



364504

LEGISLATIVE ACTION

Senate

House

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Floor: WD

03/27/2013 12:41 PM

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Senator Benacquisto moved the following:

1           **Senate Substitute for Amendment (353984) (with title**  
2 **amendment)**

3  
4           Delete everything after the enacting clause  
5 and insert:

6           Section 1. This act may be cited as the "Cancer Treatment  
7 Fairness Act."

8           Section 2. Section 627.42391, Florida Statutes, is created  
9 to read:

10           627.42391 Cancer treatment parity; orally administered  
11 cancer treatment medications.—

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

13           (a) "Cancer treatment medication" means medication



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14 prescribed by a treating physician who determines that the  
15 medication is medically necessary to kill or slow the growth of  
16 cancerous cells in a manner consistent with nationally accepted  
17 standards of practice.

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

20 (2) Beginning January 2, 2014, an individual or group  
21 insurance policy, including a policy issued to a small employer  
22 as defined in s. 627.6699, delivered, issued for delivery,  
23 renewed, amended, or continued in this state which provides  
24 medical, major medical, or similar comprehensive coverage and  
25 includes coverage for cancer treatment medications, must also  
26 cover prescribed, orally administered cancer treatment  
27 medications and may not apply cost-sharing requirements for  
28 prescribed, orally administered cancer treatment medications  
29 which are less favorable to the covered person than cost-sharing  
30 requirements for intravenous or injected cancer treatment  
31 medications covered under the policy.

32 (3) An insurer that provides a policy described in  
33 subsection (2), and any participating entity through which the  
34 insurer offers health services, may not:

35 (a) Vary the terms of a policy in effect on July 1, 2013,  
36 in order to avoid compliance with this section.

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

41 (c) Penalize a health care practitioner or reduce or limit  
42 the compensation of a health care practitioner for recommending



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43 or providing services or care to a covered person as required  
44 under this section.

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

48 (e) Change the classification of any intravenous or  
49 injected cancer treatment medication or increase the amount of  
50 cost sharing applicable to any intravenous or injected cancer  
51 treatment medication in effect on July 1, 2013, in order to  
52 comply with this section.

53 Section 3. Section 641.313, Florida Statutes, is created to  
54 read:

55 641.313 Cancer treatment parity; orally administered cancer  
56 treatment medications.-

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

58 (a) "Cancer treatment medication" means medication  
59 prescribed by a treating physician who determines that the  
60 medication is medically necessary to kill or slow the growth of  
61 cancerous cells in a manner consistent with nationally accepted  
62 standards of practice.

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

65 (2) Beginning January 2, 2014, a health maintenance  
66 contract, including a contract issued to a small employer as  
67 defined in s. 627.6699, delivered, issued for delivery, renewed,  
68 amended, or continued in this state which provides medical,  
69 major medical, or similar comprehensive coverage and includes  
70 coverage for cancer treatment medications, must also cover  
71 prescribed, orally administered cancer treatment medications and



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72 may not apply cost-sharing requirements for prescribed, orally  
73 administered cancer treatment medications which are less  
74 favorable to the covered person than cost-sharing requirements  
75 for intravenous or injected cancer treatment medications covered  
76 under the contract.

77 (3) A health maintenance organization that provides a  
78 contract described in subsection (2), and any participating  
79 entity through which the health maintenance organization offers  
80 health services, may not:

81 (a) Vary the terms of a contract in effect on July 1, 2013,  
82 in order to avoid compliance with this section.

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

87 (c) Penalize a health care practitioner or reduce or limit  
88 the compensation of a health care practitioner for recommending  
89 or providing services or care to a covered person as required  
90 under this section.

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

94 (e) Change the classification of any intravenous or  
95 injected cancer treatment medication or increase the amount of  
96 cost sharing applicable to any intravenous or injected cancer  
97 treatment medication in effect on July 1, 2013, in order to  
98 comply with this section.

