

1                                   A bill to be entitled  
 2           An act relating to health insurance coverage for  
 3           emergency services; creating s. 627.64194, F.S.;  
 4           defining terms; prohibiting coverage for emergency  
 5           services from requiring a prior authorization  
 6           determination; requiring such coverage to be provided  
 7           regardless of whether the service is furnished by a  
 8           participating or nonparticipating provider; specifying  
 9           coinsurance, copayment, limitation of benefits, and  
 10          reimbursement requirements for nonparticipating  
 11          providers; prohibiting a nonparticipating provider  
 12          from collecting or attempting to collect an amount in  
 13          excess of specified amounts; amending s. 641.513,  
 14          F.S.; revising the methodology for determining health  
 15          maintenance organization reimbursement amounts for  
 16          emergency services and care provided by certain  
 17          providers; providing an effective date.

18  
 19   Be It Enacted by the Legislature of the State of Florida:

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 21           Section 1.   Section 627.64194, Florida Statutes, is created  
 22   to read:

23           627.64194 Coverage for emergency services.—

24           (1) As used in this section, the term:

25           (a) "Coverage for emergency services" means the coverage  
 26   provided by a health insurance policy for "emergency services

27 and care" as defined in s. 641.47.

28 (b) "Participating provider" means a "preferred provider"  
29 as defined in s. 627.6471 and an "exclusive provider" as defined  
30 in s. 627.6472.

31 (2) Coverage for emergency services:

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

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

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

39 (d) Must reimburse a nonparticipating provider the greater  
40 of the following:

41 1. The amount negotiated with a provider who does not have  
42 a contract with the insurer for the service, reduced only by any  
43 coinsurance amount or copayment that applies to the provider;

44 2. The usual and customary reimbursement received by a  
45 provider for the same service in the community where the service  
46 was provided, reduced only by any coinsurance amount or  
47 copayment that applies to the provider; or

48 3. The amount that would be paid under Medicare for the  
49 service, reduced only by any coinsurance amount or copayment  
50 that applies to the provider.

51 (3) A nonparticipating provider may not be reimbursed an  
52 amount greater than that provided under paragraph (2) (d) and may

53 not collect or attempt to collect, directly or indirectly, any  
 54 excess amount.

55 Section 2. Subsection (5) of section 641.513, Florida  
 56 Statutes, is amended to read:

57 641.513 Requirements for providing emergency services and  
 58 care.—

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

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

63 (b) The usual and customary reimbursement received by a  
 64 provider ~~charges~~ for the same service ~~similar services~~ in the  
 65 community where the service was ~~services were~~ provided; or

66 (c) The amount negotiated with a provider who does not  
 67 have a contract with the health maintenance organization for the  
 68 service ~~charge mutually agreed to by the health maintenance~~  
 69 ~~organization and the provider within 60 days of the submittal of~~  
 70 ~~the claim.~~

71  
 72 Such reimbursement shall be net of any applicable copayment  
 73 authorized pursuant to subsection (4).

74 Section 3. This act shall take effect October 1, 2016.