

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Rich, Gannon, Lerner, Joyner, Sobel, Cusack,  
 12 Bendross-Mindingall, Romeo, Ausley and Detert offered the  
 13 following:

**Amendment (with title amendment)**

On page 3, line 2,

insert:

Section 1. Section 627.64191, Florida Statutes, is created to read:

627.64191 Compliance with decisions of the United States Equal Employment Opportunity Commission.--The benefits, exclusions, and limitations of individual health insurance policies must comply with and be consistent with the decisions of the United States Equal Employment Opportunity Commission which hold that the exclusion or limitation of a specific benefit violates Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act of 1978. The department must determine such compliance in approving form filings under ss. 627.410 and 627.411, based on decisions rendered by the United States Equal Employment Opportunity

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1 Commission before January 1, 2001.

2 Section 2. Section 627.65741, Florida Statutes, is  
3 created to read:

4 627.65741 Compliance with decisions of the United  
5 States Equal Employment Opportunity Commission.--The benefits,  
6 exclusions, and limitations of group health insurance policies  
7 must comply with and be consistent with the decisions of the  
8 United States Equal Employment Opportunity Commission which  
9 hold that the exclusion or limitation of a specific benefit  
10 violates Title VII of the Civil Rights Act of 1964, as amended  
11 by the Pregnancy Discrimination Act of 1978. The department  
12 must determine such compliance in approving form filings under  
13 ss. 627.410 and 627.411, based on decisions rendered by the  
14 United States Equal Employment Opportunity Commission before  
15 January 1, 2001.

16 Section 3. Paragraph (b) of subsection (12) of section  
17 627.6699, Florida Statutes, is amended to read:

18 627.6699 Employee Health Care Access Act.--

19 (12) STANDARD, BASIC, AND LIMITED HEALTH BENEFIT  
20 PLANS.--

21 (b)1. Each small employer carrier issuing new health  
22 benefit plans shall offer to any small employer, upon request,  
23 a standard health benefit plan and a basic health benefit plan  
24 that meets the criteria set forth in this section.

25 2. For purposes of this subsection, the terms  
26 "standard health benefit plan" and "basic health benefit plan"  
27 mean policies or contracts that a small employer carrier  
28 offers to eligible small employers that contain:

29 a. An exclusion for services that are not medically  
30 necessary or that are not covered preventive health services;  
31 and

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1           b. A procedure for preauthorization by the small  
2 employer carrier, or its designees.

3           3. A small employer carrier may include the following  
4 managed care provisions in the policy or contract to control  
5 costs:

6           a. A preferred provider arrangement or exclusive  
7 provider organization or any combination thereof, in which a  
8 small employer carrier enters into a written agreement with  
9 the provider to provide services at specified levels of  
10 reimbursement or to provide reimbursement to specified  
11 providers. Any such written agreement between a provider and a  
12 small employer carrier must contain a provision under which  
13 the parties agree that the insured individual or covered  
14 member has no obligation to make payment for any medical  
15 service rendered by the provider which is determined not to be  
16 medically necessary. A carrier may use preferred provider  
17 arrangements or exclusive provider arrangements to the same  
18 extent as allowed in group products that are not issued to  
19 small employers.

20           b. A procedure for utilization review by the small  
21 employer carrier or its designees.

22  
23 This subparagraph does not prohibit a small employer carrier  
24 from including in its policy or contract additional managed  
25 care and cost containment provisions, subject to the approval  
26 of the department, which have potential for controlling costs  
27 in a manner that does not result in inequitable treatment of  
28 insureds or subscribers. The carrier may use such provisions  
29 to the same extent as authorized for group products that are  
30 not issued to small employers.

31           4. The standard health benefit plan shall include:

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- 1 a. Coverage for inpatient hospitalization;
- 2 b. Coverage for outpatient services;
- 3 c. Coverage for newborn children pursuant to s.
- 4 627.6575;
- 5 d. Coverage for child care supervision services
- 6 pursuant to s. 627.6579;
- 7 e. Coverage for adopted children upon placement in the
- 8 residence pursuant to s. 627.6578;
- 9 f. Coverage for mammograms pursuant to s. 627.6613;
- 10 g. Coverage for handicapped children pursuant to s.
- 11 627.6615;
- 12 h. Emergency or urgent care out of the geographic
- 13 service area; and
- 14 i. Coverage for services provided by a hospice
- 15 licensed under s. 400.602 in cases where such coverage would
- 16 be the most appropriate and the most cost-effective method for
- 17 treating a covered illness.
- 18 5. The standard health benefit plan and the basic
- 19 health benefit plan may include a schedule of benefit
- 20 limitations for specified services and procedures. If the
- 21 committee develops such a schedule of benefits limitation for
- 22 the standard health benefit plan or the basic health benefit
- 23 plan, a small employer carrier offering the plan must offer
- 24 the employer an option for increasing the benefit schedule
- 25 amounts by 4 percent annually.
- 26 6. The basic health benefit plan shall include all of
- 27 the benefits specified in subparagraph 4.; however, the basic
- 28 health benefit plan shall place additional restrictions on the
- 29 benefits and utilization and may also impose additional cost
- 30 containment measures.
- 31 7. Sections 627.419(2), (3), and (4), 627.6574,

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1 627.65741,627.6612, 627.66121, 627.66122, 627.6616, 627.6618,  
2 627.668, and 627.66911 apply to the standard health benefit  
3 plan and to the basic health benefit plan. However,  
4 notwithstanding said provisions, the plans may specify limits  
5 on the number of authorized treatments, if such limits are  
6 reasonable and do not discriminate against any type of  
7 provider.

8           8. Each small employer carrier that provides for  
9 inpatient and outpatient services by allopathic hospitals may  
10 provide as an option of the insured similar inpatient and  
11 outpatient services by hospitals accredited by the American  
12 Osteopathic Association when such services are available and  
13 the osteopathic hospital agrees to provide the service.

14           Section 4. Subsection (40) is added to section 641.31,  
15 Florida Statutes, to read:

16           641.31 Health maintenance contracts.--

17           (40) The benefits, exclusions, and limitations of  
18 organization contracts must comply with and be consistent with  
19 the decisions of the United States Equal Employment  
20 Opportunity Commission which hold that the exclusion or  
21 limitation of a specific benefit violates Title VII of the  
22 Civil Rights Act of 1964, as amended by the Pregnancy  
23 Discrimination Act of 1978. The department must determine such  
24 compliance in approving form filings under this section, based  
25 on decisions rendered by the United States Equal Employment  
26 Opportunity Commission before January 1, 2001.

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29 ===== T I T L E    A M E N D M E N T =====

30 And the title is amended as follows:

31           On page 1, line 2, after the semicolon

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1 insert:  
2 creating ss. 627.64191, 627.65741, F.S.;  
3 requiring individual and group health insurance  
4 policies to comply with decisions of the United  
5 States Equal Employment Opportunity Commission  
6 with respect to exclusions that violate Title  
7 VII of the Civil Rights Act, as amended;  
8 requiring the Department of Insurance to make  
9 such determination when approving policy forms;  
10 amending ss. 627.6699, 641.31, F.S.; requiring  
11 standard and basic health benefit plans issued  
12 by small employer carriers and health  
13 maintenance contracts to comply with decisions  
14 of the United States Equal Employment  
15 Opportunity Commission with respect to  
16 exclusions that violate Title VII of the Civil  
17 Rights Act, as amended; requiring the  
18 Department of Insurance to make such  
19 determination when approving policy forms;  
20 providing for application;

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