

Bill No. HB 1837, 2nd Eng.

Amendment No. ____ Barcode 870956

CHAMBER ACTION

Senate

House

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Senator Atwater moved the following amendment:

Senate Amendment

Between lines 4150 and 4151,

insert:

~~(15)(a) The department shall examine on an ongoing basis claims files in accordance with s. 624.3161 and may impose fines pursuant to s. 624.310(5) and this chapter in order to identify questionable claims-handling techniques, questionable patterns or practices of claims, or a pattern of repeated unreasonably controverted claims by carriers, as defined in s. 440.02, providing services to employees pursuant to this chapter. If the department finds such questionable techniques, patterns, or repeated unreasonably controverted claims as constitute a general business practice of a carrier, as defined in s. 440.02, the department shall take appropriate action so as to bring such general business practices to a halt pursuant to s. 440.38(3) or may impose penalties pursuant to s. 624.4211. The department may initiate investigations of questionable techniques, patterns, practices, or repeated~~

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1 ~~unreasonably controverted claims. The department may by rule~~
2 ~~establish forms and procedures for corrective action plans and~~
3 ~~for auditing carriers.~~

4 ~~(b) As to any examination, investigation, or hearing~~
5 ~~being conducted under this chapter, the Insurance Commissioner~~
6 ~~or his or her designee:~~

7 ~~1. May administer oaths, examine and cross-examine~~
8 ~~witnesses, receive oral and documentary evidence; and~~

9 ~~2. Shall have the power to subpoena witnesses, compel~~
10 ~~their attendance and testimony, and require by subpoena the~~
11 ~~production of books, papers, records, files, correspondence,~~
12 ~~documents, or other evidence which is relevant to the inquiry.~~

13 ~~(c) If any person refuses to comply with any such~~
14 ~~subpoena or to testify as to any matter concerning which she~~
15 ~~or he may be lawfully interrogated, the Circuit Court of Leon~~
16 ~~County or of the county wherein such examination,~~
17 ~~investigation, or hearing is being conducted, or of the county~~
18 ~~wherein such person resides, may, on the application of the~~
19 ~~department, issue an order requiring such person to comply~~
20 ~~with the subpoena and to testify.~~

21 ~~(d) Subpoenas shall be served, and proof of such~~
22 ~~service made, in the same manner as if issued by a circuit~~
23 ~~court. Witness fees, costs, and reasonable travel expenses, if~~
24 ~~claimed, shall be allowed the same as for testimony in a~~
25 ~~circuit court.~~

26 ~~(e) The department shall publish annually a report~~
27 ~~which indicates the promptness of first payment of~~
28 ~~compensation records of each carrier or self-insurer so as to~~
29 ~~focus attention on those carriers or self-insurers with poor~~
30 ~~payment records for the preceding year. The department shall~~
31 ~~take appropriate steps so as to cause such poor carrier~~

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1 ~~payment practices to halt pursuant to s. 440.38(3). In~~
2 ~~addition, the department shall take appropriate action so as~~
3 ~~to halt such poor payment practices of self-insurers. "Poor~~
4 ~~payment practice" means a practice of late payment sufficient~~
5 ~~to constitute a general business practice.~~

6 ~~(f) The department shall promulgate rules providing~~
7 ~~guidelines to carriers, as defined in s. 440.02,~~
8 ~~self-insurers, and employers to indicate behavior that may be~~
9 ~~construed as questionable claims-handling techniques,~~
10 ~~questionable patterns of claims, repeated unreasonably~~
11 ~~controverted claims, or poor payment practices.~~

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