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A bill to be entitled  
 An act relating to third-party liability; amending s.  
 213.053, F.S.; expanding the authority of the Department  
 of Revenue to provide the Agency for Health Care  
 Administration with tax information; reenacting s.  
 206.27(2), F.S., relating to records and files as public  
 records, to incorporate the amendment to s. 213.053, F.S.,  
 in a reference thereto; amending s. 409.910, F.S.;  
 requiring third-party liability administrators and  
 pharmacy benefits managers to provide certain records and  
 information relating to payments on behalf of Medicaid-  
 eligible persons; amending s. 733.2121, F.S.; requiring  
 the personal representative of a decedent to provide a  
 copy of a death certificate to the Agency for Health Care  
 Administration; providing an effective date.

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

Section 1. Paragraph (m) of subsection (7) of section  
 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.--

(7) Notwithstanding any other provision of this section,  
 the department may provide:

(m) Information relative to chapter 198 to the Agency for  
 Health Care Administration in the conduct of its official  
 business relating to ss. 409.901-409.9101 ~~409.901-409.910~~.

28 Disclosure of information under this subsection shall be  
 29 pursuant to a written agreement between the executive director  
 30 and the agency. Such agencies, governmental or nongovernmental,  
 31 shall be bound by the same requirements of confidentiality as  
 32 the Department of Revenue. Breach of confidentiality is a  
 33 misdemeanor of the first degree, punishable as provided by s.  
 34 775.082 or s. 775.083.

35 Section 2. For the purpose of incorporating the amendment  
 36 to section 213.053, Florida Statutes, in a reference thereto,  
 37 subsection (2) of section 206.27, Florida Statutes, is reenacted  
 38 to read:

39 206.27 Records and files as public records.--

40 (2) Nothing herein shall be construed as requiring the  
 41 department to provide as a public record any information  
 42 concerning audits in progress or those records and files of the  
 43 department described in this section which are currently the  
 44 subject of pending investigation by the Department of Revenue or  
 45 the Florida Department of Law Enforcement. It is specifically  
 46 provided that the foregoing information shall be exempt from the  
 47 provisions of s. 119.07(1) and shall be considered confidential  
 48 pursuant to s. 213.053; however, the department may make  
 49 available to the executive director of the Department of Highway  
 50 Safety and Motor Vehicles or his or her designee, exclusively  
 51 for official purposes in administering chapter 207, any  
 52 information concerning any audit in progress, and the provisions  
 53 of s. 213.053(7) requiring a written agreement and maintenance  
 54 of confidentiality by the recipient, and the penalty for breach  
 55 of confidentiality, shall apply if the department makes such

56 information available. Any officer, employee, or former officer  
 57 or employee of the department who divulges any such information  
 58 in any manner except for such official purposes or under s.  
 59 213.053 is guilty of a misdemeanor of the first degree,  
 60 punishable as provided in s. 775.082 or s. 775.083.

61 Section 3. Subsection (20) of section 409.910, Florida  
 62 Statutes, is amended to read:

63 409.910 Responsibility for payments on behalf of Medicaid-  
 64 eligible persons when other parties are liable.--

65 (20) Entities providing health insurance as defined in s.  
 66 624.603, ~~and~~ health maintenance organizations and prepaid health  
 67 clinics as defined in chapter 641, and, on behalf of their  
 68 clients, third-party administrators and pharmacy benefits  
 69 managers as defined in s. 409.901(26) shall provide such records  
 70 and information as are necessary to accomplish the purpose of  
 71 this section, unless such requirement results in an unreasonable  
 72 burden.

73 (a) The director of the agency and the Director of the  
 74 Office of Insurance Regulation of the Financial Services  
 75 Commission shall enter into a cooperative agreement for  
 76 requesting and obtaining information necessary to effect the  
 77 purpose and objective of this section.

78 1. The agency shall request only that information  
 79 necessary to determine whether health insurance as defined  
 80 pursuant to s. 624.603, or those health services provided  
 81 pursuant to chapter 641, could be, should be, or have been  
 82 claimed and paid with respect to items of medical care and

83 services furnished to any person eligible for services under  
 84 this section.

85 2. All information obtained pursuant to subparagraph 1. is  
 86 confidential and exempt from s. 119.07(1).

87 3. The cooperative agreement or rules adopted under this  
 88 subsection may include financial arrangements to reimburse the  
 89 reporting entities for reasonable costs or a portion thereof  
 90 incurred in furnishing the requested information. Neither the  
 91 cooperative agreement nor the rules shall require the automation  
 92 of manual processes to provide the requested information.

93 (b) The agency and the Financial Services Commission  
 94 jointly shall adopt rules for the development and administration  
 95 of the cooperative agreement. The rules shall include the  
 96 following:

97 1. A method for identifying those entities subject to  
 98 furnishing information under the cooperative agreement.

99 2. A method for furnishing requested information.

100 3. Procedures for requesting exemption from the  
 101 cooperative agreement based on an unreasonable burden to the  
 102 reporting entity.

103 Section 4. Paragraph (d) of subsection (3) of section  
 104 733.2121, Florida Statutes, is amended to read:

105 733.2121 Notice to creditors; filing of claims.--

106 (3)

107 (d) If a decedent at the time of death was 55 years of age  
 108 or older, the personal representative shall promptly serve a  
 109 copy of the notice to creditors and provide a copy of the death  
 110 certificate on the Agency for Health Care Administration within

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111 | 3 months after the first publication of the notice to creditors,  
112 | unless the agency has already filed a statement of claim in the  
113 | estate proceedings.

114 |       Section 5. This act shall take effect July 1, 2005.