

By Senator Altman

16-00203-13

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1 A bill to be entitled
2 An act relating to payment for services provided by
3 licensed psychologists; amending ss. 627.6131 and
4 641.3155, F.S.; adding licensed psychologists to the
5 list of health care providers who are protected by a
6 limitations period from claims for overpayment being
7 sought by health insurers or health maintenance
8 organizations; adding licensed psychologists to the
9 list of health care providers who are subject to a
10 limitations period for submitting claims to health
11 insurers or health maintenance organizations for
12 underpayment; amending s. 627.638, F.S.; adding
13 licensed psychologists to the list of health care
14 providers who are eligible for direct payment for
15 medical services by a health insurer under certain
16 circumstances; making technical and grammatical
17 changes; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Subsections (18) and (19) of section 627.6131,
22 Florida Statutes, are amended to read:

23 627.6131 Payment of claims.—

24 (18) Notwithstanding the 30-month period provided in
25 subsection (6), all claims for overpayment submitted to a
26 provider licensed under chapter 458, chapter 459, chapter 460,
27 chapter 461, ~~or~~ chapter 466, or chapter 490 must be submitted to
28 the provider within 12 months after the health insurer's payment
29 of the claim. A claim for overpayment is ~~may~~ not ~~be~~ permitted

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30 ~~beyond~~ 12 months after the health insurer's payment of a claim,
31 except that claims for overpayment may be sought after ~~beyond~~
32 that time from providers convicted of fraud pursuant to s.
33 817.234.

34 (19) Notwithstanding any other provision of this section,
35 all claims for underpayment from a provider licensed under
36 chapter 458, chapter 459, chapter 460, chapter 461, ~~or~~ chapter
37 466, or chapter 490 must be submitted to the insurer within 12
38 months after the health insurer's payment of the claim. A claim
39 for underpayment is ~~may not be~~ permitted ~~beyond~~ 12 months after
40 the health insurer's payment of a claim.

41 Section 2. Subsections (16) and (17) of section 641.3155,
42 Florida Statutes, are amended to read:

43 641.3155 Prompt payment of claims.—

44 (16) Notwithstanding the 30-month period provided in
45 subsection (5), all claims for overpayment submitted to a
46 provider licensed under chapter 458, chapter 459, chapter 460,
47 chapter 461, ~~or~~ chapter 466, or chapter 490 must be submitted to
48 the provider within 12 months after the health maintenance
49 organization's payment of the claim. A claim for overpayment is
50 ~~may not be~~ permitted ~~beyond~~ 12 months after the health
51 maintenance organization's payment of a claim, except that
52 claims for overpayment may be sought after ~~beyond~~ that time from
53 providers convicted of fraud pursuant to s. 817.234.

54 (17) Notwithstanding any other provision of this section,
55 all claims for underpayment from a provider licensed under
56 chapter 458, chapter 459, chapter 460, chapter 461, ~~or~~ chapter
57 466, or chapter 490 must be submitted to the health maintenance
58 organization within 12 months after the health maintenance

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59 organization's payment of the claim. A claim for underpayment is
60 ~~may not be permitted beyond~~ 12 months after the health
61 maintenance organization's payment of a claim.

62 Section 3. Contingent upon the Office of Program Policy
63 Analysis and Government Accountability not presenting the
64 finding specified in section 2 of chapter 2009-124, Laws of
65 Florida, and the text of subsection (2) of section 627.638,
66 Florida Statutes, not reverting to that in existence on June 30,
67 2009, that subsection is amended to read:

68 627.638 Direct payment for hospital, medical services.—

69 (2) For ~~Whenever,~~ in any health insurance claim form, if an
70 insured specifically authorizes payment of benefits directly to
71 a ~~any~~ recognized hospital, licensed ambulance provider,
72 physician, dentist, psychologist, or other person who provided
73 the services in accordance with ~~the provisions of~~ the policy,
74 the insurer shall make such payment to the designated provider
75 of such services. The insurance contract may not prohibit, and
76 claims forms must provide an option for, the payment of benefits
77 directly to a licensed hospital, licensed ambulance provider,
78 physician, dentist, psychologist, or other person who provided
79 the services in accordance with ~~the provisions of~~ the policy for
80 care provided. The insurer may require written attestation of
81 assignment of benefits. Payment to the provider from the insurer
82 may not be more than the amount that the insurer would otherwise
83 have paid without the assignment.

84 Section 4. Contingent upon the Office of Program Policy
85 Analysis and Government Accountability presenting the finding
86 specified in section 2 of chapter 2009-124, Laws of Florida, and
87 the text of subsection (2) of section 627.638, Florida Statutes,

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88 reverting to that in existence on June 30, 2009, that subsection
89 is amended to read:

90 627.638 Direct payment for hospital, medical services.—

91 (2) For ~~Whenever,~~ in any health insurance claim form, if an
92 insured specifically authorizes payment of benefits directly to
93 a any recognized hospital, licensed ambulance provider,
94 physician, ~~or~~ dentist, or psychologist, the insurer shall make
95 such payment to the designated provider of such services, unless
96 otherwise provided in the insurance contract. The insurance
97 contract may not prohibit, and claims forms must provide an
98 option for, the payment of benefits directly to a licensed
99 hospital, licensed ambulance provider, physician, ~~or~~ dentist, or
100 psychologist for care provided pursuant to s. 395.1041 or part
101 III of chapter 401. The insurer may require written attestation
102 of assignment of benefits. Payment to the provider from the
103 insurer may not be more than the amount that the insurer would
104 otherwise have paid without the assignment.

105 Section 5. This act shall take effect July 1, 2013.