

LEGISLATIVE ACTION

Senate Comm: RCS 03/17/2015 House

The Committee on Banking and Insurance (Montford) recommended the following:

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Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

627.6474 Provider contracts.-

(3) (a) A contract between a health insurer or the insurer's third-party administrator and:

1. An ophthalmologist licensed pursuant to chapter 458 or

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17an entity in which the insurer or the insurer's third-party18administrator has a direct or indirect ownership, financial, or19controlling interest.202. An optician licensed pursuant to part I of chapter 48421may not require such licensee to purchase a material used by the22licensee from an entity in which the insurer or the insurer's23third-party administrator has a direct or indirect ownership,24financial, or controlling interest.25(b) A violation of this subsection constitutes an unfair26insurance trade practice under s. 626.9541(1)(d).27Section 2. Subsection (14) is added to section 636.035,28Florida Statutes, to read:29636.035 Provider arrangements30(14) (a) A contract between a prepaid limited health service311. An ophthalmologist licensed pursuant to chapter 458 or331. An ophthalmologist licensed pursuant to chapter 46334chapter 459 or an optometrist licensed pursuant to chapter 46335may not require such license to:36a. Provide vision care services as a condition of37participating as a provider of any other type of service to a38subscriber; or	11	chapter 459 or an optometrist licensed pursuant to chapter 463
14participating as a provider of any other type of service to an15insured; or16b. Purchase a material or service used by the licensee from17an entity in which the insurer or the insurer's third-party18administrator has a direct or indirect ownership, financial, or19controlling interest.202. An optician licensed pursuant to part I of chapter 48421may not require such licensee to purchase a material used by the22licensee from an entity in which the insurer or the insurer's23third-party administrator has a direct or indirect ownership,24financial, or controlling interest.25(b) A violation of this subsection constitutes an unfair26insurance trade practice under s. 626.9541(1)(d).27Section 2. Subsection (14) is added to section 636.035,28Florida Statutes, to read:29636.035 Provider arrangements30(14) (a) A contract between a prepaid limited health service331. An ophthalmologist licensed pursuant to chapter 458 or34chapter 459 or an optometrist licensed pursuant to chapter 46335may not require such licensee to:36a. Provide vision care services as a condition of37participating as a provider of any other type of service to a38subscriber; or	12	may not require such licensee to:
15 insured; or 16 b. Purchase a material or service used by the licensee from 17 an entity in which the insurer or the insurer's third-party 18 administrator has a direct or indirect ownership, financial, or 19 controlling interest. 20 2. An optician licensed pursuant to part I of chapter 484 21 may not require such licensee to purchase a material used by the 22 licensee from an entity in which the insurer or the insurer's 23 third-party administrator has a direct or indirect ownership, 44 financial, or controlling interest. 25 (b) A violation of this subsection constitutes an unfair 26 insurance trade practice under s. 626.9541(1)(d). 27 Section 2. Subsection (14) is added to section 636.035, 28 Florida Statutes, to read: 20 organization or the organization's third party administrator 31 1. An ophthalmologist licensed pursuant to chapter 458 or 32 chapter 459 or an optometrist licensed pursuant to chapter 463 33 any not require such licensee to: 34 a. Provide vision care services as a condition of 35 participating as a provider of any other type of service to a 38 subscriber; or	13	a. Provide vision care services as a condition of
16b. Purchase a material or service used by the licensee from17an entity in which the insurer or the insurer's third-party18administrator has a direct or indirect ownership, financial, or19controlling interest.202. An optician licensed pursuant to part I of chapter 48421may not require such licensee to purchase a material used by the22licensee from an entity in which the insurer or the insurer's23third-party administrator has a direct or indirect ownership,24financial, or controlling interest.25(b) A violation of this subsection constitutes an unfair26insurance trade practice under s. 626.9541(1)(d).27Section 2. Subsection (14) is added to section 636.035,28Florida Statutes, to read:29636.035 Provider arrangements30(14) (a) A contract between a prepaid limited health service311. An ophthalmologist licensed pursuant to chapter 458 or33and:34chapter 459 or an optometrist licensed pursuant to chapter 46335may not require such license to:36a. Provide vision care services as a condition of37participating as a provider of any other type of service to a38subscriber; or	14	participating as a provider of any other type of service to an
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18administrator has a direct or indirect ownership, financial, or controlling interest.202. An optician licensed pursuant to part I of chapter 48421may not require such licensee to purchase a material used by the licensee from an entity in which the insurer or the insurer's third-party administrator has a direct or indirect ownership, financial, or controlling interest.25(b) A violation of this subsection constitutes an unfair insurance trade practice under s. 626.9541(1)(d).27Section 2. Subsection (14) is added to section 636.035, Florida Statutes, to read: 0 636.035 Provider arrangements30(14) (a) A contract between a prepaid limited health service 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 such license to: a. Provide vision care services as a condition of participating as a provider of any other type of service to a subscriber; or	16	b. Purchase a material or service used by the licensee from
<pre>controlling interest. 20 2. An optician licensed pursuant to part I of chapter 484 21 may not require such licensee to purchase a material used by the 22 licensee from an entity in which the insurer or the insurer's 33 third-party administrator has a direct or indirect ownership, 4 financial, or controlling interest. 25 (b) A violation of this subsection constitutes an unfair 26 insurance trade practice under s. 626.9541(1)(d). 27 Section 2. Subsection (14) is added to section 636.035, 28 Florida Statutes, to read: 29 636.035 Provider arrangements 30 (14)(a) A contract between a prepaid limited health service 31 organization or the organization's third party administrator 32 and: 33 1. An ophthalmologist licensed pursuant to chapter 458 or 34 chapter 459 or an optometrist licensed pursuant to chapter 463 35 may not require such licensee to: 36 a. Provide vision care services as a condition of 37 participating as a provider of any other type of service to a 38 subscriber; or</pre>	17	an entity in which the insurer or the insurer's third-party
