

By Senator Mayfield

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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.;  
4           defining the terms "associated condition" and "health  
5           care provider"; prohibiting health maintenance  
6           organizations from excluding coverage for certain  
7           cancer treatment drugs; prohibiting health insurers  
8           and health maintenance organizations from requiring,  
9           before providing prescription drug coverage for the  
10          treatment of stage 4 metastatic cancer and associated  
11          conditions, that treatment have failed with a  
12          different drug; providing applicability; prohibiting  
13          insurers and health maintenance organizations from  
14          excluding coverage for certain drugs on certain  
15          grounds; providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

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19           Section 1. Section 627.4239, Florida Statutes, is amended  
20 to read:

21           627.4239 Coverage for use of drugs in treatment of cancer.-

22           (1) DEFINITIONS.-As used in this section, the term:

23           (a) "Associated condition" means a symptom or side effect

24 that:

25           1. Is associated with a particular cancer at a particular  
26 stage or with the treatment of that cancer; and

27           2. In the judgment of a health care provider, will further  
28 jeopardize the health of a patient if left untreated. As used in  
29 this subparagraph, the term "health care provider" means a

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30 physician licensed under chapter 458, chapter 459, or chapter  
31 461, a physician assistant licensed under chapter 458 or chapter  
32 459, an advanced practice registered nurse licensed under  
33 chapter 464, or a dentist licensed under chapter 466.

34 (b) ~~(a)~~ "Medical literature" means scientific studies  
35 published in a United States peer-reviewed national professional  
36 journal.

37 (c) ~~(b)~~ "Standard reference compendium" means authoritative  
38 compendia identified by the Secretary of the United States  
39 Department of Health and Human Services and recognized by the  
40 federal Centers for Medicare and Medicaid Services.

41 (2) COVERAGE FOR TREATMENT OF CANCER.—

42 ~~(a)~~ An insurer or a health maintenance organization may not  
43 exclude coverage in any individual or group health insurance  
44 policy or health maintenance contract issued, amended,  
45 delivered, or renewed in this state which covers the treatment  
46 of cancer for any drug prescribed for the treatment of cancer on  
47 the ground that the drug is not approved by the United States  
48 Food and Drug Administration for a particular indication, if  
49 that drug is recognized for treatment of that indication in a  
50 standard reference compendium or recommended in the medical  
51 literature.

52 ~~(b) Coverage for a drug required by this section also~~  
53 ~~includes the medically necessary services associated with the~~  
54 ~~administration of the drug.~~

55 (3) COVERAGE FOR TREATMENT OF STAGE 4 METASTATIC CANCER AND  
56 ASSOCIATED CONDITIONS.—

57 (a) An insurer or a health maintenance organization may not  
58 require in any individual or group health insurance policy or

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59 health maintenance contract issued, amended, delivered, or  
60 renewed in this state which covers the treatment of stage 4  
61 metastatic cancer and its associated conditions that, before a  
62 drug prescribed for the treatment is covered, the insured or  
63 subscriber fail or have previously failed to respond  
64 successfully to a different drug.

65 (b) Paragraph (a) applies to a drug that is recognized for  
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 or health maintenance organization may not exclude  
70 coverage for such drug on the ground that the drug is not  
71 approved by the United States Food and Drug Administration for  
72 such stage 4 metastatic cancer or its associated conditions, as  
73 applicable.

74 (4) COVERAGE FOR SERVICES ASSOCIATED WITH DRUG  
75 ADMINISTRATION.—Coverage for a drug required by this section  
76 also includes the medically necessary services associated with  
77 the administration of the drug.

78 (5) ~~(3)~~ APPLICABILITY AND SCOPE.—This section may not be  
79 construed to:

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

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

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

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88 Administration.

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

94 (e) Apply to specified disease or supplemental policies.

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

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