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LEGISLATIVE ACTION

Senate	.	House
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Senator Baker moved the following:

Senate Amendment (with title amendment)

Between lines 3602 and 3603

insert:

Section 68. Paragraphs (d) and (g) of subsection (5) of section 627.6692, Florida Statutes, are amended to read:

627.6692 Florida Health Insurance Coverage Continuation Act.—

(5) CONTINUATION OF COVERAGE UNDER GROUP HEALTH PLANS.—

(d)1. A qualified beneficiary must give written notice to the insurance carrier within 63 days after the occurrence of a qualifying event. Unless otherwise specified in the notice, a notice by any qualified beneficiary constitutes notice on behalf



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14 of all qualified beneficiaries. The written notice must inform
15 the insurance carrier of the occurrence and type of the
16 qualifying event giving rise to the potential election by a
17 qualified beneficiary of continuation of coverage under the
18 group health plan issued by that insurance carrier, except that
19 in cases where the covered employee has been involuntarily
20 discharged, the nature of such discharge need not be disclosed.
21 The written notice must, at a minimum, identify the employer,
22 the group health plan number, the name and address of all
23 qualified beneficiaries, and such other information required by
24 the insurance carrier under the terms of the group health plan
25 or the commission by rule, to the extent that such information
26 is known by the qualified beneficiary.

27 2. A special election period shall be provided for
28 qualified beneficiaries whose qualifying event was involuntary
29 termination of employment during the period from September 1,
30 2008, through February 16, 2009, who did not elect continuation
31 coverage when it was first offered, or who did elect
32 continuation coverage but are no longer enrolled. The carrier
33 that issued the small employer's group health plan shall provide
34 notice to individuals eligible for this special continuation
35 coverage election period informing them of this opportunity. The
36 notice must be provided by June 15, 2009.

37 a. Individuals have 30 days after notice is provided to
38 elect continuation coverage by written notice to the insurer.
39 The written notice must, at a minimum, identify the employer,
40 the group health plan number, the name and address of all
41 qualified beneficiaries, and such other information required by
42 the insurance carrier under the terms of the group health plan



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43 or the commission by rule, to the extent that such information
44 is known by the qualified beneficiary.

45 b. Coverage shall be effective with the first period of
46 coverage on or after February 17, 2009.

47 c. For individuals electing continuation coverage during
48 this election period, the period between the loss of coverage
49 and beginning of coverage under this election is to be
50 disregarded for purposes of determining the 63-day periods
51 referred to in s. 627.6561(6).

52 3.2. Within 14 days after the receipt of written notice
53 under subparagraphs ~~subparagraph~~ 1. and 2., the insurance
54 carrier shall send each qualified beneficiary by certified mail
55 an election and premium notice form, approved by the office,
56 which form must provide for the qualified beneficiary's election
57 or nonelection of continuation of coverage under the group
58 health plan and the applicable premium amount due after the
59 election to continue coverage. This subparagraph does not
60 require separate mailing of notices to qualified beneficiaries
61 residing in the same household, but requires a separate mailing
62 for each separate household.

63 (g) If an insurance carrier fails to comply with the notice
64 requirements of subparagraph (d)3.2. and such noncompliance
65 results in the failure of an eligible qualified beneficiary to
66 elect continuation under the group health plan, the qualified
67 beneficiary shall be deemed to have timely elected continuation
68 of coverage within the election period and shall be covered
69 under the group health plan at the expense of the noncomplying
70 insurance carrier. The liability exposure of a noncomplying
71 insurance carrier under this paragraph shall be limited to that



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72 period which includes the effective date of coverage pursuant to
73 an affirmative election through the date on which the qualified
74 beneficiary receives actual notice. This paragraph does not
75 apply to the extent that the failure of the insurance carrier to
76 comply with applicable notice requirements was due to
77 noncompliance by the qualified beneficiary with notice
78 requirements applicable to the qualified beneficiary.

79 Section 69. Paragraph (1) is added to subsection (13) of
80 section 627.6699, Florida Statutes, to read:

81 627.6699 Employee Health Care Access Act.—

82 (13) STANDARDS TO ASSURE FAIR MARKETING.—

83 (1)1. In order to improve the ability of small employers to
84 obtain information including premium rates for small employer
85 health benefit plans and to facilitate the application process,
86 all small employer carriers shall use a uniform employee health
87 status form. The commission shall adopt rules specifying such
88 form. The form shall be designed by the Office of Insurance
89 Regulation, in consultation with small employer carriers, to
90 permit its use as a written document and through electronic or
91 other and alternative delivery formats. The form shall include
92 the following health data elements for all persons to be covered
93 under the policy that occurred in the 2 years prior to the date
94 of completion of the form:

95 a. Any treatment or diagnosis by any licensed medical
96 practitioner.

97 b. Any procedure or treatment in a hospital, rehabilitation
98 program, or surgical center.

99 c. All current medications prescribed by a licensed
100 practitioner.



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101 d. Current diagnosis of pregnancy.

102 e. Current use of any tobacco products.

103 f. Pending test results.

104 g. Workers compensation injury or illness.

105 h. Tests or treatments recommended but not completed.

106 2. The form shall require the signature of the employee
107 completing the form. Use of a standardized form shall not
108 prevent a small employer carrier from obtaining information from
109 other sources in order to determine the appropriate premium rate
110 for a small employer

111
112 ===== T I T L E A M E N D M E N T =====

113 And the title is amended as follows:

114 Delete line 297

115 and insert:

116 compendium"; amending s. 627.6692, F.S.; providing for
117 a special election period for continuation of coverage
118 under group health plans for certain qualified
119 beneficiaries; providing carrier notification
120 requirements; providing for effectiveness of such
121 coverage; providing for disregarding certain periods
122 for which coverage is not provided; amending s.
123 627.6699, F.S.; requiring small employer carriers to
124 use a uniform employee health status form; requiring
125 the Financial Services Commission to adopt rules;
126 requiring the Office of Insurance Regulation to design
127 the form in consultation with small employer carriers;
128 specifying form requirements; amending s. 651.105,
129 F.S.; revising the