

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 The Committee on Health Promotion offered the following:

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13 **Amendment (with title amendment)**

14 Remove from the bill: Everything after the enacting clause

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16 and insert in lieu thereof:

17 Section 1. Subsection (1) of section 641.31072,

18 Florida Statutes, is amended to read:

19 641.31072 Special enrollment periods.--

20 (1) A health maintenance organization that issues a
21 group health insurance policy shall permit an employee who is
22 eligible, but not enrolled, for coverage under the terms of
23 the contract, or a dependent of such an employee if the
24 dependent is eligible but not enrolled for coverage under such
25 terms, to enroll for coverage under the terms of the contract
26 if each of the following conditions is met:

27 (a) The employee or dependent was covered under a
28 group health plan or had health insurance coverage at the time
29 coverage was previously offered to the employee or dependent.
30 For the purpose of this section, the terms "group health plan"
31 and "health insurance coverage" have the same meaning ascribed

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1 in s. 2791 of the Public Health Service Act.

2 (b) The employee stated in writing at such time that
3 coverage under a group health plan or health insurance
4 coverage was the reason for declining enrollment, but only if
5 the plan sponsor or health maintenance organization, if
6 applicable, required such a statement at such time and
7 provided the employee with notice of such requirement and the
8 consequences of such requirement at such time.

9 (c) The employee's or dependent's coverage described
10 in paragraph (a):

11 1. Was under a COBRA continuation provision or
12 continuation pursuant to s. 627.6692, and the coverage under
13 such provision was exhausted; or

14 2. Was not under such a provision and the coverage was
15 terminated as a result of loss of eligibility for the
16 coverage, including legal separation, divorce, death,
17 termination of employment, or reduction in the number of hours
18 of employment, or the coverage was terminated as a result of
19 the termination of employer contributions toward such
20 coverage.

21 (d) The employee's or enrollee's dependent's
22 individual primary care physician's contract was terminated by
23 the health maintenance organization prior to the renewal date
24 of the group health plan and the employer or plan sponsor
25 offers the choice of two or more group health plans to each
26 employee at the time the employee's or dependent's individual
27 primary care physician's contract was terminated.

28 (e)~~(d)~~ Under the terms of the contract, the employee
29 requests such enrollment not later than 30 days after the date
30 of exhaustion of coverage described in subparagraph (c)1., or
31 termination or employer contribution described in subparagraph

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1 (c)2, or termination of the employee's or dependent's
2 individual primary care physician's contract described in
3 paragraph (d).

4 Section 2. Subsection (1) of section 627.65615,
5 Florida Statutes, is amended to read:

6 627.65615 Special enrollment periods.--
7 (1) An insurer that issues a group health insurance
8 policy shall permit an employee who is eligible, but not
9 enrolled, for coverage under the terms of the policy, or a
10 dependent of such an employee if the dependent is eligible but
11 not enrolled for coverage under such terms, to enroll for
12 coverage under the terms of the policy if each of the
13 following conditions is met:

14 (a) The employee or dependent was covered under a
15 group health plan or had health insurance coverage at the time
16 coverage was previously offered to the employee or dependent.
17 For the purpose of this section, the terms "group health plan"
18 and "health insurance coverage" have the same meaning ascribed
19 in s. 2791 of the Public Health Service Act.

20 (b) The employee stated in writing at such time that
21 coverage under a group health plan or health insurance
22 coverage was the reason for declining enrollment, but only if
23 the plan sponsor or insurer, if applicable, required such a
24 statement at such time and provided the employee with notice
25 of such requirement and the consequences of such requirement
26 at such time.

27 (c) The employee's or dependent's coverage described
28 in paragraph (a):

29 1. Was under a COBRA continuation provision or
30 continuation pursuant to s. 627.6692, and the coverage under
31 such provision was exhausted; or

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1 2. Was not under such a provision and the coverage was
2 terminated as a result of loss of eligibility for the
3 coverage, including legal separation, divorce, death,
4 termination of employment, or reduction in the number of hours
5 of employment, or the coverage was terminated as a result of
6 the termination of employer contributions toward such
7 coverage.

8 (d) The employee's or enrollee's dependent's
9 individual primary care physician's contract was terminated by
10 the insurer prior to the renewal date of the group health plan
11 and the employer or plan sponsor offers the choice of two or
12 more group health plans to each employee at the time the
13 employee's or dependent's individual primary care physician's
14 contract was terminated.

15 (d) Under the terms of the plan, the employee requests
16 such enrollment not later than 30 days after the date of
17 exhaustion of coverage described in subparagraph (c)1., or
18 termination or employer contribution described in subparagraph
19 (c)2, or termination of the employee's or dependent's
20 individual primary care physician's contract described in
21 paragraph (d).

22 Section 3. Subparagraph 5. of paragraph (h) of
23 subsection (3) of section 110.123, Florida Statutes, is
24 amended to read:

25 110.123 State group insurance program.--

26 (3) STATE GROUP INSURANCE PROGRAM.--

27 (h)

28 5. All enrollees in the state group health insurance
29 plan or any health maintenance organization plan shall have
30 the option of changing to any other health plan which is
31 offered by the state within any open enrollment period

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1 designated by the department. Open enrollment shall be held at
 2 least once each calendar year. In addition to other events
 3 that constitute an open enrollment period, the enrollee shall
 4 be granted a special open enrollment period if the enrollee's
 5 or the enrollee's dependent's individual primary care
 6 physician's contract is terminated by the health maintenance
 7 organization.

8 Section 4. This act shall take effect July 1, 2002,
 9 and shall apply to insurance and managed care contracts
 10 issued, renewed or amended on or after October 1, 2002.

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

14 And the title is amended as follows:
 15 remove from the title of the bill: the entire title

16
 17 and insert in lieu thereof:

18 An act relating to health care coverage;
 19 amending ss. 641.31072, 627.65615, and 110.123,
 20 F.S.; providing for special enrollment periods
 21 for employees under specified circumstances
 22 relating to termination of contracts between an
 23 insurer and an employee's or dependent's
 24 primary care physician; providing an effective
 25 date.

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