

By the Committee on Banking and Insurance; and Senators  
Sebesta, Crist and Cowin

311-1951-01

1                                   A bill to be entitled  
2           An act relating to health care service  
3           programs; amending s. 641.51, F.S.; requiring  
4           that only certain physicians licensed in this  
5           state may render adverse determinations for  
6           health maintenance organizations and prepaid  
7           health clinics; clarifying the authority of the  
8           Board of Medicine and the Board of Osteopathic  
9           Medicine; providing an effective date.

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

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13           Section 1. Subsection (4) of section 641.51, Florida  
14 Statutes, is amended to read:

15           641.51 Quality assurance program; second medical  
16 opinion requirement.--

17           (4) The organization shall ensure that only a  
18 physician holding an active, unencumbered license issued  
19 ~~licensed~~ under chapter 458 or chapter 459, ~~or an allopathic or~~  
20 ~~osteopathic physician with an active, unencumbered license in~~  
21 ~~another state with similar licensing requirements~~ may render  
22 an adverse determination regarding a service provided by a  
23 physician licensed in this state. The organization shall  
24 submit to the treating provider and the subscriber written  
25 notification regarding the organization's adverse  
26 determination within 2 working days after the subscriber or  
27 provider is notified of the adverse determination. The written  
28 notification must include the utilization review criteria or  
29 benefits provisions used in the adverse determination,  
30 identify the physician who rendered the adverse determination,  
31 and be signed by an authorized representative of the

1 organization or the physician who rendered the adverse  
2 determination. The organization must include with the  
3 notification of an adverse determination information  
4 concerning the appeal process for adverse determinations. This  
5 subsection does not create authority for the Board of Medicine  
6 or the Board of Osteopathic Medicine to regulate the  
7 organization; however, the Board of Medicine and the Board of  
8 Osteopathic Medicine each continue to have jurisdiction over  
9 its licensees.

10 Section 2. This act shall take effect January 1, 2002.

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12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
13 COMMITTEE SUBSTITUTE FOR  
14 SB 1568

15 Clarifies that provisions in the bill do not create authority  
16 for either the Board of Medicine or the Board of Osteopathic  
17 Medicine to regulate health maintenance organizations (HMOs)  
18 or prepaid health clinics, however, such boards may continue  
19 to have jurisdiction over licensees of their respective  
20 boards.

21 Changes the effective date from July 1, 2001 to January 1,  
22 2002.  
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