

By the Committee on Banking and Insurance; and Senator Latvala

597-02407-15

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1                                   A bill to be entitled  
2       An act relating to health provider contracts; amending  
3       ss. 627.6474, 636.035, and 641.315, F.S.; providing  
4       that a contract between a health insurer, a prepaid  
5       limited health service organization, or a health  
6       maintenance organization, respectively, or a third-  
7       party administrator thereof, and a licensed  
8       ophthalmologist or optometrist may not require the  
9       licensee to provide vision care services as a  
10      condition of providing any other service or to  
11      purchase certain materials or services from specified  
12      entities; providing that a contract between a health  
13      insurer, a prepaid limited health service  
14      organization, or a health maintenance organization,  
15      respectively, or a third-party administrator thereof,  
16      and a licensed optician may not require the licensee  
17      to purchase certain materials from specified entities;  
18      providing that a violation of the act's prohibitions  
19      constitutes a specified unfair insurance trade  
20      practice; providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24       Section 1. Subsection (3) is added to section 627.6474,  
25 Florida Statutes, to read:

26       627.6474 Provider contracts.—

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

29       1. An ophthalmologist licensed pursuant to chapter 458 or

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

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

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

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

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

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

636.035 Provider arrangements.—

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

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

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

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

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59 an entity in which the organization or organization's third-  
60 party administrator has a direct or indirect ownership,  
61 financial, or controlling interest.

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

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

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

71 641.315 Provider contracts.—

72 (12) (a) A contract between a health maintenance  
73 organization or the organization's third-party administrator  
74 and:

75 1. An ophthalmologist licensed pursuant to chapter 458 or  
76 chapter 459 or an optometrist licensed pursuant to chapter 463  
77 may not require such licensee to:

78 a. Provide vision care services as a condition of  
79 participating as a provider of any other type of service to a  
80 subscriber; or

81 b. Purchase a material or service used by the licensee from  
82 an entity in which the organization or organization's third-  
83 party administrator has a direct or indirect ownership,  
84 financial, or controlling interest.

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

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

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

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