

1 A bill to be entitled
 2 An act relating to access to health care; amending s.
 3 624.91, F.S.; expanding the membership of the board of
 4 directors of the Florida Healthy Kids Corporation;
 5 amending s. 636.035, F.S.; specifying certain provider
 6 arrangement contract prohibitions or restrictions;
 7 prohibiting prepaid limited health service organizations
 8 from specifying certain contract continuation or renewal
 9 conditions; providing for voiding of certain contracts;
 10 specifying absence of liability for certain criminal
 11 penalties; amending s. 641.315, F.S.; providing for
 12 application to health maintenance organizations of the
 13 prohibition against specifying certain contract
 14 continuation or renewal conditions; amending s. 766.1116,
 15 F.S.; revising time requirements for a health care
 16 practitioner's waiver of license renewal fees and
 17 continuing education requirements; providing an effective
 18 date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

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 22 Section 1. Paragraph (a) of subsection (6) of section
 23 624.91, Florida Statutes, is amended to read:

24 624.91 The Florida Healthy Kids Corporation Act.--

25 (6) BOARD OF DIRECTORS.--

26 (a) The Florida Healthy Kids Corporation shall operate
 27 subject to the supervision and approval of a board of directors
 28 chaired by the Chief Financial Officer or her or his designee,

29 and composed of 11 ~~10~~ other members selected for 3-year terms of
 30 office as follows:

31 1. The Secretary of Health Care Administration, or his or
 32 her designee.~~†~~

33 2. One member appointed by the Commissioner of Education
 34 from the Office of School Health Programs of the Florida
 35 Department of Education.~~†~~

36 3. One member appointed by the Chief Financial Officer
 37 from among three members nominated by the Florida Pediatric
 38 Society.~~†~~

39 4. One member, appointed by the Governor, who represents
 40 the Children's Medical Services Program.~~†~~

41 5. One member appointed by the Chief Financial Officer
 42 from among three members nominated by the Florida Hospital
 43 Association.~~†~~

44 6. One member, appointed by the Governor, who is an expert
 45 on child health policy.~~†~~

46 7. One member, appointed by the Chief Financial Officer,
 47 from among three members nominated by the Florida Academy of
 48 Family Physicians.~~†~~

49 8. One member, appointed by the Governor, who represents
 50 the state Medicaid program.~~†~~

51 9. One member, appointed by the Chief Financial Officer,
 52 from among three members nominated by the Florida Association of
 53 Counties.~~†~~ ~~and~~

54 10. The State Health Officer or her or his designee.

55 11. One member, appointed by the Governor, from among
 56 three members nominated by the Florida Dental Association.

57 Section 2. Subsections (11) and (12) are added to section
58 636.035, Florida Statutes, to read:

59 636.035 Provider arrangements.--

60 (11) A contract between a prepaid limited health service
61 organization and a provider of limited health services may not
62 contain any provision that in any way prohibits or restricts the
63 limited health service provider from entering into or renewing a
64 contract with any other prepaid limited health service
65 organization. This subsection applies to all contracts entered
66 into or renewed on or after July 1, 2009.

67 (12) A prepaid limited health service organization may not
68 require, as a condition of continuation or renewal of a
69 contract, a contracted limited health service provider to accept
70 the terms of other health care practitioner contracts with the
71 prepaid limited health service organization or any insurer or
72 other limited health service organization under common
73 management and control with the prepaid limited health service
74 organization, including, but not limited to, Medicare and
75 Medicaid practitioner contracts and those authorized by s.
76 627.6471, s. 627.6472, s. 641.315, or this section, except for a
77 practitioner in a group practice as defined in s. 456.053 who
78 must accept the terms of a contract negotiated for the
79 practitioner by the group. Any contract provision that violates
80 this subsection is void. A violation of this subsection is not
81 subject to the criminal penalty specified in s. 624.15. This
82 subsection applies to all contracts entered into or renewed on
83 or after July 1, 2009.

84 Section 3. Subsection (10) of section 641.315, Florida
85 Statutes, is amended to read:

86 641.315 Provider contracts.--

87 (10) A health maintenance organization shall not require a
88 contracted health care practitioner as defined in s. 456.001(4)
89 to accept the terms of other health care practitioner contracts
90 with the health maintenance organization or any insurer, or
91 other health maintenance organization, under common management
92 and control with the health maintenance organization, including
93 Medicare and Medicaid practitioner contracts and those
94 authorized by s. 627.6471, s. 627.6472, s. 636.035, or this
95 section ~~s. 641.315~~, except for a practitioner in a group
96 practice as defined in s. 456.053 who must accept the terms of a
97 contract negotiated for the practitioner by the group, as a
98 condition of continuation or renewal of the contract. Any
99 contract provision that violates this section is void. A
100 violation of this section is not subject to the criminal penalty
101 specified in s. 624.15.

102 Section 4. Subsection (2) of section 766.1116, Florida
103 Statutes, is amended to read:

104 766.1116 Health care practitioner; waiver of license
105 renewal fees and continuing education requirements.--

106 (2) Notwithstanding any provision of chapter 458, chapter
107 459, chapter 460, chapter 461, part I of chapter 464, chapter
108 466, or chapter 467 to the contrary, any health care
109 practitioner who participates as a health care provider under s.
110 766.1115 and thereby agrees with a governmental contractor to
111 provide his or her services without compensation and as an agent

CS/HB 185

2009

112 of the governmental contractor to low-income recipients in
113 accordance with s. 766.1115 for at least 160 ~~80~~ hours ~~a year~~ for
114 each ~~year during the~~ biennial licensure period, or, if the
115 health care practitioner is retired, for at least 800 ~~400~~ hours
116 ~~a year for each year~~ during the licensure period, upon providing
117 sufficient proof from the applicable governmental contractor
118 that the health care practitioner has completed the hours at the
119 time of license renewal under procedures specified by the
120 Department of Health, shall be eligible for:

121 (a) Waiver of the biennial license renewal fee for an
122 active license; and

123 (b) Fulfillment of a maximum of 25 percent of the
124 continuing education hours required for license renewal under s.
125 456.013(9).

126 Section 5. This act shall take effect July 1, 2009.