

CHAPTER 2020-177

Committee Substitute for Committee Substitute for House Bill No. 747

An act relating to coverage for air ambulance services; creating ss. 627.42397 and 641.514, F.S.; providing definitions; requiring health insurers and health maintenance organizations, respectively, to provide reasonable reimbursement to air ambulance services for certain covered services; providing that such reimbursement may be reduced only by certain amounts; providing that payment in full of copayments, coinsurance, and deductibles by insureds and subscribers, respectively, constitutes accord and satisfaction and release of specified claims in connection with air ambulance services; providing construction; providing a directive to the Division of Law Revision; providing nonseverability; providing an effective date.

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

Section 1. Section 627.42397, Florida Statutes, is created to read:

627.42397 Coverage for air ambulance services.—

(1) As used in this section, the term:

(a) “Air ambulance service” has the same meaning as provided in s. 401.23.

(b) “Health insurer” means an authorized insurer offering health insurance as defined in s. 624.603.

(c) “Reasonable reimbursement” means reimbursement that considers the direct cost to provide the air ambulance transportation service to the insured, the operation of an air ambulance service by a county which operates entirely within a designated area of critical state concern as determined by the Department of Economic Opportunity, and in-network reimbursement established by the health insurer for the specific policy. The term does not include the amount of billed charges for the cost of services rendered.

(2) A health insurance policy must require a health insurer to provide reasonable reimbursement to an air ambulance service for covered non-emergency and emergency services provided to an insured in accordance with the coverage terms of the policy. Such reasonable reimbursement may be reduced only by applicable copayments, coinsurance, and deductibles. Payment in full by the insured of his or her applicable copayment, coinsurance, or deductible constitutes an accord and satisfaction of, and constitutes a release of, any claim for additional moneys owed by the insured

to the health insurer or to any person or entity in connection with the air ambulance service.

Section 2. Section 641.514, Florida Statutes, is created to read:

641.514 Coverage for air ambulance services.—

(1) As used in this section, the term:

(a) “Air ambulance service” has the same meaning as provided in s. 401.23.

(b) “Health maintenance organization” has the same meaning as provided in s. 641.19(12).

(c) “Reasonable reimbursement” means reimbursement that considers the direct cost to provide the air ambulance transportation service to the subscriber, the operation of an air ambulance service by a county which operates entirely within a designated area of critical state concern as determined by the Department of Economic Opportunity, and in-network reimbursement established by the health maintenance organization for the specific contract. The term does not include the amount of billed charges for the cost of services rendered.

(2) A health maintenance contract must require a health maintenance organization to provide reasonable reimbursement to an air ambulance service for covered nonemergency and emergency services provided to a subscriber in accordance with the coverage terms of the contract. Such reasonable reimbursement may be reduced only by applicable copayments, coinsurance, and deductibles. Payment in full by the subscriber of his or her applicable copayment, coinsurance, or deductible constitutes an accord and satisfaction of, and constitutes a release of, any claim for additional moneys owed by the subscriber to the health maintenance organization or to any person or entity in connection with the air ambulance service.

Section 3. Nothing in this act shall be construed to give retroactive application or to impair any contract existing before or on the effective date of this act, or to otherwise restrict the ability of an air ambulance service, as defined in s. 401.23, Florida Statutes, to contract to provide nonemergency and emergency services.

Section 4. The Division of Law Revision is directed to replace the phrase “the effective date of this act” wherever it occurs in this act with the date this act becomes a law.

Section 5. If any provision of section 627.42397, Florida Statutes, or section 641.514, Florida Statutes, as created by this act, is determined to be invalid or inoperative for any reason, the remaining provisions thereof shall be deemed to be void and of no effect. To this end, the Legislature declares that it would not have enacted any of the provisions of section 627.42397,

Florida Statutes, or section 641.514, Florida Statutes, individually and expressly finds them not to be severable.

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor September 18, 2020.

Filed in Office Secretary of State September 18, 2020.