

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 amending s. 627.6699, F.S.; requiring small employer
 10 carriers to use a uniform employee health status form;
 11 requiring the Financial Services Commission to adopt
 12 rules; requiring the Office of Insurance Regulation to
 13 design the form in consultation with small employer
 14 carriers; specifying form requirements; providing an
 15 effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

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

21 627.6692 Florida Health Insurance Coverage Continuation
 22 Act.--

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

24 (d)1. A qualified beneficiary must give written notice to
 25 the insurance carrier within 63 days after the occurrence of a
 26 qualifying event. Unless otherwise specified in the notice, a
 27 notice by any qualified beneficiary constitutes notice on behalf
 28 of all qualified beneficiaries. The written notice must inform

29 the insurance carrier of the occurrence and type of the
30 qualifying event giving rise to the potential election by a
31 qualified beneficiary of continuation of coverage under the
32 group health plan issued by that insurance carrier, except that
33 in cases where the covered employee has been involuntarily
34 discharged, the nature of such discharge need not be disclosed.
35 The written notice must, at a minimum, identify the employer,
36 the group health plan number, the name and address of all
37 qualified beneficiaries, and such other information required by
38 the insurance carrier under the terms of the group health plan
39 or the commission by rule, to the extent that such information
40 is known by the qualified beneficiary.

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

51 a. Individuals have 30 days after notice is provided to
52 elect continuation coverage by written notice to the insurer.
53 The written notice must, at a minimum, identify the employer,
54 the group health plan number, the name and address of all
55 qualified beneficiaries, and such other information required by
56 the insurance carrier under the terms of the group health plan

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

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

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

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

77 (g) If an insurance carrier fails to comply with the
78 notice requirements of subparagraph (d)~~3.2.~~ and such
79 noncompliance results in the failure of an eligible qualified
80 beneficiary to elect continuation under the group health plan,
81 the qualified beneficiary shall be deemed to have timely elected
82 continuation of coverage within the election period and shall be
83 covered under the group health plan at the expense of the
84 noncomplying insurance carrier. The liability exposure of a

85 noncomplying insurance carrier under this paragraph shall be
 86 limited to that period which includes the effective date of
 87 coverage pursuant to an affirmative election through the date on
 88 which the qualified beneficiary receives actual notice. This
 89 paragraph does not apply to the extent that the failure of the
 90 insurance carrier to comply with applicable notice requirements
 91 was due to noncompliance by the qualified beneficiary with
 92 notice requirements applicable to the qualified beneficiary.

93 Section 2. Paragraph (1) is added to subsection (13) of
 94 section 627.6699, Florida Statutes, to read:

95 627.6699 Employee Health Care Access Act.--

96 (13) STANDARDS TO ASSURE FAIR MARKETING.--

97 (1)1. In order to improve the ability of small employers
 98 to obtain information including premium rates for small employer
 99 health benefit plans and to facilitate the application process,
 100 all small employer carriers shall use a uniform employee health
 101 status form. The commission shall adopt rules specifying such
 102 form. The form shall be designed by the Office of Insurance
 103 Regulation, in consultation with small employer carriers, to
 104 permit its use as a written document and through electronic or
 105 other and alternative delivery formats. The form shall include
 106 the following health data elements for all persons to be covered
 107 under the policy that occurred in the 2 years prior to the date
 108 of completion of the form:

109 a. Any treatment or diagnosis by any licensed medical
 110 practitioner.

111 b. Any procedure or treatment in a hospital,
 112 rehabilitation program, or surgical center.

- 113 | c. All current medications prescribed by a licensed
- 114 | practitioner.
- 115 | d. Current diagnosis of pregnancy.
- 116 | e. Current use of any tobacco products.
- 117 | f. Pending test results.
- 118 | g. Workers compensation injury or illness.
- 119 | h. Tests or treatments recommended but not completed.
- 120 | 2. The form shall require the signature of the employee
- 121 | completing the form. Use of a standardized form shall not
- 122 | prevent a small employer carrier from obtaining information from
- 123 | other sources in order to determine the appropriate premium rate
- 124 | for a small employer.
- 125 | Section 3. This act shall take effect upon becoming a law.