

## Committee Substitute for House Bill No. 185

An act relating to access to health care; amending s. 624.91, F.S.; expanding the membership of the board of directors of the Florida Healthy Kids Corporation; amending s. 636.035, F.S.; specifying certain provider arrangement contract prohibitions or restrictions; prohibiting prepaid limited health service organizations from specifying certain contract continuation or renewal conditions; providing for voiding of certain contracts; specifying absence of liability for certain criminal penalties; amending s. 641.315, F.S.; providing for application to health maintenance organizations of the prohibition against specifying certain contract continuation or renewal conditions; amending s. 766.1116, F.S.; revising time requirements for a health care practitioner's waiver of license renewal fees and continuing education requirements; providing an effective date.

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

Section 1. Paragraph (a) of subsection (6) of section 624.91, Florida Statutes, is amended to read:

624.91 The Florida Healthy Kids Corporation Act.—

(6) BOARD OF DIRECTORS.—

(a) The Florida Healthy Kids Corporation shall operate subject to the supervision and approval of a board of directors chaired by the Chief Financial Officer or her or his designee, and composed of 11 ~~10~~ other members selected for 3-year terms of office as follows:

1. The Secretary of Health Care Administration, or his or her designee.;
2. One member appointed by the Commissioner of Education from the Office of School Health Programs of the Florida Department of Education.;
3. One member appointed by the Chief Financial Officer from among three members nominated by the Florida Pediatric Society.;
4. One member, appointed by the Governor, who represents the Children's Medical Services Program.;
5. One member appointed by the Chief Financial Officer from among three members nominated by the Florida Hospital Association.;
6. One member, appointed by the Governor, who is an expert on child health policy.;
7. One member, appointed by the Chief Financial Officer, from among three members nominated by the Florida Academy of Family Physicians.;
8. One member, appointed by the Governor, who represents the state Medicaid program.;

9. One member, appointed by the Chief Financial Officer, from among three members nominated by the Florida Association of Counties; ~~and~~
10. The State Health Officer or her or his designee.
11. One member, appointed by the Governor, from among three members nominated by the Florida Dental Association.

Section 2. Subsections (11) and (12) are added to section 636.035, Florida Statutes, to read:

636.035 Provider arrangements.—

(11) A contract between a prepaid limited health service organization and a provider of limited health services may not contain any provision that in any way prohibits or restricts the limited health service provider from entering into or renewing a contract with any other prepaid limited health service organization. This subsection applies to all contracts entered into or renewed on or after July 1, 2009.

(12) A prepaid limited health service organization may not require, as a condition of continuation or renewal of a contract, a contracted limited health service provider to accept the terms of other health care practitioner contracts with the prepaid limited health service organization or any insurer or other limited health service organization under common management and control with the prepaid limited health service organization, including, but not limited to, Medicare and Medicaid practitioner contracts and those authorized by s. 627.6471, s. 627.6472, s. 641.315, or this section, except for a practitioner in a group practice as defined in s. 456.053 who must accept the terms of a contract negotiated for the practitioner by the group. Any contract provision that violates this subsection is void. A violation of this subsection is not subject to the criminal penalty specified in s. 624.15. This subsection applies to all contracts entered into or renewed on or after July 1, 2009.

Section 3. Subsection (10) of section 641.315, Florida Statutes, is amended to read:

641.315 Provider contracts.—

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

Section 4. Subsection (2) of section 766.1116, Florida Statutes, is amended to read:

766.1116 Health care practitioner; waiver of license renewal fees and continuing education requirements.—

(2) Notwithstanding any provision of chapter 458, chapter 459, chapter 460, chapter 461, part I of chapter 464, chapter 466, or chapter 467 to the contrary, any health care practitioner who participates as a health care provider under s. 766.1115 and thereby agrees with a governmental contractor to provide his or her services without compensation and as an agent of the governmental contractor to low-income recipients in accordance with s. 766.1115 for at least ~~160~~ 80 hours a year for each year during the biennial licensure period, or, if the health care practitioner is retired, for at least ~~800~~ 400 hours a year for each year during the licensure period, upon providing sufficient proof from the applicable governmental contractor that the health care practitioner has completed the hours at the time of license renewal under procedures specified by the Department of Health, shall be eligible for:

- (a) Waiver of the biennial license renewal fee for an active license; and
- (b) Fulfillment of a maximum of 25 percent of the continuing education hours required for license renewal under s. 456.013(9).

Section 5. This act shall take effect July 1, 2009.

Approved by the Governor May 20, 2009.

Filed in Office Secretary of State May 20, 2009.