



Florida**Medical**

A S S O C I A T I O N

Helping Physicians Practice Medicine

2010 HOUSE OF DELEGATES ACTIONS

- **ACTION ON RECOMMENDATIONS FROM THE BOARD OF GOVERNORS
PAGE 1 & 2**
- **ACTION ON HOUSE OF DELEGATES RESOLUTIONS
PAGES 3 -18**

**FLORIDA MEDICAL ASSOCIATION, INC.
2010 HOUSE OF DELEGATES
ACTION ON RECOMMENDATIONS FROM THE BOARD OF GOVERNORS**

Report A of the Board of Governors

Recommendation A-1: Resolution 09-44, RSV Epidemiology and Prophylaxis in Florida

That the House of Delegates not adopt Resolution 09-44, RSV Epidemiology And Prophylaxis In Florida, The Florida Chapter American Academy of Pediatrics.

House Action: Adopted

Recommendation A-2: 2002 FMA Policy Review

That the House of Delegates approve the 2002 policies to be reaffirmed or sunset, according to the seven year policy review mechanism.

House Action: Adopted

Report B of the Board of Governors

Recommendation B-1: Medical Student Section

That the FMA bylaws be amended to provide for one voting delegate in the FMA House of Delegates from each of the FMA recognized chapters of the several Florida allopathic medical schools

House Action: Adopted

Recommendation B-2: Board of Governors

That the FMA Bylaws be amended to provide for a seat on the FMA Board of Governors for a representative of the Florida Medical Group Management Association, as an advisory non-voting member.

House Action: Adopted

Recommendation B-3: Alternate Delegates to the AMA House of Delegates

That the House of Delegates amend the FMA Bylaws to provide that a vacancy in the alternate delegate position to the AMA House of Delegates be filled by appointment by the FMA President with approval of the Board of Governors.

House Action: Adopted

Recommendation B-4: Privilege of the Floor

That the FMA Bylaws be amended to clarify that the list of those with the privilege of the floor in the House of Delegates must all be FMA members with the exception of AMA general officers.

House Action: Adopted

Recommendation B-4: Delegates to the House of Delegates of the American Medical Association

That the FMA Bylaws be amended to delete the requirement that attendance at AMA meetings by officers of the FMA be “at their own expense.”

House Action: Adopted

Report C of the Board of Governors

No Board of Governors recommendations in Report C.

Report D of the Board of Governors

Recommendation D-1: Resolution 08-03, Implementation of EMR and CPOE

That the House of Delegates adopt Resolution 08-03, Implementation of EMR and CPOE, Pinellas County Medical Association.

House Action: Adopted

Supplemental Report D-2 of the Board of Governors

Recommendation D-2: Resolution 09-50, Medicare Participation Letters

That the House of Delegates adopt, as amended, Resolution 09-50, Medicare Participation Letters, Dennis Agliano, Delegate.

House Action: Adopted

FLORIDA MEDICAL ASSOCIATION, INC.
2010 HOUSE OF DELEGATES
RESOLVES REFLECT FINAL ACTION ON AMENDED OR SUBSTITUTED RESOLUTIONS
BY THE HOUSE OF DELEGATES

Resolution 10-101

Taxation of Alternative Medicines

Duval County Medical Society, Putnam County Medical Society, Clay County Medical Society, Nassau
County Medical Society, St. Johns County Medical Society

Withdrawn by sponsor.

Resolution 10-102

Prevention of Obesity

Hillsborough County Medical Association
Reference Committee I

RESOLVED, That the FMA assist in the passage of legislation requiring the posting of caloric value for each food item on the menus of all establishments serving food by 2011.

House Action: Not Adopted.

Resolution 10-103

Banning Texting While Driving

Hillsborough County Medical Society
Reference Committee I

RESOLVED, That the FMA support legislation banning drivers from manually texting or emailing while operating a motorized vehicle.

House Action: Adopted as Amended.

Resolution 10-104

Fetal Alcohol Syndrome

Hillsborough County Medical Association

RESOLVED, That our FMA support legislation requiring that warning signs relative to the fetal risk that ingestion of alcohol by pregnant women be posted wherever alcoholic beverages are sold or served.

House Action: Reaffirmed as existing policy.

