

Bill No. CS for CS for SB 370

Amendment No. Barcode 541416

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Smith moved the following **amendment to amendment**
 12 (104940):

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 14 **Senate Amendment (with title amendment)**

15 On page 56, between lines 5 and 6,
 16
 17 insert:

18 Section 48. Paragraph (i) of subsection (5) of section
 19 627.6699, Florida Statutes, is amended to read:

20 627.6699 Employee Health Care Access Act.--

21 (5) AVAILABILITY OF COVERAGE.--

22 (i)1. A small employer carrier need not offer coverage
 23 or accept applications pursuant to paragraph (a):

24 a. To a small employer if the small employer is not
 25 physically located in an established geographic service area
 26 of the small employer carrier, provided such geographic
 27 service area shall not be less than a county;

28 b. To an employee if the employee does not work or
 29 reside within an established geographic service area of the
 30 small employer carrier; ~~or~~

31 c. To a small employer group within an area in which

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1 the small employer carrier reasonably anticipates, and
2 demonstrates to the satisfaction of the department, that it
3 cannot, within its network of providers, deliver service
4 adequately to the members of such groups because of
5 obligations to existing group contract holders and enrollees;
6 or-

7 d. To a small employer group that has previously been
8 issued coverage by that same small employer carrier and that,
9 within the previous 12 months, was terminated by that same
10 small employer carrier for one or more of the following
11 reasons:

12 (I) The small employer group failed to pay premiums or
13 contributions in accordance with the terms of the policy,
14 except that premiums paid not more than 30 days after the due
15 date shall not apply to the provisions of this
16 sub-subparagraph.

17 (II) The small employer group performed an act or
18 practice constituting fraud or made an intentional
19 misrepresentation of material fact under the terms of the
20 policy.

21 2. A small employer carrier that cannot offer coverage
22 pursuant to sub-subparagraph 1.c. may not offer coverage in
23 the applicable area to new cases of employer groups having
24 more than 50 eligible employees or small employer groups until
25 the later of 180 days following each such refusal or the date
26 on which the carrier notifies the department that it has
27 regained its ability to deliver services to small employer
28 groups.

29 3.a. A small employer carrier may deny health
30 insurance coverage in the small-group market if the carrier
31 has demonstrated to the department that:

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1 (I) It does not have the financial reserves necessary
2 to underwrite additional coverage; and

3 (II) It is applying this sub-subparagraph uniformly to
4 all employers in the small-group market in this state
5 consistent with this section and without regard to the claims
6 experience of those employers and their employees and their
7 dependents or any health-status-related factor that relates to
8 such employees and dependents.

9 b. A small employer carrier, upon denying health
10 insurance coverage in connection with health benefit plans in
11 accordance with sub-subparagraph a., may not offer coverage in
12 connection with group health benefit plans in the small-group
13 market in this state for a period of 180 days after the date
14 such coverage is denied or until the insurer has demonstrated
15 to the department that the insurer has sufficient financial
16 reserves to underwrite additional coverage, whichever is
17 later. The department may provide for the application of this
18 sub-subparagraph on a service-area-specific basis.

19 4. Beginning in 1994, the department shall, by rule,
20 require each small employer carrier to report, on or before
21 March 1 of each year, its gross annual premiums for all health
22 benefit plans issued to small employers during the previous
23 calendar year, and also to report its gross annual premiums
24 for new, but not renewal, standard and basic health benefit
25 plans subject to this section issued during the previous
26 calendar year. No later than May 1 of each year, the
27 department shall calculate each carrier's percentage of all
28 small employer group health premiums for the previous calendar
29 year and shall calculate the aggregate gross annual premiums
30 for new, but not renewal, standard and basic health benefit
31 plans for the previous calendar year.

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(Redesignate subsequent sections.)

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

And the title is amended as follows:

On page 102, line 29, following the semicolon

insert:

amending s. 627.6699, F.S.; revising certain
criteria of the small employer health
reinsurance program;