 20 2. An optician licensed pursuant to part I of chapter 484 21 may not require such licensee to purchase a material used by the 22 licensee from an entity in which the insurer or the insurer's 23 third-party administrator has a direct or indirect ownership, 24 financial, or controlling interest. 25 (b) A violation of this subsection constitutes an unfair 26 insurance trade practice under s. 626.9541(1)(d). 27 Section 2. Subsection (14) is added to section 636.035, 28 Florida Statutes, to read: 29 636.035 Provider arrangements 30 (14) (a) A contract between a prepaid limited health service 31 organization or the organization's third party administrator 33 1. An ophthalmologist licensed pursuant to chapter 458 or 34 chapter 459 or an optometrist licensed pursuant to chapter 463 35 may not require such licensee to: 36 a. Provide vision care services as a condition of 37 participating as a provider of any other type of service to a 38 subscriber; or 	18	administrator has a direct or indirect ownership, financial, or
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1 licensee from an entity in which the insurer or the insurer's third-party administrator has a direct or indirect ownership, financial, or controlling interest. (b) A violation of this subsection constitutes an unfair insurance trade practice under s. 626.9541(1)(d). Section 2. Subsection (14) is added to section 636.035, Florida Statutes, to read: 636.035 Provider arrangements (14) (a) A contract between a prepaid limited health service organization or the organization's third party administrator 1. An ophthalmologist licensed pursuant to chapter 458 or chapter 459 or an optometrist licensed pursuant to chapter 463 may not require such licensee to: a. Provide vision care services as a condition of participating as a provider of any other type of service to a	20	2. An optician licensed pursuant to part I of chapter 484
third-party administrator has a direct or indirect ownership, financial, or controlling interest. (b) A violation of this subsection constitutes an unfair insurance trade practice under s. 626.9541(1)(d). Section 2. Subsection (14) is added to section 636.035, Florida Statutes, to read: 636.035 Provider arrangements (14) (a) A contract between a prepaid limited health service 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 such licensee to: a. Provide vision care services as a condition of participating as a provider of any other type of service to a subscriber; or	21	may not require such licensee to purchase a material used by the
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insurance trade practice under s. 626.9541(1)(d). Section 2. Subsection (14) is added to section 636.035, Florida Statutes, to read: 636.035 Provider arrangements (14)(a) A contract between a prepaid limited health service organization or the organization's third party administrator and: <u>1. An ophthalmologist licensed pursuant to chapter 458 or</u> chapter 459 or an optometrist licensed pursuant to chapter 463 may not require such 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 <u>subscriber; or</u>	24	financial, or controlling interest.
Section 2. Subsection (14) is added to section 636.035, Florida Statutes, to read: 636.035 Provider arrangements (14) (a) A contract between a prepaid limited health service organization or the organization's third party administrator and: <u>1. An ophthalmologist licensed pursuant to chapter 458 or chapter 459 or an optometrist licensed pursuant to chapter 463 may not require such 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 <u>subscriber; or</u></u>	25	(b) A violation of this subsection constitutes an unfair
Florida Statutes, to read: 636.035 Provider arrangements (14) (a) A contract between a prepaid limited health service 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 such licensee to: a. Provide vision care services as a condition of participating as a provider of any other type of service to a subscriber; or	26	insurance trade practice under s. 626.9541(1)(d).
636.035 Provider arrangements (14) (a) A contract between a prepaid limited health service 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 such licensee to: a. Provide vision care services as a condition of participating as a provider of any other type of service to a subscriber; or	27	Section 2. Subsection (14) is added to section 636.035,
30 <u>(14) (a) A contract between a prepaid limited health service</u> 31 organization or the organization's third party administrator 32 and: 33 <u>1. An ophthalmologist licensed pursuant to chapter 458 or</u> 34 <u>chapter 459 or an optometrist licensed pursuant to chapter 463</u> 35 <u>may not require such licensee to:</u> 36 <u>a. Provide vision care services as a condition of</u> 37 <u>participating as a provider of any other type of service to a</u> 38 <u>subscriber; or</u>	28	Florida Statutes, to read:
<pre>31 organization or the organization's third party administrator 32 and: 33 1. An ophthalmologist licensed pursuant to chapter 458 or 34 chapter 459 or an optometrist licensed pursuant to chapter 463 35 may not require such licensee to: 36 a. Provide vision care services as a condition of 37 participating as a provider of any other type of service to a 38 subscriber; or</pre>	29	636.035 Provider arrangements
32 <u>and:</u> 33 <u>1. An ophthalmologist licensed pursuant to chapter 458 or</u> 34 <u>chapter 459 or an optometrist licensed pursuant to chapter 463</u> 35 <u>may not require such licensee to:</u> 36 <u>a. Provide vision care services as a condition of</u> 37 <u>participating as a provider of any other type of service to a</u> 38 <u>subscriber; or</u>	30	(14) (a) A contract between a prepaid limited health service
33 <u>1. An ophthalmologist licensed pursuant to chapter 458 or</u> 34 <u>chapter 459 or an optometrist licensed pursuant to chapter 463</u> 35 <u>may not require such licensee to:</u> 36 <u>a. Provide vision care services as a condition of</u> 37 <u>participating as a provider of any other type of service to a</u> 38 <u>subscriber; or</u>	31	organization or the organization's third party administrator
34 <u>chapter 459 or an optometrist licensed pursuant to chapter 463</u> 35 <u>may not require such licensee to:</u> 36 <u>a. Provide vision care services as a condition of</u> 37 <u>participating as a provider of any other type of service to a</u> 38 <u>subscriber; or</u>	32	and:
35 <u>may not require such licensee to:</u> 36 <u>a. Provide vision care services as a condition of</u> 37 <u>participating as a provider of any other type of service to a</u> 38 <u>subscriber; or</u>	33	1. An ophthalmologist licensed pursuant to chapter 458 or
36 <u>a. Provide vision care services as a condition of</u> 37 <u>participating as a provider of any other type of service to a</u> 38 <u>subscriber; or</u>	34	chapter 459 or an optometrist licensed pursuant to chapter 463
<pre>37 participating as a provider of any other type of service to a 38 subscriber; or</pre>	35	may not require such licensee to:
38 <u>subscriber; or</u>	36	a. Provide vision care services as a condition of
	37	participating as a provider of any other type of service to a
39 b Purchase a material or service used by the licensee from	38	subscriber; or
5. ratemase a material of service used by the ritemsee from	39	b. Purchase a material or service used by the licensee from

