



310400

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/29/2012	.	
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The Committee on Budget (Altman) recommended the following:

**Senate Amendment to Amendment (811080)**

Delete lines 1500 - 1611

and insert:

hospital; and

(II) In a facility wholly owned by a physician licensed under chapter 458, chapter 459, or chapter 460, or by the physician and the spouse, parents, children, or siblings of such physician, which facility is selected by the injured person.

c. Services and care rendered when an insured is admitted to a hospital within 7 days after the motor vehicle accident, for a condition related to the motor vehicle accident.

d. If the insured receives emergency transport and



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14 treatment or emergency services and care pursuant to sub-  
15 subparagraph a. or sub-subparagraph b., or services and care  
16 pursuant to sub-subparagraph c., prescribed followup services  
17 and care directly related to the medical diagnosis arising from  
18 the motor vehicle accident if:

19 (I) The medical diagnosis and determination of the  
20 emergency medical condition was rendered in a hospital by a  
21 physician licensed under chapter 458, an osteopathic physician  
22 licensed under chapter 459, a dentist licensed under chapter  
23 466, or, to the extent permitted by applicable law and under the  
24 supervision of such physician, osteopathic physician, or  
25 dentist, by a physician assistant licensed under chapter 458 or  
26 chapter 459 or an advanced registered nurse practitioner  
27 licensed under chapter 464, or the insured received services and  
28 care while admitted to a hospital; and

29 (II) The prescribed followup services and care are rendered  
30 by a physician licensed under chapter 458, an osteopathic  
31 physician licensed under chapter 459, a chiropractic physician  
32 licensed under chapter 460, or a dentist licensed under chapter  
33 466 as selected by the injured person, a physician assistant  
34 licensed under chapter 458 or chapter 459, or an advanced  
35 registered nurse practitioner licensed under chapter 464.

36 e. If the insured receives services and care pursuant to  
37 sub-subparagraph a., sub-subparagraph b., sub-subparagraph c.,  
38 or sub-subparagraph d., all medically necessary medical,  
39 surgical, dental, nursing, or diagnostic ancillary services,  
40 hospital or ambulatory surgical center services, durable medical  
41 equipment, prosthetics, or orthotics and supplies.

42 2. Up to a limit of \$2,000, 80 percent of all reasonable



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43 expenses as follows:

44 a. Services and care rendered within 7 days after the motor  
45 vehicle accident by a physician licensed under chapter 458, an  
46 osteopathic physician licensed under chapter 459, a chiropractic  
47 physician licensed under chapter 460, or a dentist licensed  
48 under chapter 466, a physician assistant licensed under chapter  
49 458 or 459, or an advanced registered nurse practitioner  
50 licensed under chapter 464, who is selected by the injured  
51 person.

52 b. If the insured receives services and care pursuant to  
53 sub-subparagraph a., prescribed followup services and care  
54 directly related to the medical diagnosis arising from the motor  
55 vehicle accident. The medical benefits provide reimbursement  
56 only for followup services and care provided, supervised,  
57 ordered, or prescribed by a physician licensed under chapter  
58 458, an osteopathic physician licensed under chapter 459, a  
59 dentist licensed under chapter 466 or, to the extent permitted  
60 by applicable law and under the supervision of such physician,  
61 osteopathic physician, or dentist, by a physician assistant  
62 licensed under chapter 458 or chapter 459 or an advanced  
63 registered nurse practitioner licensed under chapter 464. Such  
64 followup services and care may be rendered by a physician  
65 licensed under chapter 458, an osteopathic physician licensed  
66 under chapter 459, a chiropractic physician licensed under  
67 chapter 460, a dentist licensed under chapter 466, or, to the  
68 extent permitted by applicable law and under the supervision of  
69 such physician, osteopathic physician, or dentist, by a  
70 physician assistant licensed under chapter 458 or chapter 459 or  
71 an advanced registered nurse practitioner licensed under chapter



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72 464, who is selected by the injured person.

73 c. All medically necessary medical, surgical, dental,  
74 nursing, or diagnostic ancillary services, hospital or  
75 ambulatory surgical center services, durable medical equipment,  
76 prosthetics, orthotics, and supplies.

77 d. Payment of benefits under sub-subparagraph a.,  
78 subparagraph b., or sub-subparagraph c. occurs only if an  
79 insured has been determined in a hospital to not have an  
80 emergency medical condition or did not present at a hospital but  
81 received treatment from a provider identified in sub-  
82 subparagraph a. within 7 days after the motor vehicle accident.

83 3. Prescribed followup services and care under sub-  
84 subparagraph 1.d. and reimbursable medical benefits under  
85 subparagraph 2. must be provided in a clinic licensed under part  
86 X of chapter 400 or an entity excluded from the definition of a  
87 clinic. However, as provided in s. 400.9905, an entity excluded  
88 from the definition of a clinic shall be deemed a clinic and  
89 must be licensed under part X of chapter 400 in order to receive  
90 reimbursement for prescribed followup services and care under  
91 sub-subparagraph 1.d. unless the entity is:

92 a. An entity wholly owned by a physician licensed under  
93 chapter 458 or chapter 459, or by the physician and the spouse,  
94 parent, child, or sibling of the physician;

95 b. An entity wholly owned by a dentist licensed under  
96 chapter 466, or by the dentist and the spouse, parent, child, or  
97 sibling of the dentist;

98 c. An entity wholly owned by a chiropractic physician  
99 licensed under chapter 460, or by the chiropractic physician and  
100 the spouse, parent, child, or sibling of the chiropractic



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101 physician if such entity has filed for a licensing exemption  
102 with the Agency for Health Care Administration; or

103 d. A hospital or ambulatory surgical center licensed under  
104 chapter 395.

105 4. Medical benefits do not include massage as defined in s.  
106 480.033 or acupuncture as defined in s. 457.102, regardless of  
107 the person, entity, or licensee providing massage or  
108 acupuncture.

109 5. For purposes of ss. 627.748-627.7491, a medical  
110 diagnosis that an emergency medical condition exists is presumed  
111 to be correct unless rebutted by clear and convincing evidence  
112 to the contrary.