CS/HB 769 2015

1 A bill to be entitled 2 An act relating to health provider contracts; amending 3 ss. 627.6474, 636.035, and 641.315, F.S.; providing 4 that a contract between a health insurer, a prepaid 5 limited health service organization, or a health 6 maintenance organization, respectively, or a third-7 party administrator thereof, and a licensed 8 ophthalmologist or optometrist may not require the 9 licensee to provide vision care services as a 10 condition of providing any other service or to purchase certain materials or services from specified 11 12 entities; providing that a contract between a health 13 insurer, a prepaid limited health service organization, or a health maintenance organization, 14 15 respectively, or a third-party administrator thereof, and a licensed optician may not require the licensee 16 to purchase certain materials from specified entities; 17 providing that a violation constitutes an unfair 18 19 insurance trade practice and an unfair or deceptive 20 act or practice; providing applicability; providing an 21 effective date. 23 Be It Enacted by the Legislature of the State of Florida: 24 25

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Subsection (3) is added to section 627.6474, Section 1. Florida Statutes, to read:

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27	627.6474 Provider contracts
28	(3)(a) A contract between a health insurer or the
29	insurer's third party administrator and:
30	1. An ophthalmologist licensed pursuant to chapter 458 or
31	chapter 459 or an optometrist licensed pursuant to chapter 463
32	may not require the licensee to:
33	a. Provide vision care services as a condition of
34	participating as a provider of any other type of service to an
35	insured; or
36	b. Purchase a material or service used by the licensee
37	from an entity in which the insurer or the insurer's third-party
38	administrator has a direct or indirect ownership, financial, or
39	controlling interest.
40	2. An optician licensed pursuant to part I of chapter 484
41	may not require the licensee to purchase a material used by the
42	licensee from an entity in which the insurer or the insurer's
43	administrator has a direct or indirect ownership, financial, or
44	controlling interest.
45	(b) A violation of this subsection constitutes:
46	1. An unfair insurance trade practice under s.
47	626.9541(1)(d).
48	2. An unfair or deceptive act or practice under the
49	Florida Deceptive and Unfair Trade Practices Act. A violator may
50	be subject to civil and administrative action by an enforcing

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This subsection applies to all contracts entered into

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authority under part II of chapter 501.

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53	or renewed on or after July 1, 2015.
54	Section 2. Subsection (14) is added to section 636.035,
55	Florida Statutes, to read:
56	636.035 Provider arrangements.—
57	(14)(a) A contract between a prepaid limited health
58	service organization or the organization's third party
59	administrator and:
50	1. An ophthalmologist licensed pursuant to chapter 458 or
51	chapter 459 or an optometrist licensed pursuant to chapter 463
52	may not require the licensee to:
53	a. Provide vision care services as a condition of
54	participating as a provider of any other type of service to a
55	subscriber; or
56	b. Purchase a material or service used by the licensee
57	from an entity in which the organization or the organization's
58	third-party administrator has a direct or indirect ownership,
59	financial, or controlling interest.
70	2. An optician licensed pursuant to part I of chapter 484
71	may not require the licensee to purchase a material used by the
72	licensee from an entity in which the organization or the
73	organization's administrator has a direct or indirect ownership,
7 4	financial, or controlling interest.
75	(b) A violation of this subsection constitutes:
76	1. An unfair insurance trade practice under s.
77	626.9541(1)(d).
78	2. An unfair or deceptive act or practice under the

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79	Florida Deceptive and Unfair Trade Practices Act. A violator mag	У
80	be subject to civil and administrative action by an enforcing	
81	authority under part II of chapter 501.	

- (c) This subsection applies to all contracts entered into or renewed on or after July 1, 2015.
- Section 3. Subsection (12) is added to section 641.315, Florida Statutes, to read:
 - 641.315 Provider contracts.—

- (12)(a) A contract between a health maintenance
 organization or the organization's third party administrator
 and:
- 1. An ophthalmologist licensed pursuant to chapter 458 or chapter 459 or an optometrist licensed pursuant to chapter 463 may not require the licensee to:
- <u>a. Provide vision care services as a condition of</u>

 participating as a provider of any other type of service to a subscriber; or
- b. Purchase a material or service used by the licensee from an entity in which the organization or the organization's third-party administrator has a direct or indirect ownership, financial, or controlling interest.
- 2. An optician licensed pursuant to part I of chapter 484 may not require the licensee to purchase a material used by the licensee from an entity in which the organization or the organization's administrator has a direct or indirect ownership, financial, or controlling interest.

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103	(b) A violation of this subsection constitutes:
106	1. An unfair insurance trade practice under s.
107	626.9541(1)(d).
108	2. An unfair or deceptive act or practice under the
109	Florida Deceptive and Unfair Trade Practices Act. A violator may
110	be subject to civil and administrative action by an enforcing
111	authority under part II of chapter 501.
112	(c) This subsection applies to all contracts entered into
113	or renewed on or after July 1, 2015.
114	Section 4. This act shall take effect July 1, 2015.

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