

By Senator Lawson

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1 A bill to be entitled
2 An act relating to hospital-based physicians;
3 providing definitions; prohibiting a licensed facility
4 from employing a hospital-based physician or group of
5 hospital-based physicians or entering into a contract
6 with such physicians unless those physicians are under
7 contract with each health insurer that has contracted
8 with the licensed facility to provide medical
9 services; requiring the contract between a licensed
10 facility and a hospital-based physician or group of
11 hospital-based physicians to contain provisions that
12 prohibit the physician or group of physicians from
13 collecting from the enrollees or subscribers of a
14 health insurer an amount in excess of the payment
15 received from the health insurer other than the
16 applicable copayment and certain other payments;
17 prohibiting a hospital-based physician or group of
18 hospital-based physicians from collecting from the
19 enrollees or subscribers of a health insurer any
20 amount in excess of the payment received from the
21 health insurer other than the applicable copayment and
22 certain other payments; providing for disciplinary
23 action; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Hospital-based physicians.-

28 (1) As used in this section, the term:

29 (a) "Hospital-based physician" or "group of hospital-based

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30 physicians” means any physician or group of physicians,
31 including, but not limited to, pathologists, emergency room
32 physicians, anesthesiologists, and radiologists, who have
33 entered into an arrangement, understanding, or contract with a
34 licensed facility which:

35 1. Allows the physician or group of physicians to provide
36 medical services for a facility’s inpatients and outpatients
37 without being specifically chosen by the patients;

38 2. Precludes physicians of a similar specialty from
39 providing medical services to the facility’s inpatients and
40 outpatients; or

41 3. Fosters the opportunity for the physician or group of
42 physicians to be the providers of medical services to the
43 facility’s inpatients and outpatients within that physician’s or
44 group of physicians’ specialty type.

45 (b) “Licensed facility” means a hospital, ambulatory
46 surgical center, or mobile surgical facility licensed in
47 accordance with chapter 395, Florida Statutes.

48 (2) A licensed facility may not employ a hospital-based
49 physician or group of hospital-based physicians, and may not
50 enter into an arrangement, understanding, or contract with a
51 hospital-based physician or group of hospital-based physicians
52 unless the hospital-based physician or group of hospital-based
53 physicians is under written contract, or agrees to a written
54 contract within 90 days after the effective date of the
55 arrangement with each health insurance company or health
56 maintenance organization that has contracted with the licensed
57 facility to provide medical services to its enrollees or
58 subscribers. The hospital-based physician or group of hospital-

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59 based physicians shall contract on terms that are reasonably
60 comparable to the terms between similar health insurance
61 companies, health maintenance organizations, and hospital-based
62 physicians of a similar specialty in the facility's geographic
63 area.

64 (3) Each arrangement, understanding, or contract between a
65 licensed facility and a hospital-based physician or group of
66 hospital-based physicians must contain terms that prohibit each
67 such physician or group of physicians from collecting, or
68 attempting to collect, from the enrollees or subscribers of a
69 health insurance company or health maintenance organization any
70 amount in excess of the payment received from the health
71 insurance company or health maintenance organization other than
72 the applicable copayment, deductible, coinsurance, or amounts
73 for noncovered medical services.

74 (4) A hospital-based physician or group of hospital-based
75 physicians, in an arrangement, understanding, or contract as
76 described in this section, may not collect, or attempt to
77 collect, from the enrollees or subscribers of a health insurance
78 company or health maintenance organization any amount other than
79 the amount specified in subsection (3).

80 (5) A violation of this section constitutes grounds for
81 disciplinary actions specified in ss. 395.1065 and 456.072(2),
82 Florida Statutes.

83 Section 2. This act shall take effect July 1, 2010.