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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete lines 22 - 46

and insert:

complaints; reporting.-

(1) By January 31, 2022, the department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives relating to the disposition of complaints received from insureds and subscribers of insurers or health maintenance organizations regulated by the



11 office relating to the access and affordability of mental health
12 services and benefits during the prior calendar year. At a
13 minimum, the report must include all of the following
14 information:

15 (a) The total number of complaints received.

16 (b) The nature of complaints, including, but not limited
17 to, concerns related to access to in-network providers or
18 facilities; access to inpatient or outpatient services;
19 availability of specialists; affordability of services;
20 equivalency of mental health benefits with respect to medical
21 and surgical benefits; quality of care; and denial of services,
22 including the types of services denied and the stated reason for
23 the denials.

24 (c) The disposition of complaints.

25 (d) Any recommendations made by the department to the
26 Legislature for ensuring access to and the affordability of
27 mental health services to insureds and subscribers.

28 (2) The department shall make available on its website a
29 description of mental health benefits required to be made
30 available pursuant to s. 627.668 and federal law for individual
31 and group policies and contracts.

32 Section 2. Section 627.4215, Florida Statutes, is created
33 to read:

34 627.4215 Disclosures to policyholders; coverage of mental
35 and nervous disorders.—

36 (1) An insurer shall make all of the following information
37 available on its website:

38 (a) The federal and state requirements for coverage of
39 mental health services.



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40 (b) Contact information for the Division of Consumer
41 Services of the Department of Financial Services, including a
42 hyperlink, for consumers to submit inquiries or complaints
43 relating to insurer or health maintenance organization products
44 or services regulated by the department or the office.

45 (2) On an annual basis, an insurer shall provide written
46 notice to insureds which must include a description of the
47 federal and state requirements for coverage of mental health
48 services. Such notice must also include the website address and
49 statewide toll-free telephone number of the Division of Consumer
50 Services of the department for receiving and logging complaints.

51 Section 3. Section 641.31085, Florida Statutes, is created
52 to read:

53 641.31085 Disclosures to subscribers; coverage of mental
54 and nervous disorders.—

55 (1) A health maintenance organization shall make all of the
56 following information available on its website:

57 (a) The federal and state requirements for coverage of
58 mental health services.

59 (b) Contact information for the Division of Consumer
60 Services of the Department of Financial Services, including a
61 hyperlink, for consumers to submit inquiries or complaints
62 relating to insurer or health maintenance organization products
63 or services regulated by the department or the office.

64 (2) On an annual basis, a health maintenance organization
65 shall provide written notice to subscribers which must include a
66 description of the federal and state requirements for coverage
67 of mental health services. Such notice must also include the
68 website address and statewide toll-free telephone number of the



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69 Division of Consumer Services of the department for receiving
70 and logging complaints.

71 Section 4. This act shall take effect October 1, 2021.

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73 ===== T I T L E A M E N D M E N T =====

74 And the title is amended as follows:

75 Delete lines 4 - 14

76 and insert:

77 Department of Financial Services to submit a specified
78 report to the Governor and Legislature by a specified
79 date; specifying the minimum information the report
80 must contain; requiring the department to make certain
81 information available on its website; creating ss.
82 627.4215 and 641.31085, F.S.; requiring insurers and
83 health maintenance organizations, respectively, to
84 disclose specified information on their websites;
85 requiring insurers and health maintenance
86 organizations, respectively, to annually provide
87 certain written notices to insureds or subscribers;