Resolution 10-105
Prevention of Obesity in Schools
Hillsborough County Medical Association
Reference Committee I

RESOLVED, That the FMA assist in the passage of legislation requiring the posting of caloric value for each food item be posted in all Middle and High School cafeterias by 2012.

House Action: Not Adopted.

Resolution 10-106
Appropriate Payment for Vaccines and Vaccine Administration
Florida Chapter American Academy of Pediatrics
Florida Obstetric and Gynecologic Society; Florida Academy of Family Physicians; Florida Chapter
American College of Physicians; Hillsborough CMA; Alachua CMS
Reference Committee III

RESOLVED, That the FMA seek legislation to ensure commercial insurance payment for all vaccines be not less than 25% above the vaccine cost on the CDC Vaccine Price List; and be it further

RESOLVED, That the FMA seek legislation to ensure that payment for each billed age-specific and non-age specific vaccine administration CPT code be not less than Medicare rates.

House Action: Adopted as amended.

Resolution 10-107
Pertussis Education and Vaccination for Household Contacts of Newborns
Florida Chapter American Academy of Pediatrics,
Florida Academy of Family Physicians, Florida Obstetric and Gynecologic Society, Florida Chapter
American College of Physicians, Hillsborough CMA; Alachua CMS
Reference Committee I

RESOLVED, That the FMA work with the Department of Health (DOH), the Florida Hospital Association (FHA), the Florida Pediatric Society (FPS), the Florida Academy of Family Physicians (FAFP), the Florida Chapter American College of Physicians (Florida Chapter ACP), and the Florida Obstetric and Gynecologic Society (FOGS) to educate women during their pregnancy and post-partum period on the importance of pertussis vaccination for all household contacts of newborns and to encourage parents to seek pertussis vaccination (Tdap or DTaP) for all household contacts of newborns through their referred primary care physician or community health department.

RESOLVED, that the FMA work with the Department of Children and Families (DCF) and local daycare licensing agencies to educate all daycare administrators and daycare workers on the importance of pertussis vaccination and to encourage pertussis vaccination for all daycare administrators and daycare workers.

House Action: Adopted as amended.

Resolution 10-108
**Full Force and Effect Across County Lines of Orders for Involuntary Substance Abuse
Evaluation and Treatment Services (Marchman Act)**
Florida Society of Addiction Medicine
Reference Committee I

RESOLVED, That language be proffered to the Florida Legislature that Involuntary Evaluation and Treatment Orders shall be administered with full force and effect across county lines.

House Action: Adopted.

Resolution 10-109
Requirement of Consultation with Addiction Medicine Specialist in Certain Chronic Opioid Cases
Florida Society of Addiction Medicine
Reference Committee I

RESOLVED, That the FMA fully support the ongoing rule promulgation process governing pain clinics and specifically seek to require physicians owning or employed by registered clinics are required to seek peer consultation of an Addiction Medicine Specialist when signs or symptoms of substance abuse or addiction occur, including impairment, apparent dose acceleration, and/or positive drug screen for illicit substances.

House Action: Referred to the Board of Governors for action.

Resolution 10-110
Cell Phones and Education for “In Case of Emergency (ICE)”
Hillsborough County Medical Association
Reference Committee I

RESOLVED, That the FMA together with other patient advocates engage in a social marketing campaign to effectively explore with major providers both the potential of maintaining a national directory for consenting customers, and installation of personalized ICE numbers in their phone at time of purchase; and be it further

RESOLVED, That an educational campaign relative to ICE number use and/or a national cell phone directory be developed and maintained with the cost to be underwritten either at the time of purchase of the cell phone or by a monthly minimal supplement to monthly charges as a voluntary customer election; and be it further

RESOLVED, That all cell phone service providers provide ICE instructions in their installation booklet and that a separate ICE brochure be available at all retail stores, posted on their electronic billing, or as a mailing to their customers.

House Action: Referred to the Board of Governors for action.

Resolution 10-111
CME and Other Educational Programs
South Florida Caucus
Reference Committee I

RESOLVED, That when the FMA sponsors or co-sponsors a continuing medical education program, or other educational programs for physicians in a county, the FMA will consider ways, where possible, to invite the county medical association to participate as a co-sponsor for the educational event.

