

1 A bill to be entitled
 2 An act relating to drug coverage for the treatment of
 3 cancer; amending s. 627.4239, F.S.; providing a
 4 definition of the term "associated condition";
 5 prohibiting certain health maintenance organizations
 6 from excluding coverage of certain drugs on a
 7 specified ground; prohibiting health insurers and
 8 health maintenance organizations from requiring
 9 insureds and subscribers to meet certain requirements
 10 before drugs prescribed for stage 4 cancer and
 11 associated conditions are covered; providing
 12 applicability; prohibiting health insurers and health
 13 maintenance organizations from excluding coverage for
 14 such drugs on a specified ground; providing coverage
 15 for certain medically necessary services; prohibiting
 16 health insurers and health maintenance organizations
 17 from requiring administration of cancer medication
 18 through home infusion; providing an exception;
 19 revising construction; providing an effective date.

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

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 23 Section 1. Section 627.4239, Florida Statutes, is amended
 24 to read:
 25 627.4239 Coverage for use of drugs in treatment of

26 cancer.—

27 (1) DEFINITIONS.—As used in this section, the term:

28 (a) "Associated condition" means a symptom or side effect
29 that:

30 1. Is associated with a particular cancer at a particular
31 stage or with the treatment of that cancer.

32 2. In the judgment of a health care provider, will further
33 jeopardize the health of a patient if left untreated. As used in
34 this subparagraph, the term "health care provider" means a
35 physician licensed under chapter 458, chapter 459, or chapter
36 461, a physician assistant licensed under chapter 458 or chapter
37 459, an advanced practice registered nurse licensed under
38 chapter 464, or a dentist licensed under chapter 466.

39 (b)~~(a)~~ "Medical literature" means scientific studies
40 published in a United States peer-reviewed national professional
41 journal.

42 (c)~~(b)~~ "Standard reference compendium" means authoritative
43 compendia identified by the Secretary of the United States
44 Department of Health and Human Services and recognized by the
45 federal Centers for Medicare and Medicaid Services.

46 (2) COVERAGE FOR TREATMENT OF CANCER.—

47 ~~(a)~~ An insurer or a health maintenance organization may
48 not exclude coverage in any individual or group health insurance
49 policy or health maintenance contract issued, amended,
50 delivered, or renewed in this state which covers the treatment

51 of cancer for any drug prescribed for the treatment of cancer on
 52 the ground that the drug is not approved by the United States
 53 Food and Drug Administration for a particular indication, if
 54 that drug is recognized for treatment of that indication in a
 55 standard reference compendium or recommended in the medical
 56 literature.

57 ~~(b) Coverage for a drug required by this section also~~
 58 ~~includes the medically necessary services associated with the~~
 59 ~~administration of the drug.~~

60 (3) COVERAGE FOR TREATMENT OF STAGE 4 METASTATIC CANCER
 61 AND ASSOCIATED CONDITIONS.-

62 (a) An insurer or a health maintenance organization may
 63 not require in any individual or group health insurance policy
 64 or health maintenance contract issued, amended, delivered, or
 65 renewed in this state which covers the treatment of stage 4
 66 metastatic cancer and its associated conditions that, before a
 67 drug prescribed for the treatment is covered, the insured or
 68 subscriber fail or have previously failed to respond
 69 successfully to a different drug.

70 (b) Paragraph (a) applies to a drug that is recognized for
 71 the treatment of such stage 4 metastatic cancer or its
 72 associated conditions, as applicable, in a standard reference
 73 compendium or that is recommended in the medical literature. The
 74 insurer or health maintenance organization may not exclude
 75 coverage for such drug on the ground that the drug is not

76 | approved by the United States Food and Drug Administration for
 77 | such stage 4 metastatic cancer or its associated conditions, as
 78 | applicable.

79 | (4) COVERAGE FOR SERVICES ASSOCIATED WITH DRUG
 80 | ADMINISTRATION.—Coverage for a drug required by this section
 81 | also includes the medically necessary services associated with
 82 | the administration of the drug.

83 | (5) PROHIBITION ON MANDATORY HOME INFUSION.—An insurer or
 84 | a health maintenance organization may not require that a cancer
 85 | medication be administered to an insured or subscriber through
 86 | home infusion unless the insured's or subscriber's treating
 87 | oncologist determines that home infusion of the cancer
 88 | medication will not jeopardize the health of the insured or
 89 | subscriber.

90 | (6)~~(3)~~ APPLICABILITY AND SCOPE.—This section may not be
 91 | construed to:

92 | (a) Alter any other law with regard to provisions limiting
 93 | coverage for drugs that are not approved by the United States
 94 | Food and Drug Administration, except for the treatment of stage
 95 | 4 metastatic cancer or its associated conditions.

96 | (b) Require coverage for any drug, except for a drug for
 97 | the treatment of stage 4 metastatic cancer or its associated
 98 | conditions, if the United States Food and Drug Administration
 99 | has determined that the use of the drug is contraindicated.

100 | (c) Require coverage for a drug that is not otherwise

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101 approved for any indication by the United States Food and Drug
102 Administration, except for a drug for the treatment of stage 4
103 metastatic cancer or its associated conditions.

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

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

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

115 Section 2. This act shall take effect July 1, 2021.