

Bill No. CS for SB 1180, 1st Eng.

Barcode 302640

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

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	4/AD/3R	.	
2	05/03/2005 04:03 PM	.	
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11 Senator Jones moved the following amendment:

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13 **Senate Amendment**

14 On page 6, between lines 3 and 4,

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16 insert:

17 Section 6. Paragraph (f) of subsection (5) of section  
18 458.320, Florida Statutes, is amended to read:

19 458.320 Financial responsibility.--

20 (5) The requirements of subsections (1), (2), and (3)

21 do not apply to:

22 (f) Any person holding an active license under this

23 chapter who meets all of the following criteria:

24 1. The licensee has held an active license to practice  
25 in this state or another state or some combination thereof for  
26 more than 15 years.

27 2. The licensee has either retired from the practice  
28 of medicine or maintains a part-time practice of no more than  
29 1,000 patient contact hours per year.

30 3. The licensee has had no more than two claims for  
31 medical malpractice resulting in an indemnity exceeding

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1 \$25,000 within the previous 5-year period.

2 4. The licensee has not been convicted of, or pled  
3 guilty or nolo contendere to, any criminal violation specified  
4 in this chapter or the medical practice act of any other  
5 state.

6 5. The licensee has not been subject within the last  
7 10 years of practice to license revocation or suspension for  
8 any period of time; probation for a period of 3 years or  
9 longer; or a fine of \$500 or more for a violation of this  
10 chapter or the medical practice act of another jurisdiction.  
11 The regulatory agency's acceptance of a physician's  
12 relinquishment of a license, stipulation, consent order, or  
13 other settlement, offered in response to or in anticipation of  
14 the filing of administrative charges against the physician's  
15 license, constitutes action against the physician's license  
16 for the purposes of this paragraph.

17 6. The licensee has submitted a form supplying  
18 necessary information as required by the department and an  
19 affidavit affirming compliance with this paragraph.

20 7. The licensee must submit biennially to the  
21 department certification stating compliance with the  
22 provisions of this paragraph. The licensee must, upon request,  
23 demonstrate to the department information verifying compliance  
24 with this paragraph.

25  
26 A licensee who meets the requirements of this paragraph must  
27 post notice in the form of a sign prominently displayed in the  
28 reception area and clearly noticeable by all patients and on  
29 each visit ~~or~~ provide a written statement to any person to  
30 whom medical services are being provided. The sign or  
31 statement must read as follows: "Under Florida law, physicians

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1 are generally required to carry medical malpractice insurance  
 2 or otherwise demonstrate financial responsibility to cover  
 3 potential claims for medical malpractice. However, certain  
 4 part-time physicians who meet state requirements are exempt  
 5 from the financial responsibility law. YOUR DOCTOR MEETS THESE  
 6 REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE  
 7 INSURANCE. This notice is provided pursuant to Florida law."

8 Section 7. Paragraph (f) of subsection (5) of section  
 9 459.0085, Florida Statutes, is amended to read:

10 459.0085 Financial responsibility.--

11 (5) The requirements of subsections (1), (2), and (3)  
 12 do not apply to:

13 (f) Any person holding an active license under this  
 14 chapter who meets all of the following criteria:

15 1. The licensee has held an active license to practice  
 16 in this state or another state or some combination thereof for  
 17 more than 15 years.

18 2. The licensee has either retired from the practice  
 19 of osteopathic medicine or maintains a part-time practice of  
 20 osteopathic medicine of no more than 1,000 patient contact  
 21 hours per year.

22 3. The licensee has had no more than two claims for  
 23 medical malpractice resulting in an indemnity exceeding  
 24 \$25,000 within the previous 5-year period.

25 4. The licensee has not been convicted of, or pled  
 26 guilty or nolo contendere to, any criminal violation specified  
 27 in this chapter or the practice act of any other state.

28 5. The licensee has not been subject within the last  
 29 10 years of practice to license revocation or suspension for  
 30 any period of time, probation for a period of 3 years or  
 31 longer, or a fine of \$500 or more for a violation of this

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1 chapter or the medical practice act of another jurisdiction.

2 The regulatory agency's acceptance of an osteopathic  
3 physician's relinquishment of a license, stipulation, consent  
4 order, or other settlement, offered in response to or in  
5 anticipation of the filing of administrative charges against  
6 the osteopathic physician's license, constitutes action  
7 against the physician's license for the purposes of this  
8 paragraph.

9           6. The licensee has submitted a form supplying  
10 necessary information as required by the department and an  
11 affidavit affirming compliance with this paragraph.

12           7. The licensee must submit biennially to the  
13 department a certification stating compliance with this  
14 paragraph. The licensee must, upon request, demonstrate to the  
15 department information verifying compliance with this  
16 paragraph.

17  
18 A licensee who meets the requirements of this paragraph must  
19 post notice in the form of a sign prominently displayed in the  
20 reception area and clearly noticeable by all patients and on  
21 each visit ~~or~~ provide a written statement to any person to  
22 whom medical services are being provided. The sign or  
23 statement must read as follows: "Under Florida law,  
24 osteopathic physicians are generally required to carry medical  
25 malpractice insurance or otherwise demonstrate financial  
26 responsibility to cover potential claims for medical  
27 malpractice. However, certain part-time osteopathic physicians  
28 who meet state requirements are exempt from the financial  
29 responsibility law. YOUR OSTEOPATHIC PHYSICIAN MEETS THESE  
30 REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE  
31 INSURANCE. This notice is provided pursuant to Florida law."

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(Redesignate subsequent sections.)