House Action: Adopted as amended.

Resolution 10-112
Developing Genetic Research & Biomedical Villages in the State of Florida
Specialty Society Section
Reference Committee I

RESOLVED, That the FMA support and endorse bringing biomedical enterprises, defined as public/private companies which promote developing medical devices, therapies or products to provide focus health care treatments and therapies, into our state in the form of a biomedical villages, defined as regional areas/research parks comprised of biomedical companies, schools of allied health, medical schools and tertiary health care facilities, and promote developing relationships with Florida medical schools, universities and biomedical companies.

House Action: Adopted.

Resolution 10-201
Formal Withdrawal of Florida Medical Association
From the American Medical Association
Lee County Medical Society / Douglas Stevens, M.D.
Reference Committee II

RESOLVED, That the FMA submit a letter to the AMA expressing it has “no confidence” in the ability of current AMA leadership to effectively protect the Profession of Medicine in America.

House Action: Adopted Substitute Resolution 10-201.

Resolution 10-202
Florida Medical School Deans' Nomination of FMA Member to FMA Board of Governors
Alachua County Medical Society
Hillsborough County Medical Association
Reference Committee II

RESOLVED, That the FMA amend its Bylaws to add a representative of the Council of Florida Medical School Deans as a voting member of the FMA Board of Governors for a term of one year, and that such representative be chosen with the approval of the Board of Governors, by the FMA President from those institutions with full active membership in the FMA.

House Action: Adopted Substitute Resolution 10-202.

Resolution 10-203
Charter to Work with All Applicable Physician Advocacy Organizations

Sarasota County Medical Society
Florida Orthopaedic Society
Charlotte County Medical Society
Manatee County Medical Society
Reference Committee II

RESOLVED, That any resolution passed in this House of Delegates that calls for the FMA or its delegates to work with the AMA be understood to mean that the FMA and its delegates “to work with any appropriate physician advocacy organization unless specifically directed otherwise by the resolution in question.

House Action: Adopted as amended.

Resolution 10-204
Specialty Society Advocacy

Duval County Medical Society, Putnam County Medical Society, St. John’s Medical Society, Clay County Medical Society, Nassau County Medical Society, Manatee County Medical Society and Hillsborough County Medical Society; Florida Chapter of American College of Cardiology; Alachua County Medical Society
Reference Committee II

RESOLVED, That the FMA submit a resolution to the AMA House of Delegates to create a new “Specialty Society Advocacy Committee” (primary care and specialty specific) to actively monitor all Federal legislation and regulatory policies being proposed by medical specialty societies; and be it further

RESOLVED, That the proposed AMA “Specialty Society Advocacy Committee” (primary care and specialty specific) be founded on the principle of constructing an active forum for medical specialty societies to formally meet and formulate pro-medicine healthcare policy that is in the best overall interests of patients; and be it further

RESOLVED, That the proposed AMA “Specialty Society Advocacy Committee” (primary care and specialty specific) function and serve in an important advisory manner to communicate pro-medicine healthcare policies to the governance boards of all AMA recognized medical societies.

House Action: Adopted as amended.

Resolution 10-205
**FMA Participation in AMA is Contingent on Effective AMA Action
To Preserve Medicare Benefits for Patients**

David McKalip, M.D., Delegate
Reference Committee II

RESOLVED, That the FMA send a resolution to the AMA describing a directive to take action on Resolution 204 from the AMA and make the pending legislation for private contracting, balanced billing and the assignment of Medicare benefits a top priority of the AMA with reports back to the HOD of the AMA semi-annually; and be it further

RESOLVED, That the FMA send a resolution to the AMA effectively changing AMA policy G 625.010, the AMA mission and vision to read “Helping Physicians Practice Medicine”; and be it further

RESOLVED, That the FMA work with the Coalition of the State Medical and National Specialty Societies and other advocacy groups that share the goal(s) to include but not limited to: Private contracting, balanced billing and Medicare reform; and be it further

RESOLVED, That the FMA send a letter to the AMA expressing our discontent on recent AMA positions regarding Health System Reform.

House Action: Adopted Substitute Resolution 10-205.

