

By the Committee on Banking and Insurance; and Senators King, Mitchell, Myers, Sullivan, Clary, Silver, Diaz-Balart, Campbell, Casas and Kirkpatrick

311-1710-00

1                                   A bill to be entitled  
2           An act relating to health maintenance  
3           organizations; amending ss. 641.31, 641.315,  
4           641.3155, F.S.; prohibiting a health  
5           maintenance organization from restricting a  
6           provider's ability to provide in-patient  
7           hospital services to a subscriber; requiring  
8           payment for medically necessary in-patient  
9           hospital services; providing an effective date.

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

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13           Section 1. Subsection (39) is added to section 641.31,  
14 Florida Statutes, to read:

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641.31 Health maintenance contracts.--

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17           (39) A health maintenance organization contract may  
18 not prohibit or restrict a subscriber from receiving  
19 in-patient services in a contracted hospital from a contracted  
20 primary care or admitting physician if such services are  
21 determined by the organization to be medically necessary and  
22 covered services under the organization's contract with the  
23 contract holder.

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24           Section 2. Subsection (11) is added to section  
25 641.315, Florida Statutes, to read:

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641.315 Provider contracts.--

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27           (11) A contract between a health maintenance  
28 organization and a contracted primary-care or admitting  
29 physician may not contain any provision that prohibits such  
30 physician from providing in-patient services in a contracted  
31 hospital to a subscriber if such services are determined by  
the organization to be medically necessary and covered

1 services under the organization's contract with the contract  
2 holder.

3 Section 3. Subsection (5) is added to section  
4 641.3155, Florida Statutes, to read:

5 641.3155 Provider contracts; payment of claims.--

6 (5) A health maintenance organization shall pay a  
7 contracted primary-care or admitting physician, pursuant to  
8 such physician's contract, for providing in-patient services  
9 in a contracted hospital to a subscriber, if such services are  
10 determined by the organization to be medically necessary and  
11 covered services under the organization's contract with the  
12 contract holder.

13 Section 4. This act shall take effect July 1, 2000,  
14 and shall apply to provider contracts entered into or renewed  
15 on or after that date.

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17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
18 COMMITTEE SUBSTITUTE FOR  
19 Senate Bill 866

- 20  
21 1. Clarifies that health maintenance organization (HMO)  
22 contracts may not prohibit or restrict a subscriber from  
23 receiving in-patient services in a contracted hospital  
24 from a contracted primary care or admitting physician if  
25 such services are determined by the HMO to be medically  
26 necessary and covered services under the organization's  
27 contract with the contract holder.  
28  
29 2. Specifies that the act shall take effect July 1, 2000,  
30 and shall apply to provider contracts entered into or  
31 renewed on or after that date.