

1                   A bill to be entitled  
2           An act relating to health care; amending s.  
3           641.51, F.S.; requiring health maintenance  
4           organizations to provide a subscriber continued  
5           access to a treating physician terminated by  
6           the organization; providing limitations;  
7           amending s. 641.315, F.S.; revising the notice  
8           requirements for termination of provider  
9           contracts; providing an effective date.

10

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

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13           Section 1. Subsection (7) of section 641.51, Florida  
14 Statutes, is amended to read:

15           641.51 Quality assurance program; second medical  
16 opinion requirement.--

17           (7) When an organization terminates a contract with a  
18 treating physician licensed under chapter 458, chapter 459,  
19 chapter 460, or chapter 461, for any reason other than for  
20 cause, the ~~Each~~ organization shall allow subscribers for whom  
21 the terminated physician was a treating physician to continue  
22 care for 60 days with the a terminated treating physician  
23 through completion of treatment of a condition for which the  
24 subscriber was receiving care at the time of the termination,  
25 until the subscriber selects another treating physician, or  
26 until the next open enrollment period offered by the  
27 organization, whichever occurs first, but no longer than 1  
28 year after termination of the physician contract, ~~provider~~  
29 when medically necessary, provided the subscriber has a  
30 life-threatening condition or a disabling and degenerative  
31 condition. Each organization shall allow a subscriber who is

1 in the third trimester of pregnancy to continue care with a  
2 terminated treating physician ~~provider~~ until completion of  
3 postpartum care. For care continued under this subsection, the  
4 organization and the physician ~~provider~~ shall continue to be  
5 bound by the terms of the terminated contract for such  
6 continued care. This subsection shall not apply to treating  
7 physicians ~~providers~~ who have been terminated by the  
8 organization for cause.

9 Section 2. Subsections (6) and (7) of section 641.315,  
10 Florida Statutes, are amended to read:

11 641.315 Provider contracts.--

12 (6)(a) For all provider contracts executed after  
13 October 1, 1998 ~~1991~~, and ~~within 180 days after October 1,~~  
14 ~~1991, for contracts in existence as of October 1, 1991:~~

15 1. The contracts must provide that the provider shall  
16 provide 90 ~~60~~ days' advance written notice to the health  
17 maintenance organization and the department before canceling  
18 the contract with the health maintenance organization for any  
19 reason; and

20 2. The contract must also provide that nonpayment for  
21 goods or services rendered by the provider to the health  
22 maintenance organization shall not be a valid reason for  
23 avoiding the 90-day ~~60-day~~ advance notice of cancellation.

24 (b) For all provider contracts executed after October  
25 1, 1998, ~~1996~~, and ~~within 180 days after October 1, 1996, for~~  
26 ~~contracts in existence as of October 1, 1996,~~ the contracts  
27 must provide that the health maintenance organization will  
28 provide 90 ~~60~~ days' advance written notice to the provider and  
29 the department before canceling, without cause, the contract  
30 with the provider, except in a case in which a patient's  
31 health is subject to imminent danger or a physician's ability

1 to practice medicine is effectively impaired by an action by  
2 the Board of Medicine or other governmental agency.

3 (7) Upon receipt by the health maintenance  
4 organization of a 90-day ~~60-day~~ cancellation notice, the  
5 health maintenance organization may, if requested by the  
6 provider, terminate the contract in less than 90 ~~60~~ days if  
7 the health maintenance organization is not financially  
8 impaired or insolvent.

9 Section 3. This act shall take effect October 1 of the  
10 year in which enacted.