Resolution 10-206
AMA Disclosure of Potential Conflicts Of Interest

Jon Ward, M.D., Delegate
Bays County Medical Society
Reference Committee II

RESOLVED, That the FMA demand the AMA be transparent and disclose all government and business relationships, and make available on-line its financial statements to its membership and by request to any national specialty society member or state society member.

House Action: Adopted Substitute Resolution 206 as amended.

Resolution 10-207
Direct Regional Election of Medical District Representatives (AKA Home Rule)

Hillsborough County Medical Association
Reference Committee II

RESOLVED, That the FMA Bylaws Committee with consultation prepare an amendment to the FMA bylaws providing for direct election of medical district representatives only by the delegations in the candidate’s medical district, and be it further

RESOLVED, That this amendment be presented to the House of Delegates for adoption at the Annual Meeting in 2011.

House Action: Referred to the Board of Governors.

Resolution 10-208
FMA Expert Witness Program Resolution

The Florida Orthopaedic Society
Reference Committee II

RESOLVED, That the FMA Council on Ethical and Judicial Affairs (CEJA) develop new expert witness testimony guidelines for FMA members which will be modeled after existing national standards; and be it further

RESOLVED, That the CEJA develop a new Expert Witness Committee (EWC) which will evaluate and discipline members whose testimony violates these guidelines.

House Action: Adopted

Resolution 10-301
Health Insurance Provision of Interpreting and Translation Services

South Florida Caucus

(Includes Broward County Medical Association, Dade County Medical Association, Monroe County
Medical Society, Palm Beach County Medical Society

Reference Committee III

RESOLVED, That the FMA seek legislation requiring that health insurance organizations provide interpreting and translating services to patients with limited English proficiency.

House Action: Not Adopted

Resolution 10-302
Medical Linkage to Government Insurance Plans

Lake – Sumter Medical Society

Reference Committee III

RESOLVED, That the FMA will seek to introduce legislation within the Florida legislature that would prevent the linkage of issuing a medical license to the acceptance of any and all private or government sponsored insurance programs; and be it further

RESOLVED, That should the Federal government make these types of demands on the State of Florida, that the Florida Medical Association encourage the State to seek an injunction against such demands within Federal court.

House Action: Adopted Substitute Resolution 10-309 as amended in lieu of 10-302.

Resolution 10-303
Scope of Practice by Non-Physician Providers

Volusia County Medical Society

Reference Committee III

RESOLVED, That we respectfully request the FMA to seek legislation that will result in a change of standing for all future attempts at expansion of practice through the regulatory process by non-physicians; and be it further

RESOLVED, That this task force will present its findings to the FMA Council on Legislation at the earliest possible date so that any advantageous political climate may be employed without delay.

House Action: Adopted as amended.

Resolution 10-304
Implementation of Health Care Reform Legislation

South Florida Caucus

(Includes Broward County Medical Association, Dade County Medical Association, Monroe County Medical Society, Palm Beach County Medical Society)

RESOLVED, That the FMA should be proactive and create a statewide committee to analyze the implementation of the new Health Care Reform Legislation, and develop strategies to protect and preserve the private practice of medicine.

House Action: Adopted

Resolution 10-305
“Doctor-Nurses” Replacing Physicians

Duval County Medical Society, Putnam County Medical Society, Clay County Medical Society, Nassau County Medical Society

RESOLVED, That the FMA pursue legislation to make it unlawful for a nurse to represent him or herself as a physician (MD/DO), to include such activity under the scope of “unlicensed practice of medicine” and to stipulate felony-level penalties for such representation; and be it further

RESOLVED, That the FMA establish an *ad hoc* committee to investigate the apparent scope of practice and conflicts of interest involved in the doctor of nursing practice.

House Action: Adopted

Resolution 10-306
FMA Priority Legislation: Sovereign Immunity for Providers Mandated Emergency Care

South Florida Caucus

(Includes Broward County Medical Association, Dade County Medical Association, Monroe County Medical Society, Palm Beach County Medical Society)

Reference Committee III

RESOLVED, That the FMA establish the Sovereign Immunity for Providers of Mandated Emergency Care as a legislative priority for the 2011 Florida Legislative Session.

