

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

Amendment No. Barcode 714538

<u>Senate</u>	CHAMBER ACTION	<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. Subsection (7) of section 627.736, Florida Statutes, is amended to read:

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

(7) MENTAL AND PHYSICAL EXAMINATION OF INJURED PERSON; REPORTS.--

(a) Whenever the mental or physical condition of an injured person covered by personal injury protection is material to any claim that has been or may be made for past or future personal injury protection insurance benefits, such person shall, upon the request of an insurer, submit to mental or physical examination by a physician or physicians. The costs of any examinations requested by an insurer shall be borne entirely by the insurer. Such examination shall be

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22 withdrawn, stating that treatment was not reasonable, related,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

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

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

15 And the title is amended as follows:

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

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18 and insert:

19 F.S.; revising provisions governing mental and
20 physical examinations; providing an effective
21 date.

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