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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2011	.	
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The Committee on Banking and Insurance (Bogdanoff) recommended the following:

1 **Senate Amendment to Amendment (100124) (with title**
2 **amendment)**

3
4 Delete lines 328 - 418

5 and insert:

6 (10)~~(2)~~ "Medically necessary" refers to a medical service
7 or supply that a prudent physician would provide for the purpose
8 of preventing, diagnosing, or treating an illness, injury,
9 disease, or symptom in a manner that is:

10 (a) In accordance with generally accepted standards of
11 medical practice;

12 (b) Clinically appropriate in terms of type, frequency,



507024

13 extent, site, and duration; and

14 (c) Not primarily for the convenience of the patient,
15 physician, or other health care provider.

16 (11)-(3) "Motor vehicle" means a ~~any~~ self-propelled vehicle
17 with four or more wheels which is of a type both designed and
18 required to be licensed for use on the highways of this state,
19 and any trailer or semitrailer designed for use with such
20 vehicle, and includes:

21 (a) A "private passenger motor vehicle," which is any motor
22 vehicle that ~~which~~ is a sedan, station wagon, or jeep-type
23 vehicle and, if not used primarily for occupational,
24 professional, or business purposes, a motor vehicle of the
25 pickup, panel, van, camper, or motor home type.

26 (b) A "commercial motor vehicle," which is any motor
27 vehicle that ~~which~~ is not a private passenger motor vehicle.

28
29 The term ~~"motor vehicle"~~ does not include a mobile home or any
30 motor vehicle that ~~which~~ is used in mass transit, other than
31 public school transportation, and designed to transport more
32 than five passengers exclusive of the operator of the motor
33 vehicle and that ~~which~~ is owned by a municipality, a transit
34 authority, or a political subdivision of the state.

35 (12)-(4) "Named insured" means a person, usually the owner
36 of a vehicle, identified in a policy by name as the insured
37 under the policy.

38 (13) "No-fault law" means the Florida Motor Vehicle No-
39 Fault Law codified at ss. 627.730-627.7407.

40 (14)-(5) "Owner" means a person who holds the legal title to
41 a motor vehicle; or, if ~~in the event~~ a motor vehicle is the



507024

42 subject of a security agreement or lease with an option to
43 purchase with the debtor or lessee having the right to
44 possession, ~~then~~ the debtor or lessee is ~~shall be~~ deemed the
45 owner for the purposes of the no-fault law ss. 627.730-627.7405.

46 (16)-(6) "Relative residing in the same household" means a
47 relative of any degree by blood or by marriage who usually makes
48 her or his home in the same family unit, whether or not
49 temporarily living elsewhere.

50 (2)-(7) "Certify" means to swear or attest to being true or
51 represented in writing.

52 (3) "Claimant" means the person, organization, or entity
53 seeking benefits, including all assignees.

54 (4) "Entity wholly owned" means a proprietorship, group
55 practice, partnership, or corporation that provides health care
56 services rendered by licensed health care practitioners. In
57 order to be wholly owned, licensed health care practitioners
58 must be the business owners of all aspects of the business
59 entity, including, but not limited to, being reflected as the
60 business owners on the title or lease of the physical facility,
61 filing taxes as the business owners, being account holders on
62 the entity's bank account, being listed as the principals on all
63 incorporation documents required by this state, and having
64 ultimate authority over all personnel and compensation decisions
65 relating to the entity.

66 (6)-(8) "Immediate personal supervision," as it relates to
67 the performance of medical services by nonphysicians not in a
68 hospital, means that an individual licensed to perform the
69 medical service or provide the medical supplies must be present
70 within the confines of the physical structure where the medical



507024

71 services are performed or where the medical supplies are
72 provided such that the licensed individual can respond
73 immediately to any emergencies if needed.

74 ~~(7)-(9)~~ "Incident," with respect to services considered as
75 incident to a physician's professional service, for a physician
76 licensed under chapter 458, chapter 459, chapter 460, or chapter
77 461, if not furnished in a hospital, means ~~such~~ services that
78 are must be an integral, even if incidental, part of a covered
79 physician's service.

80 ~~(8)-(10)~~ "Knowingly" means that a person, with respect to
81 information, has actual knowledge of the information, and acts in
82 deliberate ignorance of the truth or falsity of the
83 information, and or acts in reckless disregard of the information. and
84 ~~and~~ Proof of specific intent to defraud is not required.

85 ~~(9)-(11)~~ "Lawful" or "lawfully" means in substantial
86 compliance with all relevant applicable criminal, civil, and
87 administrative requirements of state and federal law related to
88 the provision of medical services or treatment.

89 ~~(5)-(12)~~ "Hospital" means a facility that, at the time
90 services or treatment were rendered, was licensed under chapter
91 395.

92 ~~(15)-(13)~~ "Properly completed" means providing truthful,
93 substantially complete, and substantially accurate responses ~~as~~
94 to all material elements of ~~to~~ each applicable request for
95 information or statement by a means that may lawfully be
96 provided and that complies with this section, or as agreed by
97 the parties.

98 ~~(18)-(14)~~ "Upcoding" means submitting ~~an action that submits~~
99 a billing code that would result in payment greater in amount



507024

100 than would be paid using a billing code that accurately
101 describes the services performed. The term does not include an
102 otherwise lawful bill by a magnetic resonance imaging facility,
103 which globally combines both technical and professional
104 components, if the amount of the global bill is not more than
105 the components if billed separately; however, payment of such a
106 bill constitutes payment in full for all components of such
107 service.

108 (17)(15) "Unbundling" means submitting ~~an action that~~

109
110 ===== T I T L E A M E N D M E N T =====

111 And the title is amended as follows:

112 Delete line 1545

113 and insert:

114 defining the terms "claimant," "entity wholly owned,"
115 and "no-fault law";