

Bill No. CS/HB 393, 1st Eng.

Amendment No. Barcode 350148

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Geller moved the following amendment:

Senate Amendment (with title amendment)

On page 5, line 14, through
page 8, line 2, delete those lines

and insert:

Section 4. Paragraphs (d) and (e) of subsection (5) of
section 627.736, Florida Statutes, are amended to read:

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

(5) CHARGES FOR TREATMENT OF INJURED PERSONS.--

~~(d) Every insurer shall include a provision in its
policy for personal injury protection benefits for binding
arbitration of any claims dispute involving medical benefits
arising between the insurer and any person providing medical
services or supplies if that person has agreed to accept
assignment of personal injury protection benefits. The
provision shall specify that the provisions of chapter 682
relating to arbitration shall apply. The prevailing party
shall be entitled to attorney's fees and costs. For purposes~~

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1 ~~of the award of attorney's fees and costs, the prevailing~~
2 ~~party shall be determined as follows:~~

3 ~~1. When the amount of personal injury protection~~
4 ~~benefits determined by arbitration exceeds the sum of the~~
5 ~~amount offered by the insurer at arbitration plus 50 percent~~
6 ~~of the difference between the amount of the claim asserted by~~
7 ~~the claimant at arbitration and the amount offered by the~~
8 ~~insurer at arbitration, the claimant is the prevailing party.~~

9 ~~2. When the amount of personal injury protection~~
10 ~~benefits determined by arbitration is less than the sum of the~~
11 ~~amount offered by the insurer at arbitration plus 50 percent~~
12 ~~of the difference between the amount of the claim asserted by~~
13 ~~the claimant at arbitration and the amount offered by the~~
14 ~~insurer at arbitration, the insurer is the prevailing party.~~

15 ~~3. When neither subparagraph 1. nor subparagraph 2.~~
16 ~~applies, there is no prevailing party. For purposes of this~~
17 ~~paragraph, the amount of the offer or claim at arbitration is~~
18 ~~the amount of the last written offer or claim made at least 30~~
19 ~~days prior to the arbitration.~~

20 ~~4. In the demand for arbitration, the party requesting~~
21 ~~arbitration must include a statement specifically identifying~~
22 ~~the issues for arbitration for each examination or treatment~~
23 ~~in dispute. The other party must subsequently issue a~~
24 ~~statement specifying any other examinations or treatment and~~
25 ~~any other issues that it intends to raise in the arbitration.~~
26 ~~The parties may amend their statements up to 30 days prior to~~
27 ~~arbitration, provided that arbitration shall be limited to~~
28 ~~those identified issues and neither party may add additional~~
29 ~~issues during arbitration.~~

30 ~~(d)(e)~~ All statements and bills for medical services
31 rendered by any physician, hospital, clinic, or other person

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1 or institution shall be submitted to the insurer on a Health
2 Care Finance Administration 1500 form, UB 92 forms, or any
3 other standard form approved by the department for purposes of
4 this paragraph. All billings for such services shall, to the
5 extent applicable, follow the Physicians' Current Procedural
6 Terminology (CPT) in the year in which services are rendered.
7 No statement of medical services may include charges for
8 medical services of a person or entity that performed such
9 services without possessing the valid licenses required to
10 perform such services. For purposes of paragraph (4)(b), an
11 insurer shall not be considered to have been furnished with
12 notice of the amount of covered loss or medical bills due
13 unless the statements or bills comply with this paragraph.

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

17 And the title is amended as follows:

18 On page 1, lines 11-13, delete those lines

19

20 and insert:

21 F.S.; eliminating a requirement that an insurer
22 include provisions for binding arbitration in
23 policies for personal injury protection;
24 providing an effective date.

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