

1 A bill to be entitled
 2 An act relating to health maintenance organizations;
 3 amending s. 641.234, F.S.; deleting a definition;
 4 expanding the requirement that a health maintenance
 5 organization remains responsible for violations of certain
 6 statutory requirements if the organization transfers to
 7 any entity the obligations to pay any provider for claims
 8 arising from services to subscribers of the organization;
 9 amending s. 641.316, F.S.; redefining the term "fiscal
 10 intermediary services organization"; amending s. 626.88,
 11 F.S., to conform; providing an effective date.

12

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

14

15 Section 1. Subsection (4) of section 641.234, Florida
 16 Statutes, is amended to read:

17 641.234 Administrative, provider, and management
 18 contracts.--

19 (4)(a) If a health maintenance organization, ~~through a~~
 20 ~~health care risk contract~~, transfers to any entity the
 21 obligations to pay any provider for any claims arising from
 22 services provided to or for the benefit of any subscriber of the
 23 organization, the health maintenance organization shall remain
 24 responsible for any violations of ss. 641.3155, 641.3156, and
 25 641.51(4). The provisions of ss. 624.418-624.4211 and 641.52
 26 shall apply to any such violations.

27 (b) As used in this subsection, +

28 ~~1. The term "health care risk contract" means a contract~~

29 ~~under which an entity receives compensation in exchange for~~
 30 ~~providing to the health maintenance organization a provider~~
 31 ~~network or other services, which may include administrative~~
 32 ~~services.~~

33 2. the term "entity" ~~means a person licensed as an~~
 34 ~~administrator under s. 626.88~~ and does not include any provider
 35 or group practice, as defined in s. 456.053, providing services
 36 under the scope of the license of the provider or the members of
 37 the group practice. The term does not include a hospital
 38 providing billing, claims, and collection services solely on its
 39 own and its physicians' behalf and providing services under the
 40 scope of its license.

41 Section 2. Paragraph (b) of subsection (2) of section
 42 641.316, Florida Statutes, is amended to read:

43 641.316 Fiscal intermediary services.--
 44 (2)

45 (b) The term "fiscal intermediary services organization"
 46 means a person or entity that ~~which~~ performs fiduciary or fiscal
 47 intermediary services to health care professionals who contract
 48 with health maintenance organizations other than ~~a fiscal~~
 49 ~~intermediary services organization owned, operated, or~~
 50 ~~controlled by~~ a hospital licensed under chapter 395, an insurer
 51 licensed under chapter 624, a third-party administrator licensed
 52 under chapter 626, a prepaid limited health service organization
 53 licensed under chapter 636, a health maintenance organization
 54 licensed under this chapter, or physician group practices as
 55 defined in s. 456.053(3)(h) and providing services under the
 56 scope of licenses of the members of the group practice.

57 Section 3. Subsection (1) of section 626.88, Florida
 58 Statutes, is amended to read:

59 626.88 Definitions of "administrator" and "insurer".--

60 (1) For the purposes of this part, an "administrator" is
 61 any person who directly or indirectly solicits or effects
 62 coverage of, collects charges or premiums from, or adjusts or
 63 settles claims on residents of this state in connection with
 64 authorized commercial self-insurance funds or with insured or
 65 self-insured programs which provide life or health insurance
 66 coverage or coverage of any other expenses described in s.
 67 624.33(1) or any person who, through a health care risk contract
 68 ~~as defined in s. 641.234~~ with an insurer or health maintenance
 69 organization, provides billing and collection services to health
 70 insurers and health maintenance organizations on behalf of
 71 health care providers, other than any of the following persons:

72 (a) An employer on behalf of such employer's employees or
 73 the employees of one or more subsidiary or affiliated
 74 corporations of such employer.

75 (b) A union on behalf of its members.

76 (c) An insurance company which is either authorized to
 77 transact insurance in this state or is acting as an insurer with
 78 respect to a policy lawfully issued and delivered by such
 79 company in and pursuant to the laws of a state in which the
 80 insurer was authorized to transact an insurance business.

81 (d) A health care services plan, health maintenance
 82 organization, professional service plan corporation, or person
 83 in the business of providing continuing care, possessing a valid
 84 certificate of authority issued by the office, and the sales

85 | representatives thereof, if the activities of such entity are
86 | limited to the activities permitted under the certificate of
87 | authority.

88 | (e) An insurance agent licensed in this state whose
89 | activities are limited exclusively to the sale of insurance.

90 | (f) An adjuster licensed in this state whose activities
91 | are limited to the adjustment of claims.

92 | (g) A creditor on behalf of such creditor's debtors with
93 | respect to insurance covering a debt between the creditor and
94 | its debtors.

95 | (h) A trust and its trustees, agents, and employees acting
96 | pursuant to such trust established in conformity with 29 U.S.C.
97 | s. 186.

98 | (i) A trust exempt from taxation under s. 501(a) of the
99 | Internal Revenue Code, a trust satisfying the requirements of
100 | ss. 624.438 and 624.439, or any governmental trust as defined in
101 | s. 624.33(3), and the trustees and employees acting pursuant to
102 | such trust, or a custodian and its agents and employees,
103 | including individuals representing the trustees in overseeing
104 | the activities of a service company or administrator, acting
105 | pursuant to a custodial account which meets the requirements of
106 | s. 401(f) of the Internal Revenue Code.

107 | (j) A financial institution which is subject to
108 | supervision or examination by federal or state authorities or a
109 | mortgage lender licensed under chapter 494 who collects and
110 | remits premiums to licensed insurance agents or authorized
111 | insurers concurrently or in connection with mortgage loan
112 | payments.

113 (k) A credit card issuing company which advances for and
 114 collects premiums or charges from its credit card holders who
 115 have authorized such collection if such company does not adjust
 116 or settle claims.

117 (l) A person who adjusts or settles claims in the normal
 118 course of such person's practice or employment as an attorney at
 119 law and who does not collect charges or premiums in connection
 120 with life or health insurance coverage.

121 (m) A person approved by the department who administers
 122 only self-insured workers' compensation plans.

123 (n) A service company or service agent and its employees,
 124 authorized in accordance with ss. 626.895-626.899, serving only
 125 a single employer plan, multiple-employer welfare arrangements,
 126 or a combination thereof.

127 (o) Any provider or group practice, as defined in s.
 128 456.053, providing services under the scope of the license of
 129 the provider or the member of the group practice.

130 (p) Any hospital providing billing, claims, and collection
 131 services solely on its own and its physicians' behalf and
 132 providing services under the scope of its license.

133
 134 A person who provides billing and collection services to health
 135 insurers and health maintenance organizations on behalf of
 136 health care providers shall comply with the provisions of ss.
 137 627.6131, 641.3155, and 641.51(4).

138 Section 4. This act shall take effect October 1, 2005.