



27 and care" as that term is defined in s. 641.47 or emergency  
28 medical transportation services, which include transport by an  
29 ambulance, emergency medical services vehicle, or air ambulance,  
30 as those terms are defined in s. 401.23.

31 (b) "Participating provider" means a "preferred provider"  
32 as defined in s. 627.6471 and an "exclusive provider" as defined  
33 in s. 627.6472.

34 (2) Coverage for emergency services:

35 (a) May not require a prior authorization determination.

36 (b) Must be provided regardless of whether the service is  
37 furnished by a participating or nonparticipating provider.

38 (c) May impose a coinsurance amount, copayment, or  
39 limitation of benefits requirement for a nonparticipating  
40 provider only if the same requirement applies to a participating  
41 provider.

42 (d) Must reimburse a nonparticipating provider the greater  
43 of the following:

44 1. The amount negotiated with a participating provider or  
45 a nonparticipating provider for the service, excluding any  
46 coinsurance amount or copayment imposed by a participating  
47 provider on the participant, beneficiary, or enrollee.

48 2. The amount calculated under the methodology generally  
49 used by the insurer to determine the reimbursement amount to a  
50 nonparticipating provider for the service, such as the usual,  
51 customary, and reasonable amount, reduced only by a coinsurance  
52 amount or copayment that applies to a participating provider.

53        3. The amount that would be paid under Medicare for the  
54 service, reduced only by a coinsurance amount or copayment that  
55 applies to a participating provider.

56        (3) A nonparticipating provider may not be reimbursed an  
57 amount greater than that provided under paragraph (2) (d) and may  
58 not collect or attempt to collect, directly or indirectly, any  
59 excess amount.

60        Section 2. Subsections (5) and (6) of section 641.513,  
61 Florida Statutes, are amended to read:

62        641.513 Requirements for providing emergency services and  
63 care.—

64        (5) Reimbursement for services pursuant to this section by  
65 a provider who does not have a contract with the health  
66 maintenance organization shall be the greater ~~lesser~~ of:

67        (a) The Medicare allowable rate ~~provider's charges~~;

68        (b) The amount calculated under the methodology generally  
69 used by the health maintenance organization to determine the  
70 reimbursement amount to a provider who does not have a contract  
71 with the health maintenance organization for the service usual  
72 and customary provider charges for similar services in the  
73 community where the services were provided; or

74        (c) The amount negotiated with a provider who does not  
75 have a contract with the health maintenance organization for the  
76 service charge mutually agreed to by the health maintenance  
77 organization and the provider within 60 days of the submittal of  
78 the claim.

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80 Such reimbursement shall be net of any applicable copayment  
81 authorized pursuant to subsection (4).

82 (6) Reimbursement for services under this section provided  
83 to subscribers who are Medicaid recipients by a provider for  
84 whom no contract exists between the provider and the health  
85 maintenance organization shall be the greater ~~lesser~~ of:

86 ~~(a) The provider's charges;~~

87 (a)(b) The amount calculated under the methodology  
88 generally used by the health maintenance organization to  
89 determine the reimbursement amount to a provider who does not  
90 have a contract with the health maintenance organization for the  
91 service usual and customary provider charges for similar  
92 services in the community where the services were provided;

93 (b)(e) The amount negotiated with a provider who does not  
94 have a contract with the health maintenance organization for the  
95 service charge mutually agreed to by the entity and the provider  
96 within 60 days after submittal of the claim; or

97 (c)(d) The Medicaid rate.

98 Section 3. This act shall take effect October 1, 2015.