

By Senator Cowin

11-236-00

See HB

1 A bill to be entitled
2 An act relating to the practice of medicine;
3 amending s. 458.305, F.S.; redefining the term
4 "practice of medicine"; amending s. 459.003,
5 F.S.; redefining the term "practice of
6 osteopathic medicine"; amending s. 641.495,
7 F.S.; providing that the rendering of an
8 adverse determination by a health maintenance
9 organization or prepaid health clinic
10 constitutes the practice of medicine by the
11 medical director of the organization or clinic;
12 providing requirements for the medical director
13 of a health maintenance organization or prepaid
14 health clinic with respect to adverse
15 determinations made by the organization or
16 clinic; providing an effective date.

17

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

19

20 Section 1. Subsection (3) of section 458.305, Florida
21 Statutes, is amended to read:

22 458.305 Definitions.--As used in this chapter:

23 (3) "Practice of medicine" means the diagnosis,
24 treatment, operation, or prescription for any human disease,
25 pain, injury, deformity, or other physical or mental condition
26 or the modification or denial of a treatment plan for the
27 treatment of any human disease, pain, injury, deformity, or
28 other physical or mental condition, including judgments of
29 medical necessity. The "practice of medicine" does not include
30 coverage decisions for purposes of insurance benefits as long
31 as medical judgments are not involved.

1 Section 2. Subsection (3) of section 459.003, Florida
2 Statutes, is amended to read:

3 459.003 Definitions.--As used in this chapter:

4 (3) "Practice of osteopathic medicine" means the
5 diagnosis, treatment, operation, or prescription for any human
6 disease, pain, injury, deformity, or other physical or mental
7 condition or the modification or denial of a treatment plan
8 for the treatment of any human disease, pain, injury,
9 deformity, or other physical or mental condition, which
10 practice is based in part upon educational standards and
11 requirements which emphasize the importance of the
12 musculoskeletal structure and manipulative therapy in the
13 maintenance and restoration of health. The "practice of
14 osteopathic medicine" does not include coverage decisions for
15 purposes of insurance benefits as long as medical judgments
16 are not involved.

17 Section 3. Subsection (11) of section 641.495, Florida
18 Statutes, is amended to read:

19 641.495 Requirements for issuance and maintenance of
20 certificate.--

21 (11) The organization shall designate a medical
22 director who is a physician licensed under chapter 458 or
23 chapter 459. For every adverse determination made by the
24 organization regarding any subscriber, the medical director is
25 required to document and sign the subscriber's medical records
26 setting forth the facts regarding the organization's adverse
27 determination and the rationale for such decision. The
28 rendering of an adverse determination by an organization shall
29 constitute the practice of medicine, as defined in s. 458.305,
30 by the medical director of the organization.

31 Section 4. This act shall take effect July 1, 2000.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

HOUSE SUMMARY

Redefines the terms "practice of medicine" and "practice of osteopathic medicine" to include the modification or denial of treatment plans. Provides that the rendering of an adverse determination by a health maintenance organization or prepaid health clinic constitutes the practice of medicine by the medical director of the organization or clinic. With respect to adverse determinations made by a health maintenance organization or prepaid health clinic regarding any subscriber, requires the medical director of the organization or clinic to document and sign the subscriber's medical records setting forth the facts regarding the adverse determination and the rationale for such decision.