

By Representative R. Diaz de la Portilla

1                                   A bill to be entitled  
 2           An act relating to health maintenance  
 3           organizations; amending s. 641.305, F.S.;  
 4           providing for translating contracts,  
 5           certificates, and member handbooks into other  
 6           languages under certain circumstances; amending  
 7           s. 641.31, F.S.; specifying application of  
 8           certain language translation requirements to  
 9           contracts, certificates, member handbooks, and  
 10          grievance procedures; amending s. 641.31015,  
 11          F.S.; requiring certain disclosures to comply  
 12          with language translation requirements;  
 13          amending s. 641.3102, F.S.; prohibiting  
 14          discrimination based upon certain factors;  
 15          amending s. 641.3903, F.S.; making failure to  
 16          provide translations an unfair and deceptive  
 17          practice; providing an effective date.

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

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 21           Section 1. Paragraph (b) of subsection (1) of section  
 22   641.305, Florida Statutes, is amended to read:

23           641.305 Language used in contracts and advertisements;  
 24   translations.--

25           (1)

26           (b) If the negotiations by a health maintenance  
 27   organization with a member leading up to the effectuation of a  
 28   health maintenance contract are conducted in a language other  
 29   than English, or if requested by the subscriber, an individual  
 30   member of a subscriber group, or a potential enrollee,the  
 31   health maintenance organization shall supply to the member or

1 potential enrollee a written translation of the contract,  
2 certificate, and member handbook, as applicable, which  
3 translation accurately reflects the substance of the contract  
4 and is in the language used to negotiate the contract or as  
5 otherwise requested by the subscriber or potential enrollee.  
6 The written translation shall be affixed to and shall become a  
7 part of the contract or form. Any such translation shall be  
8 furnished to the department as part of the filing of the  
9 health maintenance contract form. No translation of a health  
10 maintenance contract form shall be approved by the department  
11 unless the translation accurately reflects the substance of  
12 the health maintenance contract form in translation.

13 Section 2. Subsection (1), paragraph (a) of subsection  
14 (3), and subsections (4) and (5) of section 641.31, Florida  
15 Statutes, are amended to read:

16 641.31 Health maintenance contracts.--

17 (1) Any entity issued a certificate and otherwise in  
18 compliance with this part may enter into contracts in this  
19 state to provide an agreed-upon set of comprehensive health  
20 care services to subscribers in exchange for a prepaid per  
21 capita sum or a prepaid aggregate fixed sum. Each subscriber  
22 shall be given a copy of the applicable health maintenance  
23 contract, certificate, or member handbook. Whichever document  
24 is provided to a subscriber shall contain all of the  
25 provisions and disclosures required by this section and shall  
26 comply with s. 641.305.

27 (3)(a) If a health maintenance organization desires to  
28 amend any contract with its subscribers or any certificate or  
29 member handbook, or desires to change any basic health  
30 maintenance contract, certificate, grievance procedure, or  
31 member handbook form, or application form where written

1 application is required and is to be made a part of the  
2 contract, or printed amendment, addendum, rider, or  
3 endorsement form or form of renewal certificate, it may do so,  
4 upon filing with the department the proposed change or  
5 amendment. A copy of such proposed change shall be furnished  
6 to the subscriber in the same language as the contract,  
7 certificate, and member handbook, as required by s. 641.305.  
8 Any proposed change shall be effective immediately, subject to  
9 disapproval by the department. Following receipt of notice of  
10 such disapproval or withdrawal of approval, no health  
11 maintenance organization shall issue or use any form  
12 disapproved by the department or as to which the department  
13 has withdrawn approval.

14 (4) Every health maintenance contract, certificate, or  
15 member handbook shall clearly state all of the services to  
16 which a subscriber is entitled under the contract and must  
17 include a clear and understandable statement of any  
18 limitations on the services or kinds of services to be  
19 provided, including any copayment feature or schedule of  
20 benefits required by the contract or by any insurer or entity  
21 which is underwriting any of the services offered by the  
22 health maintenance organization. The contract, certificate,  
23 or member handbook shall also state where and in what manner  
24 the comprehensive health care services may be obtained and  
25 shall comply with s. 641.305.

