

Bill No. CS for CS for SB 1202

Amendment No. \_\_\_\_ Barcode 833848

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
		.	
2	05/01/2003 11:11 AM	.	
		.	
3		.	
		.	
4		.	

11 Senator Cowin moved the following amendment:

12

13 **Senate Amendment (with title amendment)**

14 On page 38, line 25, through

15 page 45, line 18, delete those lines

16

17 and insert:

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

19 (a) Any physician, hospital, clinic, or other person

20 or institution lawfully rendering treatment to an injured

21 person for a bodily injury covered by personal injury

22 protection insurance may charge only a reasonable amount for

23 the services and supplies rendered, and the insurer providing

24 such coverage may pay for such charges directly to such person

25 or institution lawfully rendering such treatment, if the

26 insured receiving such treatment or his or her guardian has

27 countersigned the invoice, bill, or claim form approved by the

28 Department of Insurance upon which such charges are to be paid

29 for as having actually been rendered, to the best knowledge of

30 the insured or his or her guardian. In no event, however, may

31 such a charge be in excess of the amount the person or

Bill No. CS for CS for SB 1202

Amendment No. \_\_\_\_ Barcode 833848

1 institution customarily charges for like services or supplies  
2 in cases involving no insurance.

3 (b)1. An insurer or insured is not required to pay a  
4 claim made by a broker or by a person making a claim on behalf  
5 of a broker.

6 2. Charges for medically necessary cephalic  
7 thermograms, peripheral thermograms, spinal ultrasounds,  
8 extremity ultrasounds, video fluoroscopy, and surface  
9 electromyography shall not exceed the maximum reimbursement  
10 allowance for such procedures as set forth in the applicable  
11 fee schedule or other payment methodology established pursuant  
12 to s. 440.13.

13 3. Allowable amounts that may be charged to a personal  
14 injury protection insurance insurer and insured for medically  
15 necessary nerve conduction testing when done in conjunction  
16 with a needle electromyography procedure and both are  
17 performed and billed solely by a physician licensed under  
18 chapter 458, chapter 459, chapter 460, or chapter 461 who is  
19 also certified by the American Board of Electrodiagnostic  
20 Medicine or by a board recognized by the American Board of  
21 Medical Specialties or the American Osteopathic Association or  
22 who holds diplomate status with the American Chiropractic  
23 Neurology Board or its predecessors shall not exceed 200  
24 percent of the allowable amount under Medicare Part B for year  
25 2001, for the area in which the treatment was rendered,  
26 adjusted annually by an additional amount equal to the medical  
27 Consumer Price Index for Florida.

28 4. Allowable amounts that may be charged to a personal  
29 injury protection insurance insurer and insured for medically  
30 necessary nerve conduction testing that does not meet the  
31 requirements of subparagraph 3. shall not exceed the

Bill No. CS for CS for SB 1202

Amendment No. \_\_\_\_ Barcode 833848

1 applicable fee schedule or other payment methodology  
2 established pursuant to s. 440.13.

3           5. Effective upon this act becoming a law and before  
4 November 1, 2001, allowable amounts that may be charged to a  
5 personal injury protection insurance insurer and insured for  
6 magnetic resonance imaging services shall not exceed 200  
7 percent of the allowable amount under Medicare Part B for year  
8 2001, for the area in which the treatment was rendered.  
9 Beginning November 1, 2001, allowable amounts that may be  
10 charged to a personal injury protection insurance insurer and  
11 insured for magnetic resonance imaging services shall not  
12 exceed 175 percent of the allowable amount under Medicare Part  
13 B for year 2001, for the area in which the treatment was  
14 rendered, adjusted annually by an additional amount equal to  
15 the medical Consumer Price Index for Florida, except that  
16 allowable amounts that may be charged to a personal injury  
17 protection insurance insurer and insured for magnetic  
18 resonance imaging services provided in facilities accredited  
19 by the American College of Radiology or the Joint Commission  
20 on Accreditation of Healthcare Organizations shall not exceed  
21 200 percent of the allowable amount under Medicare Part B for  
22 year 2001, for the area in which the treatment was rendered,  
23 adjusted annually by an additional amount equal to the medical  
24 Consumer Price Index for Florida. This paragraph does not  
25 apply to charges for magnetic resonance imaging services and  
26 nerve conduction testing for inpatients and emergency services  
27 and care as defined in chapter 395 rendered by facilities  
28 licensed under chapter 395.

29           (c) The Department of Health, in consultation with the  
30 appropriate professional licensing boards, shall adopt, by  
31 rule, a list of diagnostic tests deemed not be medically

Bill No. CS for CS for SB 1202

Amendment No. \_\_\_\_ Barcode 833848

1 necessary for use in the treatment of persons sustaining  
2 bodily injury covered by personal injury protection benefits  
3 under this section. The initial list shall be adopted by  
4 January 1, 2004, and shall be revised from time to time as  
5 determined by the Department of Health, in consultation with  
6 the respective professional licensing boards. Inclusion of a  
7 test on the list of invalid diagnostic tests shall be based on  
8 lack of demonstrated medical value and a level of general  
9 acceptance by the relevant provider community and shall not be  
10 dependent for results entirely upon subjective patient  
11 response. Notwithstanding its inclusion on a fee schedule in  
12 this subsection, an insurer or insured is not required to pay  
13 any charges or reimburse claims for any invalid diagnostic  
14 test as determined by the Department of Health.

15  
16

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

18 And the title is amended as follows:

19           On page 2, lines 17-19, delete those lines

20

21 and insert:

22           tests; deleting certain provisions

23  
24  
25  
26  
27  
28  
29  
30  
31