

By the Council for Competitive Commerce and Committee on Insurance and Representatives Murman, Waters, Benson, Harrell, Ritter, Sobel, Slosberg, Farkas, Simmons, Negron, Romeo, Prieguez, Melvin, Kallinger, Ross, Clarke, Bucher, Cusack, Littlefield, Joyner, Diaz de la Portilla and Brown

1                                   A bill to be entitled  
2           An act relating to health insurers and health  
3           maintenance organizations; creating s.  
4           627.6474, F.S.; prohibiting health insurers  
5           from requiring certain contracted health care  
6           practitioners to accept the terms of other  
7           health care contracts as a condition of  
8           continuation or renewal; providing exceptions;  
9           amending s. 627.662, F.S.; applying such  
10          prohibition to group health insurance, blanket  
11          health insurance, and franchise health  
12          insurance; amending s. 641.315, F.S.; applying  
13          such prohibition to health maintenance  
14          organizations; providing an effective date.

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

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18           Section 1. Section 627.6474, Florida Statutes, is  
19           created to read:

20           627.6474 Provider contracts.--A health insurer shall  
21 not require a contracted health care practitioner as defined  
22 in s. 456.001 to accept the terms of other health care  
23 practitioner contracts with the insurer, or any other insurer  
24 or health maintenance organization under common management and  
25 control with the insurer, including Medicare and Medicaid  
26 practitioner contracts and those authorized by s. 627.6471, s.  
27 627.6472, or s. 641.315, except for a practitioner in a group  
28 practice as defined in s. 456.053 who must accept the terms of  
29 a contract negotiated for the practitioner by the group as a  
30 condition of continuation or renewal of the contract. Any  
31 contract provision that violates this section is void. A

1 violation of this section is not subject to the criminal  
2 penalty specified in s. 624.15.

3 Section 2. Subsection (11) is added to section  
4 627.662, Florida Statutes, to read:

5 627.662 Other provisions applicable.--The following  
6 provisions apply to group health insurance, blanket health  
7 insurance, and franchise health insurance:

8 (11) Section 627.6474, relating to provider contracts.

9 Section 3. Subsection (10) is added to section  
10 641.315, Florida Statutes, to read:

11 641.315 Provider contracts.--

12 (10) A health maintenance organization shall not  
13 require a contracted health care practitioner as defined in s.  
14 456.001 to accept the terms of other health care practitioner  
15 contracts with the health maintenance organization, or any  
16 insurer or other health maintenance organization under common  
17 management and control with the health maintenance  
18 organization, including Medicare and Medicaid practitioner  
19 contracts and those authorized by s. 627.6471, s. 627.6472, or  
20 s. 641.315, except for a practitioner in a group practice as  
21 defined in s. 456.053 who must accept the terms of a contract  
22 negotiated for the practitioner by the group, as a condition  
23 of continuation or renewal of the contract. Any contract  
24 provision that violates this section is void. A violation of  
25 this section is not subject to the criminal penalty specified  
26 in s. 624.15.

27 Section 4. This act shall take effect July 1, 2001,  
28 and shall apply to contracts entered into or renewed on or  
29 after that date.

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