

By Senator Hooper

21-01097A-23

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1 A bill to be entitled

2 An act relating to the payment of health insurance
3 claims; amending ss. 627.6131 and 641.3155, F.S.;
4 prohibiting a health insurer or health maintenance
5 organization from retroactively denying a claim at any
6 time because of ineligibility of the insured or
7 subscriber, respectively; specifying an exception;
8 providing applicability; providing an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Subsection (11) of section 627.6131, Florida
13 Statutes, is amended to read:

14 627.6131 Payment of claims.—

15 (11) A health insurer may not retroactively deny a claim
16 because of insured ineligibility at any time, except a health
17 insurer may retroactively deny a claim for insured ineligibility
18 within 1 year after the date of payment of the claim if the
19 provider was convicted of fraud pursuant to s. 817.234. This
20 subsection applies to policies entered into or renewed on or
21 after January 1, 2024 ~~more than 1 year after the date of payment~~
22 ~~of the claim.~~

23 Section 2. Subsection (10) of section 641.3155, Florida
24 Statutes, is amended to read:

25 641.3155 Prompt payment of claims.—

26 (10) A health maintenance organization may not
27 retroactively deny a claim because of subscriber ineligibility
28 at any time, except a health maintenance organization may
29 retroactively deny a claim for subscriber ineligibility within 1

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30 year after the date of payment of the claim if the provider was
31 convicted of fraud pursuant to s. 817.234. This subsection
32 applies to contracts entered into or renewed on or after January
33 1, 2024 ~~more than 1 year after the date of payment of the claim.~~

34 Section 3. This act shall take effect July 1, 2023.