

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Insurance offered the following:

Substitute Amendment for Amendment (303607) (with title amendment)

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

Section 1. Subparagraph 5. of paragraph (h) of subsection (3) of section 110.123, Florida Statutes, is amended to read:

110.123 State group insurance program.--

(3) STATE GROUP INSURANCE PROGRAM.--

(h)

5. All enrollees in the state group health insurance plan or any health maintenance organization plan shall have the option of changing to any other health plan which is offered by the state within any open enrollment period designated by the department. Open enrollment shall be held at least once each calendar year. In addition to any other events triggering a special enrollment period, termination of the contract of the primary care physician of an enrollee or

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1 an enrollee's dependents by an insurer or health maintenance
2 organization shall trigger a special enrollment period for the
3 enrollee.

4 Section 2. Paragraph (a) of subsection (2) of section
5 627.6425, Florida Statutes, is amended to read:

6 627.6425 Renewability of individual coverage.--

7 (2) An insurer may nonrenew or discontinue health
8 insurance coverage of an individual in the individual market
9 based only on one or more of the following:

10 (a) The individual has failed to pay premiums, ~~or~~
11 contributions or required copayments in accordance with the
12 terms of the health insurance coverage or the insurer has not
13 received timely premium payments.

14 Section 3. Subsection (5) is added to section
15 627.65615, Florida Statutes, to read:

16 627.65615 Special enrollment periods.--

17 (5)(a) An insurer issuing a group health insurance
18 policy to an employer offering more than one group health plan
19 to its employees shall permit an employee to enroll for
20 coverage if the employee or dependent is covered under a
21 different health maintenance organization contract or
22 insurance policy offered by that same employer, and the
23 health maintenance organization or insurer issuing the
24 different contract or policy terminates the contract of the
25 employee's or dependent's primary care physician. The employee
26 or dependent of the employee must be eligible for coverage
27 under the terms of the policy.

28 (b) The enrollment period under this subsection must
29 be a period of not less than 30 days and shall begin on the
30 later of:

31 1. The date the employee is notified by the insurer or

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1 health maintenance organization terminating the contract of
2 the primary care physician, or is otherwise informed, that the
3 primary care physician's contract has been terminated; or

4 2. The final day the health maintenance organization
5 and the primary care physician must continue to provide
6 coverage and care to the employee or dependent pursuant to s.
7 641.51(8).

8 (c) Coverage shall become effective no later than the
9 first day of the first month following the date the
10 completed request for enrollment is received by the insurer.

11 (d) An insurer issuing a group health insurance policy
12 to an employer offering more than one group health plan to its
13 employees shall provide written notice to each covered
14 employee whose primary care physician's contract is
15 terminated. Notice shall be postmarked or delivered no later
16 than ten days after the date the contract is terminated. If
17 the insurer fails to provide the notice within the required
18 timeframe, then the enrollee shall be entitled to a special
19 enrollment period. The insurer shall be deemed to have
20 complied with this subsection if the required notice is
21 provided to the employee by the employer. The insurer is under
22 no obligation to notify the employee if the insurance policy
23 continues coverage for that employee for care provided by the
24 primary care physician until the next open enrollment period
25 and a directory of all primary care physicians is provided to
26 the employee at that time.

27 Section 4. Subsection (5) is added to section
28 641.31072, Florida Statutes, to read:

29 641.31072 Special enrollment periods.--

30 (5)(a) A health maintenance organization issuing a
31 group health contract to an employer offering more than one

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1 group health plan to its employees shall permit an employee to
2 enroll for coverage if the employee or dependent is covered
3 under a different health maintenance organization contract or
4 insurance policy offered by that same employer, and the health
5 maintenance organization or insurer issuing the different
6 contract or policy terminates the contract of the employee's
7 or dependent's primary care physician. The employee or
8 dependent of the employee must be eligible for coverage under
9 the terms of the contract.

10 (b) The enrollment period under this subsection must
11 be a period of not less than 30 days and shall begin on the
12 later of:

13 1. The date the employee is notified by the insurer or
14 health maintenance organization terminating the contract of
15 the primary care physician, or is otherwise informed, that the
16 primary care physician's contract has been terminated; or

17 2. The final day the health maintenance organization
18 and the primary care physician must provide coverage and care
19 to the employee or dependent pursuant to s. 641.51(8).

20 (c) Coverage shall become effective no later than the
21 first day of the first month following the date the completed
22 request for enrollment is received by the health maintenance
23 organization.

24 (d) A health maintenance organization issuing a group
25 health contract to an employer offering more than one group
26 health plan to its employees shall provide written notice to
27 each covered employee whose primary care physician's contract
28 is terminated. Notice shall be postmarked or delivered no
29 later than ten days after the date the contract is terminated.
30 If the insurer fails to provide the notice within the required
31 timeframe, then the employee shall be entitled to a special

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1 enrollment period. The health maintenance organization shall
 2 be deemed to have complied with this subsection if the
 3 required notice is provided to the employee by the employer.
 4 The health maintenance organization is under no obligation to
 5 notify the employee if the health maintenance organization
 6 contract continues coverage for that employee for care
 7 provided by the primary care physician until the next open
 8 enrollment period and a directory of all primary care
 9 physicians is provided to the employee at that time.

10 Section 5. This act shall take effect July 1, 2002,
 11 and shall apply to insurance and managed care contracts
 12 issued, renewed or amended on or after October 1, 2002.

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

16 And the title is amended as follows:

17 On page 1,
 18 remove from the title of the bill: The entire title
 19
 20 and insert in lieu thereof:

21 An act relating to health care coverage;
 22 amending s. 110.123, F.S., relating to the
 23 State Group Insurance Program; providing for a
 24 special enrollment period under specified
 25 circumstances; amending s. 627.6425, F.S.,
 26 relating to renewability of individual
 27 coverage; providing for circumstances relating
 28 to nonrenewal or discontinuance of coverage;
 29 amending ss. 627.65615 and 641.31072, F.S.;
 30 providing for special enrollment periods for
 31 employees under specified circumstances

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relating to termination of contracts between an insurer or health maintenance organization and an employee's or dependent's primary care physician; providing an effective date.