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LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
04/18/2013	.	
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The Committee on Appropriations (Sobel) recommended the following:

Senate Amendment (with title amendment)

Delete lines 111 - 143
and insert:

(2) When reviewing forms filed by health insurers or health maintenance organizations pursuant to s. 627.410 or s. 641.31(3) for compliance with state law, the office shall also review such forms for compliance with PPACA. If the office determines that a form does not comply with PPACA, the office shall notify the insurer or organization of the reason for noncompliance. If the insurer or organization does not demonstrate that such form or its replacement complies with PPACA within 30 days after such



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13 notification, the office shall report such potential violation
14 to the federal Department of Health and Human Services, except
15 that the office may elect not to report potential violations it
16 determines are de minimis. The review of forms by the office
17 under this subsection does not include review of the rates,
18 rating practices, or the relationship of benefits to the rate.

19 (3) When performing market conduct examinations or
20 investigations of health insurers or health maintenance
21 organizations as authorized under s. 624.307, s. 624.311, or s.
22 641.3905 for compliance with state law, the office shall include
23 compliance with PPACA within the scope of such examinations or
24 investigations. If the office determines that an insurer's or
25 organization's operations do not comply with PPACA, the office
26 shall notify the insurer or organization of the reason for such
27 determination. If the insurer or organization does not
28 demonstrate compliance with PPACA within 30 days after such
29 notification, the office shall report such potential violation
30 to the federal Department of Health and Human Services, except
31 that the office may elect not to report potential violations it
32 determines are de minimis.

33 (4) The department's Division of Consumer Services shall
34 respond to complaints by consumers relating to a requirement of
35 PPACA as authorized under s. 20.121(2)(h), and shall report
36 apparent or potential violations to the office and to the
37 federal Department of Health and Human Services.

38 (5) A determination made by the office or department
39 pursuant to this section regarding compliance with PPACA does
40 not constitute a determination that affects the substantial
41 interests of any party for purposes of chapter 120.



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42 (6) The office and department shall maintain on their
43 respective websites an updated list of all potential or apparent
44 violations of PPACA reported to the federal Department of Health
45 and Human Services pursuant to this section.
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47 ===== T I T L E A M E N D M E N T =====

48 And the title is amended as follows:

49 Delete lines 7 - 18

50 and insert:

51 requiring the Office of Insurance Regulation to review
52 forms and perform market conduct examinations for
53 compliance with PPACA and to report potential
54 violations to the federal Department of Health and
55 Human Services; requiring the Division of Consumer
56 Services of the Department of Financial Services to
57 respond to complaints related to PPACA and to report
58 violations to the office and the Department of Health
59 and Human Services; providing that certain
60 determinations by the office or the Department of
61 Financial Services are not subject to certain
62 challenges under ch. 120, F.S.; requiring the office
63 and department to maintain a list of reported
64 violations on their websites; amending ss. 624.34,