

HB 7151

2009

1 A bill to be entitled
 2 An act relating to small employer group health insurance;
 3 amending s. 627.6692, F.S.; providing for a special
 4 election period for continuation of coverage under group
 5 health plans for certain qualified beneficiaries;
 6 providing carrier notification requirements; providing for
 7 effectiveness of such coverage; providing for disregarding
 8 certain periods for which coverage is not provided;
 9 providing an effective date.

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

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13 Section 1. Paragraphs (d) and (g) of subsection (5) of
 14 section 627.6692, Florida Statutes, are amended to read:

15 627.6692 Florida Health Insurance Coverage Continuation
 16 Act.--

17 (5) CONTINUATION OF COVERAGE UNDER GROUP HEALTH PLANS.--

18 (d)1. A qualified beneficiary must give written notice to
 19 the insurance carrier within 63 days after the occurrence of a
 20 qualifying event. Unless otherwise specified in the notice, a
 21 notice by any qualified beneficiary constitutes notice on behalf
 22 of all qualified beneficiaries. The written notice must inform
 23 the insurance carrier of the occurrence and type of the
 24 qualifying event giving rise to the potential election by a
 25 qualified beneficiary of continuation of coverage under the
 26 group health plan issued by that insurance carrier, except that
 27 in cases where the covered employee has been involuntarily
 28 discharged, the nature of such discharge need not be disclosed.

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29 The written notice must, at a minimum, identify the employer,
30 the group health plan number, the name and address of all
31 qualified beneficiaries, and such other information required by
32 the insurance carrier under the terms of the group health plan
33 or the commission by rule, to the extent that such information
34 is known by the qualified beneficiary.

35 2. A special election period shall be provided for
36 qualified beneficiaries whose qualifying event was involuntary
37 termination of employment during the period from September 1,
38 2008, through February 16, 2009, who did not elect continuation
39 coverage when it was first offered, or who did elect
40 continuation coverage but are no longer enrolled. The carrier
41 that issued the small employer's group health plan shall provide
42 notice to individuals eligible for this special continuation
43 coverage election period informing them of this opportunity. The
44 notice must be provided by June 15, 2009.

45 a. Individuals have 30 days after notice is provided to
46 elect continuation coverage by written notice to the insurer.
47 The written notice must, at a minimum, identify the employer,
48 the group health plan number, the name and address of all
49 qualified beneficiaries, and such other information required by
50 the insurance carrier under the terms of the group health plan
51 or the commission by rule, to the extent that such information
52 is known by the qualified beneficiary.

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

55 c. For individuals electing continuation coverage during
56 this election period, the period between the loss of coverage

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57 and beginning of coverage under this election is to be
58 disregarded for purposes of determining the 63-day periods
59 referred to in s. 627.6561(6).

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

71 (g) If an insurance carrier fails to comply with the
72 notice requirements of subparagraph (d) ~~3.2.~~ and such
73 noncompliance results in the failure of an eligible qualified
74 beneficiary to elect continuation under the group health plan,
75 the qualified beneficiary shall be deemed to have timely elected
76 continuation of coverage within the election period and shall be
77 covered under the group health plan at the expense of the
78 noncomplying insurance carrier. The liability exposure of a
79 noncomplying insurance carrier under this paragraph shall be
80 limited to that period which includes the effective date of
81 coverage pursuant to an affirmative election through the date on
82 which the qualified beneficiary receives actual notice. This
83 paragraph does not apply to the extent that the failure of the
84 insurance carrier to comply with applicable notice requirements

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85 | was due to noncompliance by the qualified beneficiary with
86 | notice requirements applicable to the qualified beneficiary.

87 | Section 2. This act shall take effect upon becoming a law.