recommended in the medical literature. The 69 insurer may not exclude coverage for such drug on the ground 70 that the drug is not approved by the United States Food and Drug Administration for such stage 4 metastatic cancer or its 71 72 associated conditions, as applicable. 73 (4) COVERAGE FOR SERVICES ASSOCIATED WITH DRUG 74 ADMINISTRATION.-Coverage for a drug required by this section 75 also includes the medically necessary services associated with

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76 the administration of the drug.

77 <u>(5)-(3)</u> APPLICABILITY AND SCOPE.—This section may not be 78 construed to:

(a) Alter any other law with regard to provisions limiting
coverage for drugs that are not approved by the United States
Food and Drug Administration.

82 (b) Require coverage for any drug if the United States
83 Food and Drug Administration has determined that the use of the
84 drug is contraindicated.

85 (c) Require coverage for a drug that is not otherwise
86 approved for any indication by the United States Food and Drug
87 Administration.

(d) Affect the determination as to whether particular levels, dosages, or usage of a medication associated with bone marrow transplant procedures are covered under an individual or group health insurance policy or health maintenance organization contract.

93

(e) Apply to specified disease or supplemental policies.

94 <u>(f) (4) Nothing in this section is intended,</u> Expressly or 95 by implication, to create, impair, alter, limit, modify, 96 enlarge, abrogate, prohibit, or withdraw any authority to 97 provide reimbursement for drugs used in the treatment of any 98 other disease or condition.

99

Section 2. This act shall take effect January 1, 2021.

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