House Action: Adopted

Resolution 10-307
The FMA will have the Function and Authority to Administrate B.O.M. and License Medical Doctors

South Florida Caucus

(Includes Broward County Medical Association, Dade County Medical Association, Monroe County Medical Society, Palm Beach County Medical Society)

Reference Committee III

RESOLVED, The FMA seek legislation to take over the administration and authority of the Florida Board of Medicine.

House Action: Not Adopted.

Resolution 10-308
Revision of FS 456.0635 (SB 1986 from 2009)
Florida Society of Addiction Medicine, Inc.
Reference Committee III

RESOLVED, That new language be proffered to correct this unintended consequence:

Paragraph (d) is added to subsection (2) of section 456.0635 Medicaid Fraud; disqualification for license, certificate, or registration.—

(2) Each board within the jurisdiction of the department, or the department if there is no board, shall refuse to admit a candidate to any examination and refuse to issue or renew a license, certificate, or registration to any applicant if the candidate or applicant or any principal, officer, agent, managing employee, or affiliated person of the applicant, has been:

No change. (b) No change. (c) No change.

(d) The disqualification set forth in this paragraph shall not apply to any person who is determined to have been the subject of an addiction or impairment at the time of the conduct underlying the actions set forth in (a)-(c) above and who subsequently enrolled in and either continues to successfully participate in or has subsequently successfully completed an impaired practitioner program as set forth in s. 456.076(1) or the equivalent of such program in another jurisdiction. Nothing herein shall prohibit or require action against the license, certificate, or registration of such person pursuant to the disciplinary provisions of this chapter or the appropriate practice act.

House Action: Adopted

Resolution 10-309
Protecting Florida's Physicians from Mandatory Health Network Participation
Sarasota County Medical Society
Florida Orthopaedic Society
Charlotte County Medical Society
Manatee County Medical Society
Reference Committee III

RESOLVED, That the FMA work with any appropriate physician advocacy organization to continue to oppose any legislation that would tie the license to practice medicine in the State of Florida to mandated participation in any health care network, insurance plan or public health care system; forced public service initiatives, mandated emergency room coverage, or affiliation with any public or private third party payor organization; and be it further

RESOLVED, That the FMA work with any appropriate physician advocacy organization to actively oppose any federal legislation that would tie the allocation of federal funds to state-based requirements of mandated physician participation in any health care network, insurance plan or public health care system, forced public service initiatives, mandated emergency room coverage, or affiliation with any public or private third party payer organization as a condition of licensure; and be if further

RESOLVED, That should the federal government make these types of demands on the State of Florida, that the FMA seek an injunction against such demands in Federal court and encourage the State of Florida to do the same.

RESOLVED, That the FMA work with the Florida Legislature to introduce legislation that prevents the linkage of licensure to the acceptance of any government or private insurance, public health care system, forced public service initiatives or mandatory ER coverage.

House Action: Adopted Substitute Resolution as amended.

Resolution 10-310

Protecting America's Physicians from Mandatory Health Network Participation

Sarasota County Medical Society, Florida Orthopaedic Society, Charlotte County Medical Society

Manatee County Medical Society

Reference Committee III

RESOLVED, That the FMA work with any appropriate physician advocacy organization to actively oppose any federal legislation or effort that would require physicians to participate in any health care network, insurance plan or public health care system; forced public service initiatives, mandated emergency room coverage, or affiliation with in any public or private third party payor organization; and be it further

RESOLVED, That the FMA work with any appropriate physician advocacy organization to actively oppose any federal legislation that would tie the allocation of federal funds to state-based requirements of mandated physician participation in any health care network, insurance plan or public health care system; forced public service initiatives, mandated emergency room coverage, or affiliation with in any public or private third party payor organization as a condition for licensure.

House Action: Adopted Substitute Resolution 10-309 as amended in lieu of 10-310.

Resolution 10-311

Booster Seat Law Support

Florida Chapter American Academy of Pediatrics

Florida Academy of Family Physicians; Florida Chapter American College of Physicians; Florida College of Emergency Physicians; Alachua County Medical Society; Duval County Medical Society;

Escambia County Medical Society; Hillsborough County Medical Association

Orange County Medical Society; South Florida Caucus

Reference Committee III

RESOLVED, That the FMA continue to work collaboratively in the 2011 legislative session with county medical societies, specialty medical societies, the FMA Alliance, and with public health and child-advocacy organizations to support and ensure passage of legislation requiring that all children 4 through 7 years of age and less than 4'9" be properly restrained in either a crash-tested, federally-approved children's car seat or booster seat, appropriate for the child's height and weight.

