

Bills Filed in Florida Legislature February, 2005 would:

Increase Required Malpractice Insurance Prohibit Physicians from 'Going Bare'

Senate Bill 0972 AND House Bill 0665

The main proposals of the bills are:

- To change the statute language that allows physicians to 'go bare' and remove that 'loophole' . . .
- To increase the minimum amount of coverage for ALL physicians, including those who DO have malpractice insurance.

A. For physicians NOT performing surgery OR WITHOUT HOSPITAL PRIVILEGES, you would be required, as a condition of licensure or renewal, to have in malpractice insurance coverage, escrow or letters of credit :

\$250,000 (currently \$100,000) per claim
and a minimal annual aggregate of not less than **\$750,000**
(currently \$300,000)

B. If you HAVE HOSPITAL PRIVILEGES OR perform surgery in an ambulatory center or hospital, you would be required, as a condition of licensure or renewal, to have in malpractice insurance coverage, escrow or letters of credit

a) **\$500,000 per claim** (currently \$250,000) with a minimum annual aggregate of **not less than \$1 million** (currently \$750,000).

NOTE: GOING BARE WILL NOT BE PERMITTED if these bills pass. It would no longer be enough to post notice promising to be financially responsible for payment of any judgements UNLESS you are part-time with no more than 1,000 patient contact hours per year.

NOTE 2: COST OF MALPRACTICE INSURANCE will go up for EVERYONE. FMA estimates it would increase premium amounts by 45% for surgeons and 37% for other physicians.

Other Information You Should Know:

During my conversation with Sen. Jones' legislative aide, she read the "Talking Points" to me. Sen. Jones' view is that only 7% of doctors are 'bare', that this bill would close a loophole in the law that allows them to do that. To him, this is about patient protection and fairness to the other 93% of physicians who DO pay malpractice insurance. He thinks that the amounts of insurance currently required are old and inadequate for costs today.

According to the FMA, there has not been a problem with physicians paying judgements. Physicians in Florida have been able to go bare since 1986. Since 1997 only 5 doctors were disciplined for not paying a judgement. 3 eventually paid, 2 lost their licenses permanently.

Current Status of the Bills:

As of February 11th, the Senate version was forwarded to the following committees:

Healthcare,
Banking and Insurance
Judiciary.

The House version was referred Feb. 11 to:

Health Care Regulation,
Judiciary,
Health Care Appropriations,
Health & Families Council.

March 8, 2005 Introduced in the Senate and House

The time to start influencing it is NOW.

Don't wait until it gets to a full vote status.

See attached contact information for House & Senate committees.

The two legislators who filed the bills are both chiropractors, both have experience and power in the legislature.

Sen. Jones is Chair of the Regulated Industries committee and is on both the Health and Human Services Appropriations and the Health Care committee which will be reviewing the bills.

Rep. Farkas is on the House Health Care Appropriations committee that will be reviewing the bill.

They carry significant credibility and influence on healthcare issues.

SENATE Committees Reviewing the Senate Version (0972)

You can obtain contact and biographical information on each member from the House website: www.flsenate.gov

Senate Committee on Health Care

530 Knott Building
Mailing Address:
404 South Monroe Street
Tallahassee, FL 32399-1100
(850) 487-5824 / SunCom 277-5824

Members:

- * Chair: Durell Peaden, Jr. (R)
- * Vice Chair: M. Mandy Dawson (D)

- * Jeffrey H. "Jeff" Atwater (R)
- * Mike Fasano (R)
- * **Dennis L. Jones, D.C. (R) Filed the bill**
- * Lesley "Les" Miller, Jr. (D)
- * Ken Pruitt (R)
- * Nan Rich (D)
- * Burt L. Saunders (R)
- * Gary Siplin (D)

Senate Committee on Judiciary

515 Knott Building
Mailing Address:
404 South Monroe Street
Tallahassee, FL 32399-1100
(850) 487-5198 / SunCom 277-5198

- * Chair: Daniel Webster (R)
- * Vice Chair: J. Alex Villalobos (R)

