

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Banking and Insurance

BILL: SB 944

INTRODUCER: Senator Davis

SUBJECT: Insurance Overpayment Claims Submitted to Psychologists

DATE: March 7, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Knudson	BI	Pre-meeting
2.			HP	
3.			RC	

I. Summary:

SB 944 reduces from 30 months to 12 months the timeframe for an insurer to submit claims for overpayment to a licensed psychologist. The reduction in the look back period results in licensed psychologists being subject to the same 12-month lookback period for insurer overpayments as health care providers licensed under chs. 458 (medical practice), 459 (osteopathic medicine), 460 (chiropractic medicine), 461 (podiatric medicine), or 466 (dentistry), F.S.

II. Present Situation:

State Regulation of Insurance

The Office of Insurance Regulation (OIR),¹ is responsible for all activities concerning health maintenance organizations (HMOs), health insurers and other risk-bearing entities, including licensing, rates, policy forms, market conduct, claims, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Florida Insurance Code.² To transact business in Florida, a health insurer or HMO must obtain a certificate of authority from the OIR.³ The Agency for Health Administration (agency) regulates the quality of care provided by HMOs under part III of ch. 641, F.S. Prior to receiving a certificate of authority from the OIR, an HMO must receive a Health Care Provider Certificate from the agency.⁴ As part of the certification process used by the agency, an HMO must provide

¹ The OIR is a unit under the Financial Services Commission, which is composed of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture. Commission members serve as the agency head for purposes of rulemaking under ch. 120, F.S. See s. 20.121(3), F.S.

² Section 20.121(3)(a), F.S.

³ Sections 624.401 and 641.49, F.S.

⁴ Section 641.495, F.S.

information to demonstrate that the HMO has the ability to provide quality of care consistent with the prevailing standards of care.⁵

Payment of Health Insurer and HMO Claims

The Florida Insurance Code⁶ prescribes the rights and responsibilities of health care providers, health insurers, and HMOs for the payment of claims. Florida's prompt payment laws govern payment of provider claims submitted to insurers and HMOs, including Medicaid managed care plans, in accordance with ss. 627.6131, 627.662, and 641.3155, F.S., respectively.⁷ The law prescribes a protocol for specified providers to use for the submission of their claims to an insurer or HMO, as well as a statutory process for insurers or HMOs to use for the payment or denial of the claims.

Generally, an insurer or HMO claim for overpayment must be submitted to a provider within 30 months after the payment of the claim by an insurer or HMO.⁸ A provider must pay, deny, or contest the claim for overpayment of a health insurer or HMO within 40 days after receiving the claim. All contested claims for overpayment must be paid or denied by an insurer or HMO within 120 days after receiving the claim.⁹ Failure to pay or deny overpayment and claim within 140 days after receipt creates an uncontestable obligation to pay the claim.¹⁰ A claim for overpayment is not permitted beyond 30 months after the health insurer's or HMO's payment of a claim, except that claims for overpayment may be sought beyond that time from providers convicted of fraud pursuant to s. 817.234, F.S.¹¹

Section 627.6131(18), F.S., provides an exception to the period of 30 months for an insurer to submit a claim for overpayment to a provider.¹² All claims for overpayment submitted to a provider licensed under chs. 458 (medical practice), 459 (osteopathic medicine), 460 (chiropractic medicine), 461 (podiatric medicine), or 466 (dentistry), F.S., must be submitted to the provider within 12 months after the health insurer's payment of the claim. A claim for overpayment may not be permitted after 12 months except that claims for overpayment may be sought beyond that time from providers convicted of fraud pursuant to s. 817.234, F.S.

Division of State Group Insurance Program

Under the authority of s. 110.123, F.S., the Department of Management Services (DMS), through the Division of State Group Insurance, administers the state group health insurance program under a cafeteria plan consistent with s. 125, Internal Revenue Code. To administer the state group health insurance program, DMS contracts with third party administrators for self-insured

⁵ *Id.*

⁶ Pursuant to s. 624.01, F.S., chs. 624-632, 634, 635, 636, 641, 642, 648, and 651 constitute the "Florida Insurance Code."

⁷ The prompt pay provisions apply to HMO contracts and major medical policies offered by individual and group insurers licensed under ch. 624, F.S.

⁸ Section 627.6131(6), F.S., and s. 641.3155(5) F.S., for HMO provision.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² See s. 641.3155(16), F.S., for HMO provision.

health plans and insured plans, as well as a pharmacy benefits manager for the state employees' self-insured prescription drug program pursuant to s. 110.12315, F.S.

Oversight of the Practice of Psychology in Florida

The Board of Psychology within the Department of Health is the state's regulatory board for the practice of psychology under the Psychological Services Act.¹³ The "practice of psychology" means the observations, description, evaluation, interpretation, and modification of human behavior, by the use of scientific and applied psychological principles, methods, and procedures, for the purpose of describing, preventing, alleviating, or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal behavioral health and mental or psychological health.¹⁴ Chapter 490, F.S., prescribes the requirements for an individual to be licensed as a psychologist.¹⁵

III. Effect of Proposed Changes:

Section 1 amends s. 627.6131, F.S., relating to the payment of claims, to add a provider licensed under ch. 490, F.S., (psychologists) to the list of health care providers to whom an insurer must submit a claim for overpayment within 12 months instead of 30 months after payment of the claim.

Section 2 provides that the amendments made in this act to s. 627.6131(18), F.S., apply to claims for services provided on or after October 1, 2025.

Section 3 provides the bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

¹³ Sections 490.001 and 490.004, F.S.

¹⁴ Section 490.003(4), F.S.

¹⁵ Section 490.003(7), F.S., defines a psychologist as a person licensed pursuant to s. 490.005(1), F.S., s. 490.006, F.S., or the provision identified as s. 490.013(2), F.S., in s. 1, ch. 81-235, Laws of Florida.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill reduces the look back period for an insurer to submit claims to psychologists from 30 months to 12 months. According to advocates of the bill, the reduction in the look back period may lead to increased participation by some psychologists in insurer networks, thereby resulting in improved access to mental health care for insured patients.¹⁶

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

The bill amends s. 627.6131, F.S., relating to the payment of claims by insurers. However, the bill does not amend s. 641.3155, F.S., relating to the payment of claims by health maintenance organizations.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 627.6131 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

¹⁶ Florida Psychological Association, Reduce the lookback period for psychologists to increase access to mental health (on file with Senate Committee on Banking and Insurance).

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
