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1 A bill to be entitled
2 An act relating to health insurance; amending s.
3 627.638, F.S.; requiring that an insurer make payment
4 to the designated provider of services whenever an
5 insured, using any health insurance claim form,
6 specifically authorizes payment of benefits directly
7 to any recognized hospital, licensed ambulance
8 provider, physician, dentist, or other person who
9 provided the services in accordance with the
10 provisions of the policy; deleting an exception;
11 providing that the insurance contract may not prohibit
12 payment of benefits directly to such providers;
13 requiring that claims forms provide an option for such
14 payment; providing for the repeal of the amendments
15 made by the act if the Office of Program Policy
16 Analysis and Government Accountability finds that such
17 amendments have caused the third-party administrator
18 of the state group health plan to suffer a net loss of
19 physicians and an increase in costs to the plan;
20 providing an effective date.

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

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24 Section 1. Subsection (2) of section 627.638, Florida
25 Statutes, is amended to read:

26 627.638 Direct payment for hospital, medical services.—

27 (2) Whenever, in any health insurance claim form, an
28 insured specifically authorizes payment of benefits directly to
29 any recognized hospital, licensed ambulance provider, physician,

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30 ~~or~~ dentist, or other person who provided the services in
31 accordance with the provisions of the policy, the insurer shall
32 make such payment to the designated provider of such services,
33 ~~unless otherwise provided in the insurance contract.~~ The
34 insurance contract may not prohibit, and claims forms must
35 provide an option for, the payment of benefits directly to a
36 licensed hospital, licensed ambulance provider, physician, ~~or~~
37 dentist, or other person who provided the services in accordance
38 with the provisions of the policy for care provided ~~pursuant to~~
39 ~~s. 395.1041 or part III of chapter 401.~~ The insurer may require
40 written attestation of assignment of benefits. Payment to the
41 provider from the insurer may not be more than the amount that
42 the insurer would otherwise have paid without the assignment.

43 Section 2. The amendments made by this act to s.
44 627.638(2), Florida Statutes, are repealed on July 1, 2012, if
45 the Office of Program Policy Analysis and Government
46 Accountability finds, in a study to be presented to the
47 President of the Senate and the Speaker of the House of
48 Representatives by March 1, 2012, that the amendments made by
49 this act have caused the third-party administrator of the state
50 group health plan to suffer a net loss of physicians from its
51 preferred provider plan network and, as a direct result, caused
52 an increase in costs to the state group health plan. If such a
53 finding is made, the text of s. 627.638(2), Florida Statutes,
54 shall revert to that in existence on June 30, 2009, except that
55 any amendments to such text enacted other than by this act shall
56 be preserved and continue to operate to the extent that such
57 amendments are not dependent upon the portions of such text
58 which are repealed pursuant to this section.

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Section 3. This act shall take effect July 1, 2009.