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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)**

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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,



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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



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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



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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



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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";