

ENROLLED  
CS/HB 185

2009 Legislature

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:

21  
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,

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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.

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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.

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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

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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.