House Action: Adopted as amended.

Resolution 10-312
Focusing Pill Mill Rules on Pill Mills

Florida Academy of Pain Medicine,
Florida Allergy Asthma & Immunology Society, Florida Medical Directors Association,
Florida Society of Physical Medicine and Rehabilitation,
Florida Society of Rheumatology
Reference Committee III

RESOLVED, That our FMA work with all medical specialties in Florida to define legislative and other language to prevent unintended and substantial negative impact on patients and physician practices related to overly broad definitions and legislation of “pain management clinics,” and be it further

RESOLVED, That this be accomplished utilizing current FMA resources by the end of the 2011 legislative session.

House Action: Adopted.

Resolution 10-313
Declaration of Rights of the Florida Constitution

Owen Linder, MD, FACP, Delegate
Reference Committee III

RESOLVED, That the FMA House of Delegates debate the substance of proposed amendment 9 to the Florida constitution; and be it further

RESOLVED, That the FMA condemn this attempt to fracture an important component of health care reform.

House Action: Not adopted.

Resolution 10-314
WellCare Fraud and Abuse Lawsuit

South Florida Caucus
(Includes Broward County Medical Association; Dade County Medical Association; Monroe County Medical Society; Palm Beach County Medical Society)
Reference Committee III

RESOLVED, That the FMA seek cancellation of any and all current contracts and prohibit any future contracts made between WellCare and any managed care company that has been found to have defrauded the Medicare or Medicaid program and the Agency for Health Care Administration.

House Action: Adopted as amended.

Resolution 10-315
Second Hand Smoking and Local Jurisdictions

Orange County Medical Society
Reference Committee III

RESOLVED, That our FMA support state legislation to allow “local jurisdictions” to promote further restrictions on second hand smoke such as in bars, parks and other venues which currently allow

smoking and cause excess morbidity and deaths for Floridians and visitors from second hand smoke; and be it further

RESOLVED, That the FMA give a report back on the progress of such legislation at our 2011 FMA House of Delegates meeting.

House Action: Adopted as amended.

Resolution 10-401
Hospital Patients Classified as Outpatient

South Florida Caucus

(Includes Broward County Medical Association, Dade County Medical Association, Monroe County Medical Society, Palm Beach County Medical Society)

Reference Committee IV

RESOLVED, That the Florida Medical Association should partner with AARP and other patient advocacy groups to educate patients and legislators concerning the adverse consequences to an individual's health care, when hospitalized patients are classified as outpatients by non-physician case members.

House Action: Referred to the Board of Governors for further study.

Resolution 10-402
Access to Out of Network Physicians
Hillsborough County Medical Association
Reference Committee IV

RESOLVED, That if the insurance company does not have a qualified contracted provider for a covered benefit within 30 miles of the patient, they will be required to enter into a letter of agreement with a non-contracted provider.

House Action: Not adopted.

Resolution 10-403
Medicaid HMO Payment for Non-Contracted Physician Hospital Care

Florida Chapter American Academy of Pediatrics

Hillsborough County Medical Association; Florida Obstetric and Gynecologic Society; Florida Chapter American College of Physicians; Alachua County Medical Society

Reference Committee IV

RESOLVED, That the Florida Medical Association work with AHCA, and if necessary, seek legislation that ensures prompt payment from all contracted Medicaid HMO's for all inpatient hospital care provided by physicians, who are not participating physicians with the plan, but must provide care as a condition of their hospital staff credentialing and/or membership, including, but not limited to newborn care.

House Action: Adopted.

Resolution 10-404

Medicaid HMO Required Notification when Terminating County Coverage

Florida Chapter American Academy of Pediatrics

Hillsborough County Medical Association; Florida Academy of Family Physicians; Florida Obstetric and Gynecologic Society; Florida Chapter American College of Physicians; Alachua County Medical Society

Reference Committee IV

RESOLVED, That the FMA support legislation requiring that a Medicaid HMO must give at least 6 months written notice to all of their patients and contracted physicians and hospitals, or face a significant monetary fine, prior to the Medicaid HMO terminating coverage in a county.

