

1 641.3903 Unfair methods of competition and unfair or
2 deceptive acts or practices defined.--The following are
3 defined as unfair methods of competition and unfair or
4 deceptive acts or practices:
5 (14) ADVERSE ACTION AGAINST A PROVIDER.--Any of the
6 following actions by a health maintenance organization against
7 a provider when such actions are taken on the basis that the
8 provider communicated information to the provider's patient
9 regarding medical care or treatment options for the patient
10 when the provider deems knowledge of such information by the
11 patient to be in the best interest of the patient:
12 (a) Termination of a contract with a provider;
13 (b) Refusal to compensate the provider for health care
14 services provided to subscribers; or
15 (c) Any other retaliatory action against the provider.
16 Section 2. Subsection (9) is added to section 641.315,
17 Florida Statutes, to read:
18 641.315 Provider contracts.--
19 (9) A health maintenance organization may not
20 terminate a contract with a health care provider, and a health
21 care provider may not terminate a contract with a health
22 maintenance organization, unless the party terminating the
23 contract provides the terminated party with a written
24 explanation of the reasons for the contract termination, which
25 may include termination for business reasons of the
26 terminating party. The reasons provided in the notice required
27 in this section or any other information relating to the
28 reason for termination may not be used as substantive
29 evidence, but may be used for impeachment purposes in any
30 administrative or civil action initiated by the terminated
31 party against the terminating party. For the purposes of this

1 subsection, the term "health care provider" shall mean any
2 physician or group of physicians licensed under chapter 458,
3 chapter 459, chapter 460, chapter 461, or chapter 466.

4 Section 3. Subsection (7) of section 641.51, Florida
5 Statutes, is amended to read:

6 641.51 Quality assurance program; second medical
7 opinion requirement.--

8 (7) When a contractual agreement between an
9 organization and a treating provider is terminated for any
10 reason other than for cause, each party organization shall
11 allow subscribers for whom treatment was active to continue
12 coverage and care when medically necessary through completion
13 of treatment of a condition for which the subscriber was
14 receiving care at the time of the termination, until the
15 subscriber selects another treating provider, or during the
16 next open enrollment period offered by the organization,
17 whichever is longer, but no longer than 6 months after
18 termination of the contract ~~for 60 days with a terminated~~
19 ~~treating provider when medically necessary, provided the~~
20 ~~subscriber has a life-threatening condition or a disabling and~~
21 ~~degenerative condition.~~ Each party to the terminated contract
22 organization shall allow a subscriber who has initiated a
23 course of prenatal care, irrespective of the trimester in
24 which the care is initiated, ~~is in the third trimester of~~
25 ~~pregnancy to continue care and coverage with a terminated~~
26 ~~treating provider until completion of postpartum care.~~
27 However, the provisions of this subsection shall not preclude
28 a provider from refusing to continue to provide care to a
29 particular subscriber for reasons unrelated to the termination
30 of the provider's contract with the health maintenance
31 organization. For care continued under this subsection, the

1 organization and the provider shall continue to be bound by
2 the terms of the last contract mutually agreed to ~~for such~~
3 ~~continued care. This subsection shall not apply to treating~~
4 ~~providers who have been terminated by the organization for~~
5 ~~cause.~~

6 Section 4. This act shall take effect upon becoming a
7 law, and shall apply only to contracts entered into on or
8 after the effective date of this act.

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