

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Mayfield offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

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

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

627.42391 Insurance policies; cancer treatment parity; orally administered cancer treatment medications.-

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

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

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

19 (c) "Grandfathered health plan" has the same meaning as  
20 provided in 42 U.S.C. s. 18011 and is subject to the conditions  
21 for maintaining status as a grandfathered health plan as  
22 specified in 45 C.F.R. s. 147.140.

23 (2) An individual or group insurance policy delivered,  
24 issued for delivery, renewed, amended, or continued in this  
25 state that provides medical, major medical, or similar  
26 comprehensive coverage and includes coverage for cancer  
27 treatment medications must also cover prescribed, orally  
28 administered cancer treatment medications and may not apply  
29 cost-sharing requirements for orally administered cancer  
30 treatment medications that are less favorable to the covered  
31 person than cost-sharing requirements for intravenous or  
32 injected cancer treatment medications covered under the policy  
33 or contract.

34 (3) An insurer providing a policy or contract described in  
35 subsection (2) and any participating entity through which the  
36 insurer offers health services may not:

37 (a) Vary the terms of the policy in effect on the effective  
38 date of this act to avoid compliance with this section.

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

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

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45 or providing services or care to a covered person as required  
46 under this section.

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

50 (e) Change the classification of any intravenous or  
51 injected cancer treatment medication or increase the amount of  
52 cost sharing applicable to any intravenous or injected cancer  
53 treatment medication in effect on the effective date of this  
54 section in order to achieve compliance with this section.

55 (4) This section does not apply to grandfathered health  
56 plans.

57  
58 Notwithstanding this section, if the cost-sharing requirements  
59 for intravenous or injected cancer treatment medications under  
60 the policy or contract are less than \$50 per month, then the  
61 cost-sharing requirements for orally administered cancer  
62 treatment medications may be up to \$50 per month.

63 Section 3. Section 641.313, Florida Statutes, is created to  
64 read:

65 641.313 Health maintenance contracts; cancer treatment  
66 parity; orally administered cancer treatment medications.-

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

68 (a) "Cancer treatment medication" means medication  
69 prescribed by a treating physician who determines that the  
70 medication is medically necessary to kill or slow the growth of  
71 cancerous cells in a manner consistent with nationally accepted  
72 standards of practice.

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

75 (c) "Grandfathered health plan" has the same meaning as  
76 provided in 42 U.S.C. s. 18011 and is subject to the conditions  
77 for maintaining status as a grandfathered health plan as  
78 specified in 45 C.F.R. s. 147.140.

79 (2) A health maintenance contract delivered, issued for  
80 delivery, renewed, amended, or continued in this state that  
81 provides medical, major medical, or similar comprehensive  
82 coverage and includes coverage for cancer treatment medications  
83 must also cover prescribed, orally administered cancer treatment  
84 medications and may not apply cost-sharing requirements for  
85 orally administered cancer treatment medications that are less  
86 favorable to the covered person than cost-sharing requirements  
87 for intravenous or injected cancer treatment medications covered  
88 under the contract.

89 (3) A health maintenance organization providing a contract  
90 described in subsection (2) and any participating entity through  
91 which the health maintenance organization offers health services  
92 may not:

93 (a) Vary the terms of the policy in effect on the effective  
94 date of this act to avoid compliance with this section.

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

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

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101 or providing services or care to a covered person as required  
102 under this section.

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

106 (e) Change the classification of any intravenous or  
107 injected cancer treatment medication or increase the amount of  
108 cost sharing applicable to any intravenous or injected cancer  
109 treatment medication in effect on the effective date of this  
110 section in order to achieve compliance with this section.

111 (4) This section does not apply to grandfathered health  
112 plans.

113  
114 Notwithstanding this section, if the cost-sharing requirements  
115 for intravenous or injected cancer treatment medications under  
116 the contract are less than \$50 per month, then the cost-sharing  
117 requirements for orally administered cancer treatment  
118 medications may be up to \$50 per month.

119 Section 4. The Division of Law Revision and Information is  
120 directed to replace the phrase "the effective date of this act"  
121 and "the effective date of this section" wherever it occurs in  
122 this act with the date this act takes effect.

123 Section 5. This act shall take effect January 1, 2015, and  
124 applies to policies and contracts issued or renewed on or after  
125 that date.

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128 **T I T L E A M E N D M E N T**

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129 Remove everything before the enacting clause and insert:

130 A bill to be entitled

131 An act relating to cancer treatment; providing a short  
132 title; creating ss. 627.42391 and 641.313, F.S.;

133 providing definitions; requiring that an individual or  
134 group insurance policy or contract or a health

135 maintenance contract that provides coverage for cancer  
136 treatment medications provide coverage for orally

137 administered cancer treatment medications; requiring

138 that an individual or group insurance policy or

139 contract or a health maintenance contract provide

140 coverage for orally administered cancer treatment

141 medications on a basis no less favorable than that

142 required by the policy or contract for intravenously

143 administered or injected cancer treatment medications;

144 excluding grandfathered health plans from coverage and

145 cost-sharing requirements; prohibiting insurers,

146 health maintenance organizations, and certain other

147 entities from engaging in specified actions to avoid

148 compliance with this act; providing limits on certain

149 cost-sharing requirements; providing a directive to

150 the Division of Law Revision and Information;

151 providing applicability; providing an effective date.