

1 A bill to be entitled

2 An act relating to dentists; amending s. 627.6474,  
3 F.S.; prohibiting a contract between a health insurer  
4 and a dentist from requiring the dentist to provide  
5 services at a fee set by the insurer under certain  
6 circumstances; defining the term "covered services" as  
7 it relates to contracts between a health insurer and a  
8 dentist; prohibiting a health insurer from requiring  
9 as a condition of a contract that a dentist  
10 participate in a discount medical plan; amending s.  
11 636.035, F.S.; prohibiting a contract between a  
12 prepaid limited health service organization and a  
13 dentist from requiring the dentist to provide services  
14 at a fee set by the organization under certain  
15 circumstances; defining the term "covered services" as  
16 it relates to contracts between a prepaid limited  
17 health service organization and a dentist; prohibiting  
18 the prepaid limited health service organization from  
19 requiring as a condition of a contract that a dentist  
20 participate in a discount medical plan; amending s.  
21 641.315, F.S.; prohibiting a contract between a health  
22 maintenance organization and a dentist from requiring  
23 the dentist to provide services at a fee set by the  
24 organization under certain circumstances; defining the  
25 term "covered services" as it relates to contracts  
26 between a health maintenance organization and a

27 dentist; prohibiting the health maintenance  
 28 organization from requiring as a condition of a  
 29 contract that a dentist participate in a discount  
 30 medical plan; providing applicability; providing an  
 31 effective date.

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

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35 Section 1. Section 627.6474, Florida Statutes, is amended  
 36 to read:

37 627.6474 Provider contracts.—

38 (1) A health insurer may ~~shall~~ not require a contracted  
 39 health care practitioner as defined in s. 456.001(4) to accept  
 40 the terms of other health care practitioner contracts with the  
 41 insurer or any other insurer, or health maintenance  
 42 organization, under common management and control with the  
 43 insurer, including Medicare and Medicaid practitioner contracts  
 44 and those authorized by s. 627.6471, s. 627.6472, s. 636.035, or  
 45 s. 641.315, except for a practitioner in a group practice as  
 46 defined in s. 456.053 who must accept the terms of a contract  
 47 negotiated for the practitioner by the group, as a condition of  
 48 continuation or renewal of the contract. Any contract provision  
 49 that violates this section is void. A violation of this  
 50 subsection ~~section~~ is not subject to the criminal penalty  
 51 specified in s. 624.15.

52 (2)(a) A contract between a health insurer and a dentist

53 licensed under chapter 466 for the provision of services to an  
54 insured may not contain a provision that requires the dentist to  
55 provide services to the insured under such contract at a fee set  
56 by the health insurer unless such services are covered services  
57 under the applicable contract. As used in this paragraph, the  
58 term "covered services" means dental care services for which a  
59 reimbursement is available under the insured's contract or for  
60 which a reimbursement would be available but for the application  
61 of contractual limitations such as deductibles, coinsurance,  
62 waiting periods, annual or lifetime maximums, frequency  
63 limitations, alternative benefit payments, or any other  
64 limitation.

65 (b) A health insurer may not require as a condition of the  
66 contract that the dentist participate in a discount medical plan  
67 under part II of chapter 636.

68 Section 2. Subsection (13) is added to section 636.035,  
69 Florida Statutes, to read:

70 636.035 Provider arrangements.—

71 (13) (a) A contract between a prepaid limited health  
72 service organization and a dentist licensed under chapter 466  
73 for the provision of services to a subscriber of the prepaid  
74 limited health service organization may not contain a provision  
75 that requires the dentist to provide services to the subscriber  
76 of the prepaid limited health service organization at a fee set  
77 by the prepaid limited health service organization unless such  
78 services are covered services under the applicable contract. As

79 used in this paragraph, the term "covered services" means dental  
 80 care services for which a reimbursement is available under the  
 81 subscriber's contract or for which a reimbursement would be  
 82 available but for the application of contractual limitations  
 83 such as deductibles, coinsurance, waiting periods, annual or  
 84 lifetime maximums, frequency limitations, alternative benefit  
 85 payments, or any other limitation.

86 (b) A prepaid limited health service organization may not  
 87 require as a condition of the contract that the dentist  
 88 participate in a discount medical plan under part II of this  
 89 chapter.

90 Section 3. Subsection (11) is added to section 641.315,  
 91 Florida Statutes, to read:

92 641.315 Provider contracts.—

93 (11) (a) A contract between a health maintenance  
 94 organization and a dentist licensed under chapter 466 for the  
 95 provision of services to a subscriber of the health maintenance  
 96 organization may not contain a provision that requires the  
 97 dentist to provide services to the subscriber of the health  
 98 maintenance organization at a fee set by the health maintenance  
 99 organization unless such services are covered services under the  
 100 applicable contract. As used in this paragraph, the term  
 101 "covered services" means dental care services for which a  
 102 reimbursement is available under the subscriber's contract or  
 103 for which a reimbursement would be available but for the  
 104 application of contractual limitations such as deductibles,

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105 coinsurance, waiting periods, annual or lifetime maximums,  
106 frequency limitations, alternative benefit payments, or any  
107 other limitation.

108 (b) A health maintenance organization may not require as a  
109 condition of the contract that the dentist participate in a  
110 discount medical plan under part II of chapter 636.

111 Section 4. This act applies to contracts entered into or  
112 renewed on or after July 1, 2014.

113 Section 5. This act shall take effect July 1, 2014.