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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2015	.	
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The Committee on Banking and Insurance (Montford) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (3) is added to section 627.6474,  
Florida Statutes, to read:

627.6474 Provider contracts.—

(3) (a) A contract between a health insurer or the insurer's  
third-party administrator and:

1. An ophthalmologist licensed pursuant to chapter 458 or



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11 chapter 459 or an optometrist licensed pursuant to chapter 463  
12 may not require such licensee to:

13 a. Provide vision care services as a condition of  
14 participating as a provider of any other type of service to an  
15 insured; or

16 b. Purchase a material or service used by the licensee from  
17 an entity in which the insurer or the insurer's third-party  
18 administrator has a direct or indirect ownership, financial, or  
19 controlling interest.

20 2. An optician licensed pursuant to part I of chapter 484  
21 may not require such licensee to purchase a material used by the  
22 licensee from an entity in which the insurer or the insurer's  
23 third-party administrator has a direct or indirect ownership,  
24 financial, or controlling interest.

25 (b) A violation of this subsection constitutes an unfair  
26 insurance trade practice under s. 626.9541(1)(d).

27 Section 2. Subsection (14) is added to section 636.035,  
28 Florida Statutes, to read:

29 636.035 Provider arrangements.—

30 (14) (a) A contract between a prepaid limited health service  
31 organization or the organization's third party administrator  
32 and:

33 1. An ophthalmologist licensed pursuant to chapter 458 or  
34 chapter 459 or an optometrist licensed pursuant to chapter 463  
35 may not require such licensee to:

36 a. Provide vision care services as a condition of  
37 participating as a provider of any other type of service to a  
38 subscriber; or

39 b. Purchase a material or service used by the licensee from



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40 an entity in which the organization or organization's third-  
41 party administrator has a direct or indirect ownership,  
42 financial, or controlling interest.

43 2. An optician licensed pursuant to part I of chapter 484  
44 may not require such licensee to purchase a material used by the  
45 licensee from an entity in which the organization or  
46 organization's third-party administrator has a direct or  
47 indirect ownership, financial, or controlling interest.

48 (b) A violation of this subsection constitutes an unfair  
49 insurance trade practice under s. 626.9541(1)(d).

50 Section 3. Subsection (12) is added to section 641.315,  
51 Florida Statutes, to read:

52 641.315 Provider contracts.—

53 (12) (a) A contract between a health maintenance  
54 organization or the organization's third-party administrator  
55 and:

56 1. An ophthalmologist licensed pursuant to chapter 458 or  
57 chapter 459 or an optometrist licensed pursuant to chapter 463  
58 may not require such licensee to:

59 a. Provide vision care services as a condition of  
60 participating as a provider of any other type of service to a  
61 subscriber; or

62 b. Purchase a material or service used by the licensee from  
63 an entity in which the organization or organization's third-  
64 party administrator has a direct or indirect ownership,  
65 financial, or controlling interest.

66 2. An optician licensed pursuant to part I of chapter 484  
67 may not require such licensee to purchase a material used by the  
68 licensee from an entity in which the organization or



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69 organization's third-party administrator has a direct or  
70 indirect ownership, financial, or controlling interest.

71 (b) A violation of this subsection constitutes an unfair  
72 insurance trade practice under s. 626.9541(1)(d).

73 Section 4. This act shall take effect July 1, 2015.

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76 ===== T I T L E A M E N D M E N T =====

77 And the title is amended as follows:

78 Delete everything before the enacting clause  
79 and insert:

80 A bill to be entitled  
81 An act relating to health provider contracts; amending  
82 ss. 627.6474, 636.035, and 641.315, F.S.; providing  
83 that a contract between a health insurer, a prepaid  
84 limited health service organization, or a health  
85 maintenance organization, respectively, or a third-  
86 party administrator thereof, and a licensed  
87 ophthalmologist or optometrist may not require the  
88 licensee to provide vision care services as a  
89 condition of providing any other service or to  
90 purchase certain materials or services from specified  
91 entities; providing that a contract between a health  
92 insurer, a prepaid limited health service  
93 organization, or a health maintenance organization,  
94 respectively, or a third-party administrator thereof,  
95 and a licensed optician may not require the licensee  
96 to purchase certain materials from specified entities;  
97 providing that a violation of the act's prohibitions



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constitutes a specified unfair insurance trade  
practice; providing an effective date.