

Amendment No. 1 (for drafter's use only)

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

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The Committee on Health Promotion offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

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
Commission before January 1, 2001.

Section 2. Section 627.65741, Florida Statutes, is

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1 created to read:

2 627.65741 Compliance with decisions of the United
3 States Equal Employment Opportunity Commission.--The benefits,
4 exclusions, and limitations of group health insurance policies
5 must comply with and be consistent with the decisions of the
6 United States Equal Employment Opportunity Commission which
7 hold that the exclusion or limitation of a specific benefit
8 violates Title VII of the Civil Rights Act of 1964, as amended
9 by the Pregnancy Discrimination Act of 1978. The department
10 must determine such compliance in approving form filings under
11 ss. 627.410 and 627.411, based on decisions rendered by the
12 United States Equal Employment Opportunity Commission before
13 January 1, 2001.

14 Section 3. Paragraph (b) of subsection (12) of section
15 627.6699, Florida Statutes, is amended to read:

16 627.6699 Employee Health Care Access Act.--

17 (12) STANDARD, BASIC, AND LIMITED HEALTH BENEFIT
18 PLANS.--

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

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

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

30 b. A procedure for preauthorization by the small
31 employer carrier, or its designees.

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

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

18 b. A procedure for utilization review by the small
19 employer carrier or its designees.

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

29 4. The standard health benefit plan shall include:

30 a. Coverage for inpatient hospitalization;

31 b. Coverage for outpatient services;

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- 1 c. Coverage for newborn children pursuant to s.
2 627.6575;
- 3 d. Coverage for child care supervision services
4 pursuant to s. 627.6579;
- 5 e. Coverage for adopted children upon placement in the
6 residence pursuant to s. 627.6578;
- 7 f. Coverage for mammograms pursuant to s. 627.6613;
- 8 g. Coverage for handicapped children pursuant to s.
9 627.6615;
- 10 h. Emergency or urgent care out of the geographic
11 service area; and
- 12 i. Coverage for services provided by a hospice
13 licensed under s. 400.602 in cases where such coverage would
14 be the most appropriate and the most cost-effective method for
15 treating a covered illness.
- 16 5. The standard health benefit plan and the basic
17 health benefit plan may include a schedule of benefit
18 limitations for specified services and procedures. If the
19 committee develops such a schedule of benefits limitation for
20 the standard health benefit plan or the basic health benefit
21 plan, a small employer carrier offering the plan must offer
22 the employer an option for increasing the benefit schedule
23 amounts by 4 percent annually.
- 24 6. The basic health benefit plan shall include all of
25 the benefits specified in subparagraph 4.; however, the basic
26 health benefit plan shall place additional restrictions on the
27 benefits and utilization and may also impose additional cost
28 containment measures.
- 29 7. Sections 627.419(2), (3), and (4), 627.6574,
30 627.65741, 627.6612, 627.66121, 627.66122, 627.6616, 627.6618,
31 627.668, and 627.66911 apply to the standard health benefit

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1 plan and to the basic health benefit plan. However,
2 notwithstanding said provisions, the plans may specify limits
3 on the number of authorized treatments, if such limits are
4 reasonable and do not discriminate against any type of
5 provider.

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

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

14 641.31 Health maintenance contracts.--

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

25 Section 5. This act shall take effect July 1, 2001,
26 and shall apply to policies and contracts issued or renewed on
27 or after that date.

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

31 And the title is amended as follows:

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