99 Section 4. Subsection (2) of section 627.6515, Florida  
100 Statutes, is amended to read:



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101           627.6515 Out-of-state groups.—

102           (2) Except as otherwise provided in this part, this part  
103 does not apply to a group health insurance policy issued or  
104 delivered outside this state under which a resident of this  
105 state is provided coverage if:

106           (a) The policy is issued to an employee group the  
107 composition of which is substantially as described in s.  
108 627.653; a labor union group or association group the  
109 composition of which is substantially as described in s.  
110 627.654; an additional group the composition of which is  
111 substantially as described in s. 627.656; a group insured under  
112 a blanket health policy when the composition of the group is  
113 substantially in compliance with s. 627.659; a group insured  
114 under a franchise health policy when the composition of the  
115 group is substantially in compliance with s. 627.663; an  
116 association group to cover persons associated in any other  
117 common group, which common group is formed primarily for  
118 purposes other than providing insurance; a group that is  
119 established primarily for the purpose of providing group  
120 insurance, provided the benefits are reasonable in relation to  
121 the premiums charged thereunder and the issuance of the group  
122 policy has resulted, or will result, in economies of  
123 administration; or a group of insurance agents of an insurer,  
124 which insurer is the policyholder;

125           (b) Certificates evidencing coverage under the policy are  
126 issued to residents of this state and contain in contrasting  
127 color and not less than 10-point type the following statement:  
128 "The benefits of the policy providing your coverage are governed  
129 primarily by the law of a state other than Florida"; and



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130 (c) The policy provides the benefits specified in ss.  
131 627.419, 627.42391, 627.6574, 627.6575, 627.6579, 627.6612,  
132 627.66121, 627.66122, 627.6613, 627.667, 627.6675, 627.6691, and  
133 627.66911, and complies with the requirements of s. 627.66996.

134 (d) Applications for certificates of coverage offered to  
135 residents of this state must contain, in contrasting color and  
136 not less than 12-point type, the following statement on the same  
137 page as the applicant's signature:

138  
139 "This policy is primarily governed by the laws of  
140 ...insert state where the master policy is filed....  
141 As a result, all of the rating laws applicable to  
142 policies filed in this state do not apply to this  
143 coverage, which may result in increases in your  
144 premium at renewal that would not be permissible under  
145 a Florida-approved policy. Any purchase of individual  
146 health insurance should be considered carefully, as  
147 future medical conditions may make it impossible to  
148 qualify for another individual health policy. For  
149 information concerning individual health coverage  
150 under a Florida-approved policy, consult your agent or  
151 the Florida Department of Financial Services."  
152

153 This paragraph applies only to group certificates providing  
154 health insurance coverage which require individualized  
155 underwriting to determine coverage eligibility for an individual  
156 or premium rates to be charged to an individual except for the  
157 following:

- 158 1. Policies issued to provide coverage to groups of persons



159 all of whom are in the same or functionally related licensed  
160 professions, and providing coverage only to such licensed  
161 professionals, their employees, or their dependents;

162 2. Policies providing coverage to small employers as  
163 defined by s. 627.6699. Such policies shall be subject to, and  
164 governed by, the provisions of s. 627.6699;

165 3. Policies issued to a bona fide association, as defined  
166 by s. 627.6571(5), provided that there is a person or board  
167 acting as a fiduciary for the benefit of the members, and such  
168 association is not owned, controlled by, or otherwise associated  
169 with the insurance company; or

170 4. Any accidental death, accidental death and  
171 dismemberment, accident-only, vision-only, dental-only, hospital  
172 indemnity-only, hospital accident-only, cancer, specified  
173 disease, Medicare supplement, products that supplement Medicare,  
174 long-term care, or disability income insurance, or similar  
175 supplemental plans provided under a separate policy,  
176 certificate, or contract of insurance, which cannot duplicate  
177 coverage under an underlying health plan, coinsurance, or  
178 deductibles or coverage issued as a supplement to workers'  
179 compensation or similar insurance, or automobile medical-payment  
180 insurance.

181 Section 5. This act shall take effect July 1, 2013, and  
182 applies to policies and contracts issued or renewed on or after  
183 that date.

184  
185 ===== T I T L E A M E N D M E N T =====

186 And the title is amended as follows:

187 Delete everything before the enacting clause



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188 and insert:

189                   A bill to be entitled  
190           An act relating to cancer treatment; providing a short  
191           title; creating ss. 627.42391 and 641.313, F.S.;  
192           providing definitions; requiring that an individual or  
193           group insurance policy or a health maintenance  
194           contract that provides coverage for cancer treatment  
195           medications provide coverage for orally administered  
196           cancer treatment medications on a basis no less  
197           favorable than that required by the policy or contract  
198           for intravenously administered or injected cancer  
199           treatment medications; prohibiting insurers, health  
200           maintenance organizations, and certain other entities  
201           from engaging in specified actions to avoid compliance  
202           with this act; amending s. 627.6515, F.S.; adding a  
203           cross-reference to conform to changes made by the act;  
204           providing an effective date.