

1 A bill to be entitled
 2 An act relating to provider contracts; amending ss.
 3 627.6474, 636.035, and 641.315, F.S.; proscribing certain
 4 fee setting provisions in certain contracts between health
 5 care practitioners and certain health insurance entities
 6 under certain circumstances; providing a definition;
 7 providing application; providing an effective date.

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

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 11 Section 1. Section 627.6474, Florida Statutes, is amended
 12 to read:

13 627.6474 Provider contracts.--

14 (1) A health insurer shall not require a contracted health
 15 care practitioner as defined in s. 456.001~~(4)~~ to accept the
 16 terms of other health care practitioner contracts with the
 17 insurer or any other insurer, or health maintenance
 18 organization, under common management and control with the
 19 insurer, including Medicare and Medicaid practitioner contracts
 20 and those authorized by s. 627.6471, s. 627.6472, s. 636.035, or
 21 s. 641.315, except for a practitioner in a group practice as
 22 defined in s. 456.053 who must accept the terms of a contract
 23 negotiated for the practitioner by the group, as a condition of
 24 continuation or renewal of the contract. Any contract provision
 25 that violates this section is void. A violation of this section
 26 is not subject to the criminal penalty specified in s. 624.15.

27 (2) A contract between a health insurer and a health care
 28 practitioner as defined in s. 456.001 for the provision of

29 services to patients may not contain any provision that requires
 30 the practitioner to provide services to the policyholders of the
 31 health insurer at a fee set by the health insurer unless such
 32 services are covered services under the applicable health
 33 insurance policy. For purposes of this subsection, the term
 34 "covered services" means services reimbursable under the
 35 applicable health insurance policy, subject to any contractual
 36 limitations on an insured's benefits that may apply. This
 37 subsection applies to all contracts entered into or renewed on
 38 or after July 1, 2010.

39 Section 2. Subsection (13) is added to section 636.035,
 40 Florida Statutes, to read:

41 636.035 Provider contracts ~~arrangements~~.--

42 (13) A contract between a prepaid limited health service
 43 organization and a health care practitioner as defined in s.
 44 456.001 for the provision of services to patients may not
 45 contain any provision that requires the practitioner to provide
 46 services to the organization's subscribers at a fee set by the
 47 organization unless such services are covered services under the
 48 applicable subscriber agreement. For purposes of this
 49 subsection, the term "covered services" means services
 50 reimbursable under the applicable subscriber agreement, subject
 51 to any contractual limitations on subscriber benefits that may
 52 apply. This subsection applies to all contracts entered into or
 53 renewed on or after July 1, 2010.

54 Section 3. Subsection (11) is added to section 641.315,
 55 Florida Statutes, read:

56 641.315 Provider contracts.--

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57 (11) A contract between a health maintenance organization
58 and a health care practitioner as defined in s. 456.001 for the
59 provision of services to patients may not contain any provision
60 that requires the practitioner to provide services to the
61 organization's subscribers at a fee set by the organization
62 unless such services are covered services under the applicable
63 subscriber agreement. For purposes of this subsection, the term
64 "covered services" means services reimbursable under the
65 applicable subscriber agreement, subject to any contractual
66 limitations on subscriber benefits that may apply. This
67 subsection applies to all contracts entered into or renewed on
68 or after July 1, 2010.

69 Section 4. This act shall take effect July 1, 2010.