- * Dave Aronberg (D)
- * Carey Baker (R)
- * Walter G. "Skip" Campbell, Jr. (D)
- * Charlie Clary (R)
- * Steven A. Geller (D)
- * Bill Posey (R)

Senate Committee on Banking and Insurance

320 Knott Building
Mailing Address:
404 South Monroe Street
Tallahassee, FL 32399-1100
(850) 487-5361 / SunCom 277-5361

Members:

- **Chair:** Rudy Garcia (R)
- **Vice Chair:** Steven A. Geller (D)
- JD Alexander (R)
- Jeffrey H. "Jeff" Atwater (R)
- Carey Baker (R)
- Walter G. "Skip" Campbell, Jr. (D)
- Mike Fasano (R)
- Alfred "Al" Lawson, Jr. (D)
- Lesley "Les" Miller, Jr. (D)
- Bill Posey (R)

As of 3-5-05, the bill had not yet been referred to this committee.

Committee on Health and Human Services Appropriations

201 Capitol
Mailing Address:
404 South Monroe Street
Tallahassee, FL 32399-1100
(850) 487-5140 / SunCom 277-5140

Members:

- * Chair: Burt L. Saunders (R)
- * Vice Chair: Ken Pruitt (R)

- * Michael S. "Mike" Bennett (R)
- * M. Mandy Dawson (D)
- * **Dennis L. Jones, D.C. (R)**
- * Durell Peaden, Jr. (R)
- * Nan Rich (D)
- * Frederica S. Wilson (D)

House Committees Reviewing the House Version (0665)

You can obtain contact and biographical information on each member from the House website: www.myfloridahouse.gov

House Health Care Appropriations Committee

221 The Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300
Contact:
(850) 488-6204

Members

Bean, Aaron (R) Chair
Murzin, Dave (R) Vice Chair

Ambler, Kevin (R)
Benson, Anna Holliday (R)
Cannon, Dean (R)
Farkas, Frank (R) Filed the bill
Galvano, Bill (R)
Gannon, Anne (D)
Garcia, Rene (R)
Gibson, Hugh (R)
Grant, Michael (R)
Hukill, Dorothy (R)
Richardson, Curtis (D)
Roberson, Yolly (D)
Sobel, Eleanor (D)

House Health Care Regulation Committee

210 House Office Building
402 South Monroe Street
Tallahassee, FL 32399-1300
Contact:
(850) 487-3771

Members:

Garcia, Rene (R) **Chair**
Sobel, Eleanor (D) **Vice Chair**

Bendross-Mindingall, Dorothy (D)
Bilirakis, Gus (R)
Bowen, Marsha (R)
Cretul, Larry (R)
Henriquez, Bob (D)
Homan, Ed (R)
Poppell, Ralph (R)
Proctor, William (R)
Roberson, Yolly (D)

House Health & Families Council

200 House Office Building
402 South Monroe Street
Tallahassee, FL 32399-1300
Contact:
(850) 414-5600

Members:

Benson, Anna Holliday (R) Chair
Homan, Ed (R) Vice Chair

Bean, Aaron (R)
Brandenburg, Mary (D)
Galvano, Bill (R)
Garcia, Rene (R)
Gibson, Hugh (R)
Harrell, Gayle (R)
Robaina, Julio (R)
Sobel, Eleanor (D)
Vana, Shelley (D)

House Judiciary Committee

1301 The Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300
Contact:
(850) 487-1345

Members:

Simmons, David (R) Chair
Planas, Juan-Carlos (R) **Vice Chair**

Ambler, Kevin (R)
Baxley, Dennis (R)
Brummer, Frederick (R)
Gelber, Dan (D)
Grant, Michael (R)
Kottkamp, Jeffrey (R)
McInvale, Sheri (D)
Pickens, Joe (R)
Richardson, Curtis (D)
Ross, Dennis (R)
Seiler, John (D)