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LEGISLATIVE ACTION

Senate	.	House
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Floor: 2/F/2R	.	
04/24/2019 11:42 AM	.	
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Senator Rodriguez moved the following:

Senate Substitute for Amendment (220604) (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Effective July 1, 2019, paragraph (b) of subsection (1) of section 624.438, Florida Statutes, is amended to read:

624.438 General eligibility.—

(1) To meet the requirements for issuance of a certificate of authority and to maintain a multiple-employer welfare

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arrangement, an arrangement:

(b)~~1.~~ Must be established by a bona fide group ~~trade association, industry association,~~ or ~~professional~~ association of employers as defined in 29 C.F.R. s. 2510.3-5 ~~or professionals~~ which has a constitution or bylaws specifically stating its purpose and which has been organized ~~and maintained in good faith for a continuous period of 1 year~~ for purposes in addition to ~~other than that of~~ obtaining or providing insurance.

~~2. Must not combine member employers from disparate trades, industries, or professions as defined by the appropriate licensing agencies, and must not combine member employers from more than one of the employer categories defined in sub-subparagraphs a.-c.~~

~~a. A trade association consists of member employers who are in the same trade as recognized by the appropriate licensing agency.~~

~~b. An industry association consists of member employers who are in the same major group code, as defined by the Standard Industrial Classification Manual issued by the federal Office of Management and Budget, unless restricted by sub-subparagraph a. or sub-subparagraph c.~~

~~c. A professional association consists of member employers who are of the same profession as recognized by the appropriate licensing agency.~~

The requirements of this paragraph ~~subparagraph~~ do not apply to an arrangement licensed before ~~prior to~~ April 1, 1995, regardless of the nature of its business. However, an arrangement exempt from the requirements of this paragraph

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~~subparagraph~~ may not expand the nature of its business beyond that set forth in the articles of incorporation of its sponsoring association as of April 1, 1995, except as authorized in this paragraph ~~subparagraph~~.

Section 2. Section 627.443, Florida Statutes, is created to read:

627.443 Essential health benefits.—

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

(a) "EHB-benchmark plan" has the same meaning as provided in 45 C.F.R. s. 156.20.

(b) "PPACA" has the same meaning as in s. 627.402.

(2) A health insurer or health maintenance organization issuing or delivering an individual or a group health insurance policy or health maintenance contract in this state may create a new health insurance policy or health maintenance contract that:

(a) Must include at least one service or coverage under each of the 10 essential health benefits categories under 42 U.S.C. s. 18022(b) which are required under PPACA;

(b) May fulfill the requirement in paragraph (a) by selecting one or more services or coverages for each of the required categories from the list of essential health benefits required by any single state or multiple states; and

(c) May comply with paragraphs (a) and (b) by selecting one or more services or coverages from any one or more of the required categories of essential health benefits from one state or multiple states.

(3) This section specifically authorizes an insurer or health maintenance organization to include any combination of services or coverages required by any one or a combination of


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states to provide the 10 categories of essential health benefits required under PPACA in a policy or contract issued in this state.

(4) Health insurance policies and health maintenance contracts created by health insurers and health maintenance organizations under this section:

(a) May be submitted to the office for consideration as part of the office's study of this state's essential health benefits benchmark plan; and

(b) May also be submitted to the office for evaluation as equivalent to the current state EHB-benchmark plan or to any EHB-benchmark plan created in the future.

Section 3. Section 627.6045, Florida Statutes, is repealed.

Section 4. Section 627.6046, Florida Statutes, is created to read:

627.6046 Preexisting conditions coverage.—

(1) As used in this section, the term "preexisting condition" means a condition that was present before the effective date of coverage under an individual health insurance policy, whether or not any medical advice, diagnosis, care, or treatment was recommended or received before the effective date of coverage. The term includes a condition identified as a result of a preenrollment questionnaire or physical examination given to the individual, or review of medical records relating to the preenrollment period.

(2) A nongrandfathered individual health insurance policy issued or delivered in this state may not exclude, limit, deny, or delay coverage due to a preexisting condition.

Section 5. Effective July 1, 2019, subsection (1) of


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section 627.6425, Florida Statutes, is amended to read:

627.6425 Renewability of individual coverage.—

(1) Except as otherwise provided in this section, an insurer that provides individual health insurance coverage to an individual shall renew or continue in force such coverage at the option of the individual. For the purpose of this section, the term "individual health insurance" means health insurance coverage, as described in s. 624.603, offered to an individual in this state, including certificates of coverage offered to individuals in this state as part of a group policy issued to an association outside this state, but the term does not include ~~short-term limited duration insurance or~~ excepted benefits specified in s. 627.6513(1)-(14).

