

CHAPTER 2021-146

Committee Substitute for House Bill No. 701

An act relating to behavioral health care services coverage and access; creating s. 624.36, F.S.; requiring the Department of Financial Services to submit a report relating to behavioral health care services and benefits to the Governor and the Legislature by a specified date; specifying the minimum information the report must contain; requiring the department to make certain information available on its website; creating ss. 627.4215 and 641.31085, F.S.; requiring health insurers and health maintenance organizations, respectively, to disclose specified information on their websites; requiring health insurers and health maintenance organizations, respectively, to annually provide certain direct notices to insureds or subscribers; providing an effective date.

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

Section 1. Section 624.36, Florida Statutes, is created to read:

624.36 Coverage of and access to behavioral health care services; 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 office relating to the access to and affordability of behavioral health care services and benefits during the prior calendar year. At a minimum, the report must include all of the following information:

(a) The total number of complaints received.

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

(c) The disposition of the complaints.

(d) Any recommendations made by the department to the Legislature for ensuring the access to and affordability of behavioral health care services to insureds and subscribers.

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

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

627.4215 Disclosures to policyholders; coverage of behavioral health care services.—

(1) A health insurer shall make all of the following information available on its website:

(a) The federal and state requirements for coverage of behavioral health care services.

(b) Contact information for the Division of Consumer Services of the department, including a hyperlink, for consumers to submit inquiries or complaints relating to health insurer products or services regulated by the department or the office.

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

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

641.31085 Disclosures to subscribers; coverage of behavioral health care services.—

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

(a) The federal and state requirements for coverage of behavioral health care services.

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

(2) On an annual basis, a health maintenance organization shall provide a direct notice to subscribers which must include a description of the federal and state requirements for coverage of behavioral health care services. Such notice must also include the website address and statewide toll-free telephone number of the Division of Consumer Services of the department for receiving and logging complaints.

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

Approved by the Governor June 21, 2021.

Filed in Office Secretary of State June 21, 2021.