

By the Committee on Banking and Insurance; and Senator Simpson

597-03478-19

2019418c1

1 A bill to be entitled
2 An act relating to essential health benefits under
3 health plans; defining the terms "EHB-benchmark plan"
4 and "office"; requiring the Office of Insurance
5 Regulation to conduct a study evaluating this state's
6 current benchmark plan for essential health benefits
7 under the federal Patient Protection and Affordable
8 Care Act (PPACA) and options for changing the
9 benchmark plan for future plan years; requiring the
10 office, in conducting the study, to consider plans and
11 certain benefits used by other states and compare
12 costs with those of this state; requiring the office
13 to solicit and consider proposed health plans from
14 health insurers and health maintenance organizations
15 in developing recommendations; requiring the office,
16 by a certain date, to provide a report with certain
17 recommendations and a certain analysis to the Governor
18 and the Legislature; providing that health plans
19 created by health insurers and health maintenance
20 organizations may be submitted to the office for
21 certain purposes; creating s. 627.443, F.S.; defining
22 the terms "EHB-benchmark plan" and "PPACA";
23 authorizing health insurers and health maintenance
24 organizations to create new health insurance policies
25 and health maintenance contracts meeting certain
26 criteria for essential health benefits under PPACA;
27 providing that such criteria may be met by certain
28 means; providing construction; providing that such
29 policies and contracts created by health insurers and

597-03478-19

2019418c1

30 health maintenance organizations may be submitted to
31 the office for certain purposes; providing an
32 effective date.
33

34 Be It Enacted by the Legislature of the State of Florida:
35

36 Section 1. Study of state essential health benefits
37 benchmark plan; report.-

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

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

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

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

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

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

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

58 (3) By October 30, 2019, the office shall submit a report

597-03478-19

2019418c1

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

67 (4) Health plans created by health insurers and health
68 maintenance organizations under this section:

69 (a) May be submitted to the office for consideration as
70 part of the study under this section; and

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

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

76 627.443 Essential health benefits.—

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

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

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

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

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

597-03478-19

2019418c1

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

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

96 (3) This section specifically authorizes an insurer or
97 health maintenance organization to include any combination of
98 services or coverages required by any one or a combination of
99 states to provide the 10 categories of essential health benefits
100 required under PPACA in a policy or contract issued in this
101 state.

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

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

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

111 Section 3. This act shall take effect upon becoming a law.