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CS/CS/HB 747, Engrossed 1

2020 Legislature

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 2 An act relating to coverage for air ambulance
 3 services; creating ss. 627.42397 and 641.514, F.S.;
 4 providing definitions; requiring health insurers and
 5 health maintenance organizations, respectively, to
 6 provide reasonable reimbursement to air ambulance
 7 services for certain covered services; providing that
 8 such reimbursement may be reduced only by certain
 9 amounts; providing that payment in full of copayments,
 10 coinsurance, and deductibles by insureds and
 11 subscribers, respectively, constitutes accord and
 12 satisfaction and release of specified claims in
 13 connection with air ambulance services; providing
 14 construction; providing a directive to the Division of
 15 Law Revision; providing nonseverability; providing an
 16 effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. Section 627.42397, Florida Statutes, is created
 21 to read:

22 627.42397 Coverage for air ambulance services.-

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

24 (a) "Air ambulance service" has the same meaning as
 25 provided in s. 401.23.

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26 (b) "Health insurer" means an authorized insurer offering
 27 health insurance as defined in s. 624.603.

28 (c) "Reasonable reimbursement" means reimbursement that
 29 considers the direct cost to provide the air ambulance
 30 transportation service to the insured, the operation of an air
 31 ambulance service by a county which operates entirely within a
 32 designated area of critical state concern as determined by the
 33 Department of Economic Opportunity, and in-network reimbursement
 34 established by the health insurer for the specific policy. The
 35 term does not include the amount of billed charges for the cost
 36 of services rendered.

37 (2) A health insurance policy must require a health
 38 insurer to provide reasonable reimbursement to an air ambulance
 39 service for covered nonemergency and emergency services provided
 40 to an insured in accordance with the coverage terms of the
 41 policy. Such reasonable reimbursement may be reduced only by
 42 applicable copayments, coinsurance, and deductibles. Payment in
 43 full by the insured of his or her applicable copayment,
 44 coinsurance, or deductible constitutes an accord and
 45 satisfaction of, and constitutes a release of, any claim for
 46 additional moneys owed by the insured to the health insurer or
 47 to any person or entity in connection with the air ambulance
 48 service.

49 Section 2. Section 641.514, Florida Statutes, is created
 50 to read:

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51 641.514 Coverage for air ambulance services.—
 52 (1) As used in this section, the term:
 53 (a) "Air ambulance service" has the same meaning as
 54 provided in s. 401.23.
 55 (b) "Health maintenance organization" has the same meaning
 56 as provided in s. 641.19(12).
 57 (c) "Reasonable reimbursement" means reimbursement that
 58 considers the direct cost to provide the air ambulance
 59 transportation service to the subscriber, the operation of an
 60 air ambulance service by a county which operates entirely within
 61 a designated area of critical state concern as determined by the
 62 Department of Economic Opportunity, and in-network reimbursement
 63 established by the health maintenance organization for the
 64 specific contract. The term does not include the amount of
 65 billed charges for the cost of services rendered.
 66 (2) A health maintenance contract must require a health
 67 maintenance organization to provide reasonable reimbursement to
 68 an air ambulance service for covered nonemergency and emergency
 69 services provided to a subscriber in accordance with the
 70 coverage terms of the contract. Such reasonable reimbursement
 71 may be reduced only by applicable copayments, coinsurance, and
 72 deductibles. Payment in full by the subscriber of his or her
 73 applicable copayment, coinsurance, or deductible constitutes an
 74 accord and satisfaction of, and constitutes a release of, any
 75 claim for additional moneys owed by the subscriber to the health

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76 | maintenance organization or to any person or entity in
77 | connection with the air ambulance service.

78 | Section 3. Nothing in this act shall be construed to give
79 | retroactive application or to impair any contract existing
80 | before or on the effective date of this act, or to otherwise
81 | restrict the ability of an air ambulance service, as defined in
82 | s. 401.23, Florida Statutes, to contract to provide nonemergency
83 | and emergency services.

84 | Section 4. The Division of Law Revision is directed to
85 | replace the phrase "the effective date of this act" wherever it
86 | occurs in this act with the date this act becomes a law.

87 | Section 5. If any provision of section 627.42397, Florida
88 | Statutes, or section 641.514, Florida Statutes, as created by
89 | this act, is determined to be invalid or inoperative for any
90 | reason, the remaining provisions thereof shall be deemed to be
91 | void and of no effect. To this end, the Legislature declares
92 | that it would not have enacted any of the provisions of section
93 | 627.42397, Florida Statutes, or section 641.514, Florida
94 | Statutes, individually and expressly finds them not to be
95 | severable.

96 | Section 6. This act shall take effect upon becoming a law.