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1 A bill to be entitled
2 An act relating to health insurance; creating ss.
3 627.6404, 627.6572, and 641.31093, F.S.; requiring all
4 antiretroviral agents to be included on health plan
5 formularies; prohibiting access-limiting procedures used
6 to restrict antiretroviral agents prescribed to treat a
7 person with HIV; amending s. 627.6515, F.S.; including
8 reference to such requirements on policies issued by out-
9 of-state groups; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Section 627.6404, Florida Statutes, is created
14 to read:

15 627.6404 HIV treatment.—Antiretroviral agents prescribed
16 to treat a person with HIV must be included on a health plan
17 formulary and may not be restricted through a requirement for
18 prior authorization, step therapy, or other limitation that
19 limits access to any antiretroviral agent.

20 Section 2. Section 627.6572, Florida Statutes, is created
21 to read:

22 627.6572 HIV treatment.—Antiretroviral agents prescribed
23 to treat a person with HIV must be included on a health plan
24 formulary and may not be restricted through a requirement for
25 prior authorization, step therapy, or other limitation that
26 limits access to any antiretroviral agent.

27 Section 3. Section 641.31093, Florida Statutes, is created
28 to read:

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29 641.31093 HIV treatment.—Antiretroviral agents prescribed
30 to treat a person with HIV must be included on a health plan
31 formulary and may not be restricted through a requirement for
32 prior authorization, step therapy, or other limitation that
33 limits access to any antiretroviral agent.

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

36 627.6515 Out-of-state groups.—

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

41 (a) The policy is issued to an employee group the
42 composition of which is substantially as described in s.
43 627.653; a labor union group or association group the
44 composition of which is substantially as described in s.
45 627.654; an additional group the composition of which is
46 substantially as described in s. 627.656; a group insured under
47 a blanket health policy when the composition of the group is
48 substantially in compliance with s. 627.659; a group insured
49 under a franchise health policy when the composition of the
50 group is substantially in compliance with s. 627.663; an
51 association group to cover persons associated in any other
52 common group, which common group is formed primarily for
53 purposes other than providing insurance; a group that is
54 established primarily for the purpose of providing group
55 insurance, provided the benefits are reasonable in relation to
56 the premiums charged thereunder and the issuance of the group

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57 | policy has resulted, or will result, in economies of
58 | administration; or a group of insurance agents of an insurer,
59 | which insurer is the policyholder.~~†~~

60 | (b) Certificates evidencing coverage under the policy are
61 | issued to residents of this state and contain in contrasting
62 | color and not less than 10-point type the following statement:
63 | "The benefits of the policy providing your coverage are governed
64 | primarily by the law of a state other than Florida".~~†~~ and

65 | (c) The policy provides the benefits specified in ss.
66 | 627.419, 627.6572, 627.6574, 627.6575, 627.6579, 627.6612,
67 | 627.66121, 627.66122, 627.6613, 627.667, 627.6675, 627.6691, and
68 | 627.66911.

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

73 |
74 | "This policy is primarily governed by the laws of ...insert
75 | state where the master policy is filed.... As a result, all of
76 | the rating laws applicable to policies filed in this state do
77 | not apply to this coverage, which may result in increases in
78 | your premium at renewal that would not be permissible under a
79 | Florida-approved policy. Any purchase of individual health
80 | insurance should be considered carefully, as future medical
81 | conditions may make it impossible to qualify for another
82 | individual health policy. For information concerning individual
83 | health coverage under a Florida-approved policy, consult your
84 | agent or the Florida Department of Financial Services."

85
86 This paragraph applies only to group certificates providing
87 health insurance coverage which require individualized
88 underwriting to determine coverage eligibility for an individual
89 or premium rates to be charged to an individual except for the
90 following:

91 1. Policies issued to provide coverage to groups of
92 persons all of whom are in the same or functionally related
93 licensed professions, and providing coverage only to such
94 licensed professionals, their employees, or their dependents;

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

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

103 4. Any accidental death, accidental death and
104 dismemberment, accident-only, vision-only, dental-only, hospital
105 indemnity-only, hospital accident-only, cancer, specified
106 disease, Medicare supplement, products that supplement Medicare,
107 long-term care, or disability income insurance, or similar
108 supplemental plans provided under a separate policy,
109 certificate, or contract of insurance, which cannot duplicate
110 coverage under an underlying health plan, coinsurance, or
111 deductibles or coverage issued as a supplement to workers'
112 compensation or similar insurance, or automobile medical-payment

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113 | insurance.

114 | Section 5. This act shall take effect July 1, 2011.