

Bill No. CS for SB 1362

Amendment No. Barcode 611262

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Geller moved the following amendment to House		
12	amendment (803811):		
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14	Senate Amendment (with title amendment)		
15	On page 5, line 15, through		
16	page 8, line 4, delete those lines		
17			
18	and insert:		
19	Section 4. Subsection (7) of section 627.736, Florida		
20	Statutes, is amended to read:		
21	627.736 Required personal injury protection benefits;		
22	exclusions; priority; claims.--		
23	(7) MENTAL AND PHYSICAL EXAMINATION OF INJURED PERSON;		
24	REPORTS.--		
25	(a) Whenever the mental or physical condition of an		
26	injured person covered by personal injury protection is		
27	material to any claim that has been or may be made for past or		
28	future personal injury protection insurance benefits, such		
29	person shall, upon the request of an insurer, submit to mental		
30	or physical examination by a physician or physicians. The		
31	costs of any examinations requested by an insurer shall be		

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1 borne entirely by the insurer. Such examination shall be
2 conducted within the municipality where the insured is
3 receiving treatment, or in a location reasonably accessible to
4 the insured, which, for purposes of this paragraph, means any
5 location within the municipality in which the insured resides,
6 or any location within 10 miles by road of the insured's
7 residence, provided such location is within the county in
8 which the insured resides. If the examination is to be
9 conducted in a location reasonably accessible to the insured,
10 and if there is no qualified physician to conduct the
11 examination in a location reasonably accessible to the
12 insured, then such examination shall be conducted in an area
13 of the closest proximity to the insured's residence. Personal
14 protection insurers are authorized to include reasonable
15 provisions in personal injury protection insurance policies
16 for mental and physical examination of those claiming personal
17 injury protection insurance benefits. An insurer may not
18 withdraw payment of a treating physician without the consent
19 of the injured person covered by the personal injury
20 protection, unless the insurer first obtains a valid report by
21 a physician licensed under the same chapter as the treating
22 physician whose treatment authorization is sought to be
23 withdrawn, stating that treatment was not reasonable, related,
24 or necessary. A valid report is one that is prepared and
25 signed by the physician examining the injured person or
26 reviewing the treatment records of the injured person and is
27 factually supported by the examination and treatment records
28 if reviewed and that has not been modified by anyone other
29 than the physician. The physician preparing the report must be
30 in active practice, unless the physician is physically
31 disabled. Active practice means that during the 3 years

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1 immediately preceding the date of the physical examination or
2 review of the treatment records the physician must have
3 devoted professional time to the active clinical practice of
4 evaluation, diagnosis, or treatment of medical conditions or
5 to the instruction of students in an accredited health
6 professional school or accredited residency program or a
7 clinical research program that is affiliated with an
8 accredited health professional school or teaching hospital or
9 accredited residency program. The reviewing physician must
10 comply with the requirements of Rule 1.280, Florida Rules of
11 Civil Procedure, in order for his or her opinion to form the
12 basis for any claim denial.

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

16 And the title is amended as follows:

17 On page 8, lines 27 and 28, delete those lines

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19 and insert:

20 provisions governing mental and physical
21 examinations; providing an effective date.

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