

By Senator Baxley

12-00899-18

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1                   A bill to be entitled  
2           An act relating to a patient's choice of providers;  
3           providing a short title; providing definitions;  
4           prohibiting a health insurer from excluding a willing  
5           and qualified health care provider from participating  
6           in the health insurer's provider network under certain  
7           circumstances; providing an effective date.

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

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11           Section 1. Patient's choice of providers; discrimination  
12 against willing and qualified health care providers prohibited.-

13           (1) This section may be cited as the "Patient's Freedom of  
14 Choice of Providers Act."

15           (2) For purposes of this section, the term:

16           (a) "Health care provider" means a health care professional  
17 licensed under chapter 458; chapter 459; chapter 460; chapter  
18 461; chapter 463; chapter 464; chapter 465; chapter 466; part I,  
19 part III, part IV, part V, or part X of chapter 468; chapter  
20 483; chapter 484; chapter 486; chapter 490; or chapter 491,  
21 Florida Statutes.

22           (b) "Health insurance plan" means health benefits coverage  
23 under the following:

24           1. A health plan offered by any certified health  
25 maintenance organization or authorized health insurer, except a  
26 plan that is limited to the following: a limited benefit,  
27 specified disease, or specified accident; hospital indemnity;  
28 accident only; limited benefit convalescent care; Medicare  
29 supplement; credit disability; dental; vision; long-term care;

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30 disability income; coverage issued as a supplement to another  
31 health plan; workers' compensation liability or other insurance;  
32 or motor vehicle medical payment only; or

33 2. An employee welfare benefit plan that includes health  
34 benefits established under the Employee Retirement Income  
35 Security Act of 1974, as amended.

36 (c) "Health insurer" means any insurance company authorized  
37 to transact health insurance in the state, any insurance company  
38 authorized to transact health insurance or casualty insurance in  
39 the state that is offering a minimum premium plan or stop-loss  
40 coverage for any person or entity providing health care  
41 benefits, any self-insurance plan as defined in s. 624.031,  
42 Florida Statutes, any health maintenance organization authorized  
43 to transact business in the state pursuant to part I of chapter  
44 641, Florida Statutes, any prepaid health clinic authorized to  
45 transact business in the state pursuant to part II of chapter  
46 641, Florida Statutes, any multiple-employer welfare arrangement  
47 authorized to transact business in the state pursuant to ss.  
48 624.436-624.45, Florida Statutes, or any fraternal benefit  
49 society providing health benefits to its members as authorized  
50 pursuant to chapter 632, Florida Statutes.

51 (3) Notwithstanding any other law, a health insurer may not  
52 obstruct a patient's choice by excluding a health care provider  
53 licensed in this state from participating in the health  
54 insurer's provider network, if the health care provider is:

55 (a) Located within the geographic coverage area of the  
56 health insurance plan; and

57 (b) Willing and qualified to meet the terms, conditions,  
58 and fee schedule established by the health insurer.

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Section 2. This act shall take effect July 1, 2018.