Section 6. Effective July 1, 2019, section 627.6426, Florida Statutes, is created to read:

627.6426 Short-term health insurance.—

(1) For purposes of this part, the term "short-term health insurance" means health insurance coverage provided by an issuer with an expiration date specified in the contract which is less than 12 months after the original effective date of the contract and, taking into account renewals or extensions, has a duration not to exceed 36 months in total.

(2) All contracts for short-term health insurance entered into by an issuer and an individual seeking coverage:

(a) Must include the following disclosure:

"This coverage is not required to comply with certain federal market requirements for health insurance, including some requirements contained in the Patient Protection and Affordable


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Care Act. Your policy might also have lifetime and/or annual dollar limits on health benefits. If this coverage expires or you lose eligibility for this coverage, you might have to wait until an open enrollment period to get other health insurance coverage."

(b) May not exclude, limit, deny, or delay coverage due to a preexisting condition. As used in this paragraph, the term "preexisting condition" means a condition that was present before the effective date of coverage under a contract, whether or not any medical advice, diagnosis, care, or treatment was recommended or received before the effective date of coverage. The term includes a condition identified as a result of a preenrollment questionnaire or physical examination given to the individual, or review of medical records relating to the preenrollment period.

Section 7. Section 627.6525, Florida Statutes, is created to read:

627.6525 Short-term health insurance.—

(1) For purposes of this part, the term "short-term health insurance" means a group, blanket, or franchise policy of health insurance coverage provided by an issuer with an expiration date specified in the contract which is less than 12 months after the original effective date of the contract and, taking into account renewals or extensions, has a duration not to exceed 36 months in total.

(2) All contracts for short-term health insurance entered into by an issuer and a party seeking coverage:

(a) Must include the following disclosure:

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"This coverage is not required to comply with certain federal market requirements for health insurance, including some requirements contained in the Patient Protection and Affordable Care Act. Your policy might also have lifetime and/or annual dollar limits on health benefits. If this coverage expires or you lose eligibility for this coverage, you might have to wait until an open enrollment period to get other health insurance coverage."

(b) May not exclude, limit, deny, or delay coverage due to a preexisting condition. As used in this paragraph, the term "preexisting condition" means a condition that was present before the effective date of coverage under a contract, whether or not any medical advice, diagnosis, care, or treatment was recommended or received before the effective date of coverage. The term includes a condition identified as a result of a preenrollment questionnaire or physical examination given to the individual, or review of medical records relating to the preenrollment period.

Section 8. Effective July 1, 2019, subsection (1) of section 627.654, Florida Statutes, is amended to read:

627.654 Labor union, association, and small employer health alliance groups.—

(1)(a) A bona fide group or association of employers, as defined in 29 C.F.R. s. 2510.3-5, or a group of individuals may be insured under a policy issued to an association, including a labor union, which association has a constitution and bylaws ~~and not less than 25 individual members~~ and which has been organized ~~and has been maintained in good faith for a period of 1 year~~ for purposes in addition to ~~other than that of~~ obtaining insurance,

or to the trustees of a fund established by such an association, which association or trustees shall be deemed the policyholder, insuring at least 15 individual members of the association for the benefit of persons other than the officers of the association, the association, or trustees.

(b) A small employer, as defined in s. 627.6699 and including the employer's eligible employees and the spouses and dependents of such employees, may be insured under a policy issued to a small employer health alliance by a carrier as defined in s. 627.6699. ~~A small employer health alliance must be organized as a not-for-profit corporation under chapter 617. Notwithstanding any other law, if a small employer member of an alliance loses eligibility to purchase health care through the alliance solely because the business of the small employer member expands to more than 50 and fewer than 75 eligible employees, the small employer member may, at its next renewal date, purchase coverage through the alliance for not more than 1 additional year. A small employer health alliance shall establish conditions of participation in the alliance by a small employer, including, but not limited to:~~

~~1. Assurance that the small employer is not formed for the purpose of securing health benefit coverage.~~

~~2. Assurance that the employees of a small employer have not been added for the purpose of securing health benefit coverage.~~

Section 9. Section 627.65612, Florida Statutes, is created to read:

627.65612 Preexisting conditions coverage.—

(1) As used in this section, the term "preexisting

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condition" means a condition that was present before the effective date of coverage under a group health insurance policy, whether or not any medical advice, diagnosis, care, or treatment was recommended or received before the effective date of coverage. The term includes a condition identified as a result of a preenrollment questionnaire or physical examination given to the individual, or review of medical records relating to the preenrollment period.

