

1 A bill to be entitled

2 An act relating to dentists; amending s. 627.6474,  
3 F.S.; prohibiting a contract between a health insurer  
4 and a dentist from requiring the dentist to provide  
5 services at a fee set by the insurer under certain  
6 circumstances; defining the term "covered services" as  
7 it relates to contracts between a health insurer and a  
8 dentist; amending s. 636.035, F.S.; prohibiting a  
9 contract between a prepaid limited health service  
10 organization and a dentist from requiring the dentist  
11 to provide services at a fee set by the organization  
12 under certain circumstances; defining the term  
13 "covered services" as it relates to contracts between  
14 a prepaid limited health service organization and a  
15 dentist; amending s. 641.315, F.S.; prohibiting a  
16 contract between a health maintenance organization and  
17 a dentist from requiring the dentist to provide  
18 services at a fee set by the organization under  
19 certain circumstances; defining the term "covered  
20 services" as it relates to contracts between a health  
21 maintenance organization and a dentist; providing  
22 applicability; providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26 Section 1. Section 627.6474, Florida Statutes, is amended

27 to read:

28 627.6474 Provider contracts.—

29 (1) A health insurer may ~~shall~~ not require a contracted  
 30 health care practitioner as defined in s. 456.001(4) to accept  
 31 the terms of other health care practitioner contracts with the  
 32 insurer or any other insurer, or health maintenance  
 33 organization, under common management and control with the  
 34 insurer, including Medicare and Medicaid practitioner contracts  
 35 and those authorized by s. 627.6471, s. 627.6472, s. 636.035, or  
 36 s. 641.315, except for a practitioner in a group practice as  
 37 defined in s. 456.053 who must accept the terms of a contract  
 38 negotiated for the practitioner by the group, as a condition of  
 39 continuation or renewal of the contract. Any contract provision  
 40 that violates this section is void. A violation of this  
 41 subsection ~~section~~ is not subject to the criminal penalty  
 42 specified in s. 624.15.

43 (2) A contract between a health insurer and a dentist  
 44 licensed under chapter 466 for the provision of services to an  
 45 insured may not contain a provision that requires the dentist to  
 46 provide services to the insured under such contract at a fee set  
 47 by the health insurer unless such services are covered services  
 48 under the applicable contract. As used in this paragraph, the  
 49 term "covered services" means dental care services for which a  
 50 reimbursement is available under the insured's contract or for  
 51 which a reimbursement would be available but for the application  
 52 of contractual limitations such as deductibles, coinsurance,

53 waiting periods, annual or lifetime maximums, frequency  
 54 limitations, alternative benefit payments, or any other  
 55 limitation.

56 Section 2. Subsection (13) is added to section 636.035,  
 57 Florida Statutes, to read:

58 636.035 Provider arrangements.—

59 (13) A contract between a prepaid limited health service  
 60 organization and a dentist licensed under chapter 466 for the  
 61 provision of services to a subscriber of the prepaid limited  
 62 health service organization may not contain a provision that  
 63 requires the dentist to provide services to the subscriber of  
 64 the prepaid limited health service organization at a fee set by  
 65 the prepaid limited health service organization unless such  
 66 services are covered services under the applicable contract. As  
 67 used in this paragraph, the term "covered services" means dental  
 68 care services for which a reimbursement is available under the  
 69 subscriber's contract or for which a reimbursement would be  
 70 available but for the application of contractual limitations  
 71 such as deductibles, coinsurance, waiting periods, annual or  
 72 lifetime maximums, frequency limitations, alternative benefit  
 73 payments, or any other limitation.

74 Section 3. Subsection (11) is added to section 641.315,  
 75 Florida Statutes, to read:

76 641.315 Provider contracts.—

77 (11) A contract between a health maintenance organization  
 78 and a dentist licensed under chapter 466 for the provision of

79 services to a subscriber of the health maintenance organization  
80 may not contain a provision that requires the dentist to provide  
81 services to the subscriber of the health maintenance  
82 organization at a fee set by the health maintenance organization  
83 unless such services are covered services under the applicable  
84 contract. As used in this paragraph, the term "covered services"  
85 means dental care services for which a reimbursement is  
86 available under the subscriber's contract or for which a  
87 reimbursement would be available but for the application of  
88 contractual limitations such as deductibles, coinsurance,  
89 waiting periods, annual or lifetime maximums, frequency  
90 limitations, alternative benefit payments, or any other  
91 limitation.

92 Section 4. This act applies to contracts entered into or  
93 renewed on or after July 1, 2014.

94 Section 5. This act shall take effect July 1, 2014.