

By the Committees on Banking and Insurance; Health, Aging and Long-Term Care; and Senators Cowin and Kirkpatrick

311-2004-00

1 A bill to be entitled
2 An act relating to adverse determinations;
3 amending s. 641.51, F.S., relating to quality
4 assurance program requirements for certain
5 managed-care organizations; allowing the
6 rendering of adverse determinations by
7 physicians licensed in Florida or states with
8 similar requirements; requiring the submission
9 of facts and documentation pertaining to
10 rendered adverse determinations; providing
11 timeframe for organizations to submit facts and
12 documentation to providers and subscribers in
13 writing; requiring an authorized representative
14 to sign the notification; providing an
15 effective date.

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

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19 Section 1. Present subsections (4), (5), (6), (7),
20 (8), (9), and (10) of section 641.51, Florida Statutes, are
21 redesignated as subsections (5), (6), (7), (8), (9), (10), and
22 (11), respectively, and a new subsection (4) is added to that
23 section to read:

24 641.51 Quality assurance program; second medical
25 opinion requirement.--

26 (4) The organization shall ensure that only a
27 physician licensed under chapter 458 or chapter 459; or an
28 M.D. or D.O. physician with an active, unencumbered license in
29 another state with similar licensing requirements may render
30 an adverse determination regarding a service provided by a
31 physician licensed in this state. The organization shall

1 submit to the treating provider and the subscriber written
2 notification regarding the organization's adverse
3 determination within 2 working days after the subscriber or
4 provider is notified of the adverse determination. The written
5 notification must include the utilization review criteria or
6 benefits provisions used in the adverse determination,
7 identify the physician who rendered the adverse determination,
8 and be signed by an authorized representative of the
9 organization or the physician who renders the adverse
10 determination. The organization must include with the
11 notification of an adverse determination information
12 concerning the appeal process for adverse determinations.

13 Section 2. This act shall take effect July 1, 2000.

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15 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
16 COMMITTEE SUBSTITUTE FOR
17 CS for SB 162

18 Deletes the provisions that amended ss. 458.331 and 459.015,
19 F.S., that added grounds for discipline against medical
physicians and osteopathic physicians, respectively.

20 Revises the amendments to s. 641.51, F.S., related to adverse
21 decisions made by a health maintenance organization, to allow
22 a physician licensed in another state to make such
determinations, under certain conditions.

23 Revises the information that must be contained in the notice
of the adverse decision.

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