

1 A bill to be entitled
 2 An act relating to health insurance marketing
 3 materials; amending ss. 627.6699 and 627.9407, F.S.;
 4 deleting requirements that a health insurer submit
 5 proposed marketing communications or advertising
 6 material to the Office of Insurance Regulation for
 7 review and approval; establishing procedures for
 8 disapproval of long-term care insurance advertising
 9 materials; providing an effective date.

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

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13 Section 1. Paragraph (d) of subsection (12) of section
 14 627.6699, Florida Statutes, is amended to read:

15 627.6699 Employee Health Care Access Act.—

16 (12) STANDARD, BASIC, HIGH DEDUCTIBLE, AND LIMITED HEALTH
 17 BENEFIT PLANS.—

18 (d)1. Upon offering coverage under a standard health
 19 benefit plan, a basic health benefit plan, or a limited benefit
 20 policy or contract for a ~~any~~ small employer group, the small
 21 employer carrier shall provide such employer group with a
 22 written statement that contains, at a minimum:

23 a. An explanation of those mandated benefits and providers
 24 that are not covered by the policy or contract;

25 b. An explanation of the managed care and cost control
 26 features of the policy or contract, along with all appropriate
 27 mailing addresses and telephone numbers to be used by insureds
 28 in seeking information or authorization; and

29 | c. An explanation of the primary and preventive care
 30 | features of the policy or contract.

31 |
 32 | Such disclosure statement must be presented in a clear and
 33 | understandable form and format and must be separate from the
 34 | policy or certificate or evidence of coverage provided to the
 35 | employer group.

36 | 2. Before a small employer carrier issues a standard
 37 | health benefit plan, a basic health benefit plan, or a limited
 38 | benefit policy or contract, the carrier ~~it~~ must obtain from the
 39 | prospective policyholder a signed written statement in which the
 40 | prospective policyholder:

41 | a. Certifies as to eligibility for coverage under the
 42 | standard health benefit plan, basic health benefit plan, or
 43 | limited benefit policy or contract;

44 | b. Acknowledges the limited nature of the coverage and an
 45 | understanding of the managed care and cost control features of
 46 | the policy or contract;

47 | c. Acknowledges that if misrepresentations are made
 48 | regarding eligibility for coverage under a standard health
 49 | benefit plan, a basic health benefit plan, or a limited benefit
 50 | policy or contract, the person making such misrepresentations
 51 | forfeits coverage provided by the policy or contract; and

52 | d. If a limited plan is requested, acknowledges that the
 53 | prospective policyholder had been offered, at the time of
 54 | application for the insurance policy or contract, the
 55 | opportunity to purchase any health benefit plan offered by the
 56 | carrier and that the prospective policyholder ~~had~~ rejected that

57 coverage.

58
 59 A copy of such written statement must ~~shall~~ be provided to the
 60 prospective policyholder by ~~no later than at~~ the time of
 61 delivery of the policy or contract, and the original of such
 62 written statement must ~~shall~~ be retained in the files of the
 63 small employer carrier for the period of time that the policy or
 64 contract remains in effect or for 5 years, whichever ~~period~~ is
 65 longer.

66 3. Any material statement made by an applicant for
 67 coverage under a health benefit plan which falsely certifies ~~as~~
 68 ~~to~~ the applicant's eligibility for coverage serves as the basis
 69 for terminating coverage under the policy or contract.

70 ~~4. Each marketing communication that is intended to be~~
 71 ~~used in the marketing of a health benefit plan in this state~~
 72 ~~must be submitted for review by the office prior to use and must~~
 73 ~~contain the disclosures stated in this subsection.~~

74 Section 2. Subsection (2) of section 627.9407, Florida
 75 Statutes, is amended to read:

76 627.9407 Disclosure, advertising, and performance
 77 standards for long-term care insurance.-

78 (2) ADVERTISING.-The commission shall adopt rules
 79 establishing ~~setting forth~~ standards for the advertising,
 80 marketing, and sale of long-term care insurance policies in
 81 order to protect applicants from unfair or deceptive sales or
 82 enrollment practices. An insurer shall file with the office any
 83 long-term care insurance advertising material intended for use
 84 in this state. The materials may be effective immediately,

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85 subject to disapproval by the office. Following receipt of
86 notice of such disapproval, a long-term care insurer may not
87 issue or use any advertisement disapproved by the office or for
88 which the office has withdrawn approval at least 30 days before
89 the date of use of the advertisement in this state. Within 30
90 days after the date of receipt of the advertising material, the
91 office shall review the material and shall disapprove any
92 advertisement if, in the opinion of the office, such
93 advertisement violates any of the provisions of this part or of
94 part IX of chapter 626 or any rule of the commission. The office
95 may disapprove an advertisement at any time and enter an
96 immediate order requiring that the use of the advertisement be
97 discontinued if it determines that the advertisement violates
98 any of the provisions of this part, or of part IX of chapter
99 626, or any rule of the commission.

100 Section 3. This act shall take effect July 1, 2013.