

By Senator Harrell

25-01462-21

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1                   A bill to be entitled  
2           An act relating to health insurance coverage for  
3           cancer treatment; amending s. 627.4239, F.S.; defining  
4           the terms "associated condition" and "health care  
5           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 has failed with a different  
12          drug; providing applicability; prohibiting insurers  
13          and health maintenance organizations from excluding  
14          coverage for certain drugs on certain grounds;  
15          prohibiting insurers and health maintenance  
16          organizations from requiring that certain cancer  
17          treatment drugs be sent to certain entities for home  
18          infusion unless a certain condition is met; revising  
19          construction; providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23           Section 1. Section 627.4239, Florida Statutes, is amended  
24 to read:

25           627.4239 Coverage for use of drugs in treatment of cancer.—

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

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

28 that:

29           1. Is associated with a particular cancer at a particular

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30 stage or with the treatment of that cancer; and

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

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

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

44 (2) COVERAGE FOR TREATMENT OF CANCER.—

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

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

58 (3) COVERAGE FOR TREATMENT OF STAGE 4 METASTATIC CANCER AND

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59 ASSOCIATED CONDITIONS.—

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

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

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

81 (5) PROHIBITION ON MANDATORY HOME INFUSION.—An insurer or a  
82 health maintenance organization may not require that a cancer  
83 medication be administered using home infusion, and may not  
84 require that such medication be sent directly to a third party  
85 or to the patient for home infusion unless the patient's  
86 treating oncologist determines that home infusion of the cancer  
87 medication will not jeopardize the health of the patient.

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88        (6)~~(3)~~ APPLICABILITY AND SCOPE.—This section may not be  
89 construed to:

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

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

98            (c) Require coverage for a drug that is not otherwise  
99 approved for any indication by the United States Food and Drug  
100 Administration, except for a drug for the treatment of stage 4  
101 metastatic cancer or its associated conditions.

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

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

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

113            Section 2. This act shall take effect January 1, 2022.