

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

3 458.305 Definitions.--As used in this chapter:

4 (3) "Practice of medicine" means the diagnosis,
5 treatment, operation, or prescription for any human disease,
6 pain, injury, deformity, or other physical or mental
7 condition, including the rendering of an adverse determination
8 as defined in s. 641.47.

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

11 459.003 Definitions.--As used in this chapter:

12 (3) "Practice of osteopathic medicine" means the
13 diagnosis, treatment, operation, or prescription for any human
14 disease, pain, injury, deformity, or other physical or mental
15 condition, including the rendering of an adverse determination
16 as defined in s. 641.47, which practice is based in part upon
17 educational standards and requirements which emphasize the
18 importance of the musculoskeletal structure and manipulative
19 therapy in the maintenance and restoration of health.

20 Section 3. Subsections (4) through (10) of section
21 641.51, Florida Statutes, are renumbered as subsections (5)
22 through (11), respectively, and a new subsection (4) is added
23 to said 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 may render
28 an adverse determination regarding a service provided by a
29 physician licensed under chapter 458 or chapter 459 and shall
30 require the physician to submit to the provider and the
31 subscriber the facts and documentation regarding the

1 organization's adverse determination within 2 working days
2 after the subscriber or provider is notified of the adverse
3 determination. The facts and documentation must be written,
4 include the utilization review criteria or benefits provisions
5 used in the adverse determination, and be signed by the
6 physician rendering the adverse determination. The
7 organization must include with the notification of an adverse
8 determination information concerning the appeal process for
9 adverse determinations.

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

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12 HOUSE SUMMARY

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14 Revises definitions of the terms "practice of medicine"
15 and "practice of osteopathic medicine" to include within
16 the scope of such practices the rendering of adverse
17 determinations. Revises provisions relating to quality
18 assurance program requirements for certain managed care
19 organizations to restrict the rendering of adverse
20 determinations by such organizations to certain
21 physicians regarding certain services. Requires such
22 physicians to submit to providers and subscribers the
23 facts and documentation regarding an adverse
24 determination within a specified timeframe. Requires such
25 submission to be in writing and signed by the physician
26 rendering the adverse determination and to include the
27 utilization review criteria or benefits provisions used
28 in the adverse determination. Requires notifications of
29 adverse determinations by such organizations to include
30 information concerning the appeal process for such
31 determinations. See bill for details.