

Bill No. CS for CS for SB 2114

Barcode 611696

CHAMBER ACTION

Senate

House

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Comm: WD
04/20/2006 10:28 AM

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The Committee on Judiciary (Campbell) recommended the following amendment:

Senate Amendment

On page 37, line 8, through
page 40, line 2, delete those lines

and insert:

(14) REQUEST FOR PATIENT DIAGNOSTIC AND TREATMENT RECORDS AND INFORMATION ABOUT THE TREATMENT.--

(a)(b) Every physician, hospital, clinic, or other medical institution providing, before or after bodily injury upon which a claim for personal injury protection insurance benefits is based, any products, services, or accommodations in relation to that or any other injury, or in relation to a condition claimed to be connected with that or any other injury, shall, if requested to do so by the insurer against whom the claim has been made:—

1. Furnish forthwith a written report of the history, condition, treatment, dates, and costs of such treatment of the injured person and why the items identified by the insurer

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1 were reasonable in amount and medically necessary.7

2 2. Provide ~~together with~~ a sworn statement that the
3 treatment or services rendered were reasonable and necessary
4 with respect to the bodily injury sustained. Such sworn
5 statement shall read as follows: "Under penalty of perjury, I
6 declare that I have read the foregoing, and the facts alleged
7 are true, to the best of my knowledge and belief."

8 3. Identify ~~and identifying~~ which portion of the
9 expenses for such treatment or services was incurred as a
10 result of such bodily injury.7

11 4. and Produce forthwith, and permit the inspection
12 and copying of, his or her or its records regarding such
13 history, condition, treatment, dates, and costs of treatment;
14 provided that this shall not limit the introduction of
15 evidence at trial. ~~Such sworn statement shall read as follows:~~
16 ~~"Under penalty of perjury, I declare that I have read the~~
17 ~~foregoing, and the facts alleged are true, to the best of my~~
18 ~~knowledge and belief."~~

19 (b) However, if the records are maintained at an
20 alternative location, the requested records shall be made
21 available at the principal place of business within 25 working
22 days after the request.

23 (c) A ~~No~~ cause of action for violation of the
24 physician-patient privilege or invasion of the right of
25 privacy is not ~~shall be~~ permitted against any physician,
26 hospital, clinic, or other medical institution complying with
27 ~~the provisions of~~ this section.

28 (d) The person requesting such records and such sworn
29 statement shall pay all reasonable costs connected therewith.

30 (e) If an insurer makes a written request for
31 documentation or information under this paragraph within 30

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1 days after having received notice of the amount of a covered
 2 loss under subsection (7) ~~paragraph (4)(a)~~, the amount or the
 3 partial amount that ~~which~~ is the subject of the insurer's
 4 inquiry shall become overdue if the insurer does not pay in
 5 accordance with subsection (8) ~~paragraph (4)(b)~~ or within 15
 6 ~~10~~ days after the insurer's receipt of the requested
 7 documentation or information, whichever occurs later. For
 8 purposes of this paragraph, the term "receipt" includes, but
 9 is not limited to, inspection and copying pursuant to this
 10 subsection ~~paragraph~~.

11 (f) Any insurer that requests documentation or
 12 information pertaining to reasonableness of charges or medical
 13 necessity under this subsection ~~paragraph~~ without a reasonable
 14 basis for such requests as a general business practice is
 15 engaging in an unfair trade practice under the insurance code.

16 (g)~~(e)~~ In the event of any dispute regarding an
 17 insurer's right to request patient diagnostic or treatment
 18 information ~~discovery of facts~~ under this section, the insurer
 19 may petition a court of competent jurisdiction to enter an
 20 order permitting such request for patient diagnostic or
 21 treatment information ~~discovery~~. The order may be made only
 22 on motion for good cause shown and upon notice to all persons
 23 having an interest, and it shall specify the time, place,
 24 manner, conditions, and scope of the request for patient
 25 diagnostic or treatment information ~~discovery~~. Such court may,
 26 in order to protect against annoyance, embarrassment, or
 27 oppression, as justice requires, enter an order refusing the
 28 request ~~discovery~~ or specifying conditions of the request
 29 ~~discovery~~ and may order payments of costs and expenses of the
 30 proceeding, including reasonable fees for the appearance of
 31 attorneys at the proceedings, as justice requires.