(2) A group health insurance policy issued or delivered in this state may not exclude, limit, deny, or delay coverage due to a preexisting condition.

Section 10. Subsection (45) is added to section 641.31, Florida Statutes, to read:

641.31 Health maintenance contracts.—

(45)(a) As used in this subsection, the term "preexisting condition" means a condition that was present before the effective date of coverage under a health maintenance contract, whether or not any medical advice, diagnosis, care, or treatment was recommended or received before the effective date of coverage. The term includes a condition identified as a result of a preenrollment questionnaire or physical examination given to the individual, or review of medical records relating to the preenrollment period.

(b) A health maintenance contract issued or delivered in this state may not exclude, limit, deny, or delay coverage due to a preexisting condition.

Section 11. Study of state essential health benefits benchmark plan; report.—

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


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(a) "EHB-benchmark plan" has the same meaning as provided in 45 C.F.R. s. 156.20.

(b) "Office" means the Office of Insurance Regulation.

(2) The office shall conduct a study to evaluate this state's current EHB-benchmark plan for nongrandfathered individual and group health plans and options for changing the EHB-benchmark plan pursuant to 45 C.F.R. s. 156.111 for future plan years. In conducting the study, the office shall:

(a) Consider EHB-benchmark plans and benefits under the 10 essential health benefits categories established under 45 C.F.R. s. 156.110(a) which are used by the other 49 states;

(b) Compare the costs of benefits within such categories and overall costs of EHB-benchmark plans used by other states with the costs of benefits within the categories and overall costs of the current EHB-benchmark plan of this state; and

(c) Solicit and consider proposed individual and group health plans from health insurers and health maintenance organizations in developing recommendations for changes to the current EHB-benchmark plan.

(3) By October 30, 2019, the office shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which must include recommendations for changing the current EHB-benchmark plan to provide comprehensive care at a lower cost than this state's current EHB-benchmark plan. In its report, the office shall provide an analysis as to whether proposed health plans it receives under paragraph (2)(c) meet the requirements for an EHB-benchmark plan under 45 C.F.R. s. 156.111(b).

Section 12. If any provision of this act or its application

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to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 13. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to health plans; amending s. 624.438, F.S.; revising eligibility requirements for multiple-employer welfare arrangements; creating s. 627.443, F.S.; defining the terms "EHB-benchmark plan" and "PPACA"; authorizing health insurers and health maintenance organizations to create new health insurance policies and health maintenance contracts meeting certain criteria for essential health benefits under the federal Patient Protection and Affordable Care Act (PPACA); providing that such criteria may be met by certain means; providing construction; providing that such policies and contracts created by health insurers and health maintenance organizations may be submitted to the Office of Insurance Regulation for certain purposes; repealing s. 627.6045, F.S., relating to preexisting conditions; creating s.


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627.6046, F.S.; defining the term "preexisting condition"; prohibiting nongrandfathered individual health insurance policies, from excluding, limiting, denying, or delaying coverage due to preexisting conditions; amending s. 627.6425, F.S.; revising the definition of the term "individual health insurance" relating to renewability of individual coverage; creating ss. 627.6426 and 627.6525, F.S.; defining the term "short-term health insurance"; providing disclosure requirements for short-term individual, group, blanket, and franchise health insurance policies; prohibiting such contracts from excluding, limiting, denying, or delaying coverage due to preexisting conditions; amending s. 627.654, F.S.; revising requirements for, and applicability relating to, association and small employer policies; creating s. 627.65612, F.S.; defining the term "preexisting condition"; prohibiting group health insurance policies from excluding, limiting, denying, or delaying coverage due to preexisting conditions; amending s. 641.31, F.S.; defining the term "preexisting condition"; prohibiting health maintenance contracts from excluding, limiting, denying, or delaying coverage due to preexisting conditions; defining the terms "EHB-benchmark plan" and "office"; requiring the office to conduct a study evaluating this state's current benchmark plan for essential health benefits under PPACA and options for changing the benchmark plan for future plan years;

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requiring the office, in conducting the study, to consider plans and certain benefits used by other states and to compare costs with those of this state; requiring the office to solicit and consider proposed health plans from health insurers and health maintenance organizations in developing recommendations; requiring the office, by a certain date, to provide a report with certain recommendations and a certain analysis to the Governor and the Legislature; providing for severability; providing effective dates.