

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Gottlieb offered the following:

13 **Amendment (with title amendment)**

14 On page 1, line 15,

16 and insert:

17 Section 1. Paragraph (b) of subsection (6) of section  
18 627.736, Florida Statutes, is amended to read:

19 627.736 Required personal injury protection benefits;  
20 exclusions; priority; claims.--

21 (6) DISCOVERY OF FACTS ABOUT AN INJURED PERSON;  
22 DISPUTES.--

23 (b) Every physician, hospital, clinic, or other  
24 medical institution providing, before or after bodily injury  
25 upon which a claim for personal injury protection insurance  
26 benefits is based, any products, services, or accommodations  
27 in relation to that or any other injury, or in relation to a  
28 condition claimed to be connected with that or any other  
29 injury, shall, if requested to do so by the insurer against  
30 whom the claim has been made, furnish forthwith a written  
31 report of the history, condition, treatment, dates, and costs

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1 of such treatment of the injured person and why the items  
2 identified by the insurer were reasonable in amount and  
3 medically necessary, together with a sworn statement that the  
4 treatment or services rendered were reasonable and necessary  
5 with respect to the bodily injury sustained and identifying  
6 which portion of the expenses for such treatment or services  
7 was incurred as a result of such bodily injury, and produce  
8 forthwith, and permit the inspection and copying of, his or  
9 her or its records regarding such history, condition,  
10 treatment, dates, and costs of treatment; provided that this  
11 shall not limit the introduction of evidence at trial. Such  
12 sworn statement shall read as follows: "Under penalty of  
13 perjury, I declare that I have read the foregoing, and the  
14 facts alleged are true, to the best of my knowledge and  
15 belief." ~~No cause of action for violation of the~~  
16 ~~physician-patient privilege or invasion of the right of~~  
17 ~~privacy shall be permitted against any physician, hospital,~~  
18 ~~clinic, or other medical institution complying with the~~  
19 ~~provisions of this section.~~The person requesting such records  
20 and such sworn statement shall pay all reasonable costs  
21 connected therewith. If an insurer makes a written request for  
22 documentation or information under this paragraph within 30  
23 days after having received notice of the amount of a covered  
24 loss under paragraph (4)(a), the amount or the partial amount  
25 which is the subject of the insurer's inquiry shall become  
26 overdue if the insurer does not pay in accordance with  
27 paragraph (4)(b) or within 10 days after the insurer's receipt  
28 of the requested documentation or information, whichever  
29 occurs later. For purposes of this paragraph, the term  
30 "receipt" includes, but is not limited to, inspection and  
31 copying pursuant to this paragraph. Any insurer that requests

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1 documentation or information pertaining to reasonableness of  
2 charges or medical necessity under this paragraph without a  
3 reasonable basis for such requests as a general business  
4 practice is engaging in an unfair trade practice under the  
5 insurance code.

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8 ===== T I T L E    A M E N D M E N T =====

9 And the title is amended as follows:

10            On page 1, line 2, after the semicolon

11

12 insert:

13            amending s. 627.736, F.S.; removing language  
14            with respect to the prohibition of a cause of  
15            action for violation of the physician-patient  
16            privilege of invasion of the right of privacy  
17            under certain circumstances;

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