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40	an entity in which the organization or organization's third-
41	party administrator has a direct or indirect ownership,
42	financial, or controlling interest.
43	2. An optician licensed pursuant to part I of chapter 484
44	may not require such licensee to purchase a material used by the
45	licensee from an entity in which the organization or
46	organization's third-party administrator has a direct or
47	indirect ownership, financial, or controlling interest.
48	(b) A violation of this subsection constitutes an unfair
49	insurance trade practice under s. 626.9541(1)(d).
50	Section 3. Subsection (12) is added to section 641.315,
51	Florida Statutes, to read:
52	641.315 Provider contracts
53	(12) (a) A contract between a health maintenance
54	organization or the organization's third-party administrator
55	and:
56	1. An ophthalmologist licensed pursuant to chapter 458 or
57	chapter 459 or an optometrist licensed pursuant to chapter 463
58	may not require such licensee to:
59	a. Provide vision care services as a condition of
60	participating as a provider of any other type of service to a
61	subscriber; or
62	b. Purchase a material or service used by the licensee from
63	an entity in which the organization or organization's third-
64	party administrator has a direct or indirect ownership,
65	financial, or controlling interest.
66	2. An optician licensed pursuant to part I of chapter 484
67	may not require such licensee to purchase a material used by the
68	licensee from an entity in which the organization or

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69	organization's third-party administrator has a direct or
70	indirect ownership, financial, or controlling interest.
71	(b) A violation of this subsection constitutes an unfair
72	insurance trade practice under s. 626.9541(1)(d).
73	Section 4. This act shall take effect July 1, 2015.
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76	=========== T I T L E A M E N D M E N T =================================
77	And the title is amended as follows:
78	Delete everything before the enacting clause
79	and insert:
80	A bill to be entitled
81	An act relating to health provider contracts; amending
82	ss. 627.6474, 636.035, and 641.315, F.S.; providing
83	that a contract between a health insurer, a prepaid
84	limited health service organization, or a health
85	maintenance organization, respectively, or a third-
86	party administrator thereof, and a licensed
87	ophthalmologist or optometrist may not require the
88	licensee to provide vision care services as a
89	condition of providing any other service or to
90	purchase certain materials or services from specified
91	entities; providing that a contract between a health
92	insurer, a prepaid limited health service
93	organization, or a health maintenance organization,
94	respectively, or a third-party administrator thereof,
95	and a licensed optician may not require the licensee
96	to purchase certain materials from specified entities;
97	providing that a violation of the act's prohibitions

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98 constitutes a specified unfair insurance trade 99 practice; providing an effective date.