

HB 4127

2012

1 A bill to be entitled
 2 An act relating to assessment of physicians; amending
 3 s. 766.314, F.S.; deleting a provision relating to
 4 assessments for the Florida Birth-Related Neurological
 5 Injury Compensation Plan to be paid by certain
 6 physicians on or before October 15, 1988; conforming
 7 cross-references; amending s. 766.316, F.S.;
 8 conforming a cross-reference; providing an effective
 9 date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Paragraphs (c) and (d) of subsection (4) of
 14 section 766.314, Florida Statutes, are redesignated as
 15 paragraphs (b) and (c) of that subsection, respectively, and
 16 present paragraph (b) of subsection (4) and paragraph (a) of
 17 subsection (5) of that section are amended to read:

18 766.314 Assessments; plan of operation.—

19 (4) The following persons and entities shall pay into the
 20 association an initial assessment in accordance with the plan of
 21 operation:

22 ~~(b)1. On or before October 15, 1988, all physicians~~
 23 ~~licensed pursuant to chapter 458 or chapter 459 as of October 1,~~
 24 ~~1988, other than participating physicians, shall be assessed an~~
 25 ~~initial assessment of \$250, which must be paid no later than~~
 26 ~~December 1, 1988.~~

27 ~~2. Any such physician who becomes licensed after September~~
 28 ~~30, 1988, and before January 1, 1989, shall pay into the~~

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29 ~~association an initial assessment of \$250 upon licensure.~~

30 ~~3. Any such physician who becomes licensed on or after~~
31 ~~January 1, 1989, shall pay an initial assessment equal to the~~
32 ~~most recent assessment made pursuant to this paragraph,~~
33 ~~paragraph (5) (a), or paragraph (7) (b).~~

34 ~~4. However, if the physician is a physician specified in~~
35 ~~this subparagraph, the assessment is not applicable:~~

36 ~~a. A resident physician, assistant resident physician, or~~
37 ~~intern in an approved postgraduate training program, as defined~~
38 ~~by the Board of Medicine or the Board of Osteopathic Medicine by~~
39 ~~rule;~~

40 ~~b. A retired physician who has withdrawn from the practice~~
41 ~~of medicine but who maintains an active license as evidenced by~~
42 ~~an affidavit filed with the Department of Health. Prior to~~
43 ~~reentering the practice of medicine in this state, a retired~~
44 ~~physician as herein defined must notify the Board of Medicine or~~
45 ~~the Board of Osteopathic Medicine and pay the appropriate~~
46 ~~assessments pursuant to this section;~~

47 ~~e. A physician who holds a limited license pursuant to s.~~
48 ~~458.317 and who is not being compensated for medical services;~~

49 ~~d. A physician who is employed full time by the United~~
50 ~~States Department of Veterans Affairs and whose practice is~~
51 ~~confined to United States Department of Veterans Affairs~~
52 ~~hospitals; or~~

53 ~~e. A physician who is a member of the Armed Forces of the~~
54 ~~United States and who meets the requirements of s. 456.024.~~

55 ~~f. A physician who is employed full time by the State of~~
56 ~~Florida and whose practice is confined to state-owned~~

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57 ~~correctional institutions, a county health department, or state-~~
58 ~~owned mental health or developmental services facilities, or who~~
59 ~~is employed full time by the Department of Health.~~

60 (5) (a) Beginning January 1, 1990, the persons and entities
61 listed in paragraph ~~paragraphs~~ (4) (b) and ~~(c)~~, except those
62 persons or entities who are specifically excluded from that
63 provision ~~said provisions~~, as of the date determined in
64 accordance with the plan of operation, taking into account
65 persons licensed subsequent to the payment of the initial
66 assessment, shall pay an annual assessment in the amount equal
67 to the initial assessments provided in paragraph ~~paragraphs~~
68 (4) (b) and ~~(c)~~. If payment of the annual assessment by a
69 physician is received by the association by January 31 of any
70 calendar year, the physician shall qualify as a participating
71 physician for that entire calendar year. If the payment is
72 received after January 31 of any calendar year, the physician
73 shall qualify as a participating physician for that calendar
74 year only from the date the payment was received by the
75 association. On January 1, 1991, and on each January 1
76 thereafter, the association shall determine the amount of
77 additional assessments necessary pursuant to subsection (7), in
78 the manner required by the plan of operation, subject to any
79 increase determined to be necessary by the Office of Insurance
80 Regulation pursuant to paragraph (7) (b). On July 1, 1991, and on
81 each July 1 thereafter, the persons and entities listed in
82 paragraph ~~paragraphs~~ (4) (b) and ~~(c)~~, except those persons or
83 entities who are specifically excluded from that provision ~~said~~
84 ~~provisions~~, shall pay the additional assessments which were

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85 determined on January 1. Beginning January 1, 1990, the entities
86 listed in paragraph (4) (a), including those licensed on or after
87 October 1, 1988, shall pay an annual assessment of \$50 per
88 infant delivered during the prior calendar year. The additional
89 assessments which were determined on January 1, 1991, pursuant
90 to the provisions of subsection (7) shall not be due and payable
91 by the entities listed in paragraph (4) (a) until July 1.

92 Section 2. Section 766.316, Florida Statutes, is amended
93 to read:

94 766.316 Notice to obstetrical patients of participation in
95 the plan.—Each hospital with a participating physician on its
96 staff and each participating physician, other than residents,
97 assistant residents, and interns deemed to be participating
98 physicians under s. 766.314(4)(b) ~~766.314(4)(c)~~, under the
99 Florida Birth-Related Neurological Injury Compensation Plan
100 shall provide notice to the obstetrical patients as to the
101 limited no-fault alternative for birth-related neurological
102 injuries. Such notice shall be provided on forms furnished by
103 the association and shall include a clear and concise
104 explanation of a patient's rights and limitations under the
105 plan. The hospital or the participating physician may elect to
106 have the patient sign a form acknowledging receipt of the notice
107 form. Signature of the patient acknowledging receipt of the
108 notice form raises a rebuttable presumption that the notice
109 requirements of this section have been met. Notice need not be
110 given to a patient when the patient has an emergency medical
111 condition as defined in s. 395.002(8)(b) or when notice is not
112 practicable.

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Section 3. This act shall take effect July 1, 2012.