

By Senator Jones

13-00416-10

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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.; prohibiting  
4           certain provider contracts from containing a provision  
5           that requires health care practitioners to provide  
6           services to subscribers at a fee set by the health  
7           insurer, prepaid limited health service organization,  
8           or health maintenance organization unless the services  
9           are covered under an applicable subscriber agreement;  
10          defining the term "covered services"; providing for  
11          application; providing an effective date.

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

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15           Section 1. Section 627.6474, Florida Statutes, is amended  
16 to read:

17           627.6474 Provider contracts.—

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

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30 is not subject to the criminal penalty specified in s. 624.15.

31 (2) A contract between a health insurer and a health care  
32 practitioner as defined in s. 456.001(4) governing the provision  
33 of services to patients may not contain any provision that  
34 requires the practitioner to provide services to the health  
35 insurance subscribers at a fee set by the health insurer unless  
36 the services are covered services under the applicable  
37 subscriber agreement. As used in this subsection, the term  
38 "covered services" means services reimbursable under the  
39 applicable subscriber agreement, subject to such contractual  
40 limitations on subscriber benefits as may apply. This subsection  
41 applies to all contracts entered into or renewed on or after  
42 July 1, 2010.

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

45 636.035 Provider arrangements.—

46 (13) A contract between a prepaid limited health service  
47 organization and a health care practitioner as defined in s.  
48 456.001(4) governing the provision of services to patients may  
49 not contain any provision that requires the practitioner to  
50 provide services to subscribers at a fee set by the prepaid  
51 limited health service organization unless the services are  
52 covered services under the applicable subscriber agreement. As  
53 used in this subsection, the term "covered services" means  
54 services reimbursable under the applicable subscriber agreement,  
55 subject to such contractual limitations on subscriber benefits  
56 as may apply. This subsection applies to all contracts entered  
57 into or renewed on or after July 1, 2010.

58 Section 3. Subsection (11) is added to section 641.315,

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59 Florida Statutes, to read:

60 641.315 Provider contracts.—

61 (11) A contract between a health maintenance organization  
62 and a health care practitioner as defined in s. 456.001(4)  
63 governing the provision of services to patients may not contain  
64 any provision that requires the practitioner to provide services  
65 to the subscribers of the health maintenance organization at a  
66 fee set by the health maintenance organization unless the  
67 services are covered services under the applicable subscriber  
68 agreement. As used in this subsection, the term "covered  
69 services" means services reimbursable under the applicable  
70 subscriber agreement, subject to such contractual limitations on  
71 subscriber benefits as may apply. This subsection applies to all  
72 contracts entered into or renewed on or after July 1, 2010.

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