26 (5) Every subscriber shall receive a clear and  
27 understandable description of the method of the health  
28 maintenance organization for resolving subscriber grievances,  
29 and the method shall be set forth in the contract,  
30 certificate, and member handbook. The organization shall also  
31 furnish, at the time of initial enrollment and when necessary

1 due to substantial changes to the grievance process a separate  
2 and additional communication prepared or approved by the  
3 department notifying the contract holder of a group contract  
4 or subscriber of an individual contract of their rights and  
5 responsibilities under the grievance process. Such description  
6 of the grievance process and any separate and additional  
7 communication as provided in this section shall be furnished  
8 to the subscriber in the same language as the contract,  
9 certificate, and member handbook, as required by s. 641.305.

10 Section 3. Section 641.31015, Florida Statutes, is  
11 amended to read:

12 641.31015 Health maintenance organization or exclusive  
13 provider organization; disclosure of terms and conditions of  
14 plan.--Each health maintenance organization or exclusive  
15 provider organization shall provide prospective enrollees with  
16 written information about the terms and conditions of the plan  
17 in accordance with ~~ss. s-~~641.31(4) and 641.305 so that the  
18 prospective enrollees can make informed decisions about  
19 accepting a managed-care system of health care delivery;  
20 however, information about where, in what manner, and from  
21 whom the comprehensive health care services or specific health  
22 care services can be obtained need be disclosed only upon  
23 request by the prospective enrollee. All marketing materials  
24 distributed by the health maintenance organization or  
25 exclusive provider organization must contain a notice in  
26 boldfaced type which states that the information required  
27 under this section is available to the prospective enrollee  
28 upon request.

29 Section 4. Section 641.3102, Florida Statutes, is  
30 amended to read:

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1           641.3102 Restrictions upon expulsion or refusal to  
2 issue or renew contract.--

3           (1) A health maintenance organization that offers  
4 individual health maintenance contracts in this state may not  
5 decline to offer coverage to an eligible individual as  
6 required in s. 627.6487. A health maintenance organization  
7 shall not expel or refuse to renew the coverage of, or refuse  
8 to enroll, any individual on the basis of race, color, creed,  
9 ethnicity, national origin, sex, marital status, place of  
10 residence, lawful occupation, mental or physical disability,  
11 genetic information, or source of payment of the individual.  
12 A health maintenance organization shall not expel or refuse to  
13 renew the coverage of any individual on the basis of the age,  
14 health status, health care needs, or prospective costs of  
15 health care services of the individual.

16           (2) A health maintenance organization shall not expel  
17 or refuse to renew the coverage of, or refuse to enroll, any  
18 individual member of a subscriber group on the basis of the  
19 race, color, creed, marital status, sex, ethnicity, religion,  
20 place of residence, lawful occupation, mental or physical  
21 disability, genetic information, source of payment, or  
22 national origin of the subscriber or individual. A health  
23 maintenance organization shall not expel or refuse to renew  
24 the coverage of any individual member of a subscriber group on  
25 the basis of the age, health status, health care needs, or  
26 prospective costs of health care services of the subscriber or  
27 individual. Nothing in this section shall prohibit a health  
28 maintenance organization from requiring that, as a condition  
29 of continued eligibility for membership, dependents of a  
30 subscriber, upon reaching a specified age, convert to a  
31 converted contract or that individuals entitled to have

1 payments for health costs made under Title XVIII of the United  
2 States Social Security Act, as amended, be issued a health  
3 maintenance contract for Medicare beneficiaries so long as the  
4 health maintenance organization is authorized to issue health  
5 maintenance contracts for Medicare beneficiaries.

6 Section 5. Subsection (15) is added to section  
7 641.3903, Florida Statutes, to read:

8 641.3903 Unfair methods of competition and unfair or  
9 deceptive acts or practices defined.--The following are  
10 defined as unfair methods of competition and unfair or  
11 deceptive acts or practices:

12 (15) FAILURE TO PROVIDE TRANSLATIONS TO NON-ENGLISH  
13 SPEAKING PERSONS.--Failure to provide translations of health  
14 maintenance organization contracts, certificates, member  
15 handbooks, and other information as required by this part.

16 Section 6. This act shall take effect July 1, 2000.

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19 HOUSE SUMMARY

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21 Provides for translating health maintenance organization  
22 contracts, certificates, and member handbooks into  
23 languages other than English, applies language  
24 translation requirements to grievance procedures and  
25 required disclosures, prohibits discrimination in  
26 contract coverage and renewals based upon stated factors,  
27 and makes failure to provide translations an unfair and  
28 deceptive practice. See bill for details.

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