House Action: Adopted.

Resolution 10-405

OPPAGA Studies on Compliance of Newborn Insurance Act

Florida Chapter American Academy of Pediatrics

Hillsborough County Medical Association; Florida Obstetric and Gynecologic Society; Florida Chapter American College of Physicians; Alachua County Medical Society

Reference Committee IV

RESOLVED, That the FMA request that OPPAGA (Office of Program Policy Analysis & Government Accountability) conduct a study to investigate how well the OIR (Office of Insurance Regulation) has assured compliance regarding the intent of the Newborn Insurance Act (F.S. 627.641(1)(4)) by determining the average age newborns have their commercial insurance “activated” and the percentage of commercial hospital newborn claims that are denied payment and the percentage involving cost-share; and be it further

RESOLVED, That the FMA request a study by OPPAGA on the average age newborns have their Medicaid insurance “activated” by DCF and the percentage of claims denied payment by AHCA on hospital newborn exams for newborns covered by Medicaid/Medipass compared with percentage of claims denied payment by AHCA for newborns covered by a Medicaid HMO; and be it further

RESOLVED, That the FMA request that OPPAGA report the results of each of these studies to the Florida Legislature by the end of the 2011 legislative session and to notify the FMA, the FOMA, the DOH, and the Florida Legislature when the studies are completed.

House Action: Adopted.

Resolution 10-406

Shared Responsibility

Joshua D. Lenchus, DO, FACP, FHM, Delegate

Florida Chapter of the American College of Physicians

Reference Committee IV

RESOLVED, That the FMA draft a policy statement, for public distribution, use in media efforts, and provided to the Florida Congressional delegation and the Centers for Medicare and Medicaid Services, that defines patient responsibility with regards to management of illness and injury, communication with physicians and other healthcare providers and utilization of emergency and routine medical resources; and be it further

RESOLVED, That the FMA partner with other medical organizations to advocate for enhanced patient responsibility.

House Action: Adopted as amended.

Resolution 10-407
Medical Home
Hillsborough County Medical Association
Reference Committee IV

RESOLVED, That the FMA make it a priority in the 2011 Legislative Session to promote the establishment of the Medical Home Model of healthcare statewide as passed out of the House Health Policy Council in the 2010 Legislative Session and supported by the FMA and FHA; and be it further

RESOLVED, That the FMA actively advocate that equitable payment to physicians must be not less than 2009 Medicare reimbursement per CPT Code.

House Action: Adopted

Resolution 10-408
Medical Staff Self Governance
South Florida Caucus
(Includes Broward County Medical Association, Dade County Medical Association, Monroe County Medical Society, Palm Beach County Medical Society
Reference Committee IV

RESOLVED, That the FMA adopt as policy that the following concepts be included in medical staff bylaws:

1. The Chief or President of the Medical Executive Committee be a physician in private practice, unencumbered by employment or contracts with the hospital that would impugn their independence, and
2. When the Chief or President of the Medical Executive Committee is not a private physician, a majority of the Medical Executive Committee be comprised of physicians free of financial conflicts with the hospital, and
3. The medical staff shall have, at the very least, one open medical staff meeting per year where issues will be debated and voted upon in an open forum without collusion or influence by hospital administrators, and
4. The election of the bylaws and changes (including retroactive changes) to the rules and regulations be voted upon at such meeting(s) with a secret ballot under the direct supervision of the medical staff without hospital interference, and
5. The election of medical staff officers be conducted by secret ballot under the direct supervision of the medical staff without hospital interference, and
6. Conflicts that arise between the medical staff and the governing body be resolved by a mutually acceptable outside agency, approved by the Joint Commission, and

7. In accordance with the American Medical Association's Board of Trustee Report #2, that the governing board of every hospital in Florida have at least one elected physician member.

House Action: Referred to the Board of Governors.

Resolution 10-409
Regional Peer Review

South Florida Caucus

(Includes Broward County Medical Association, Dade County Medical Association, Monroe County Medical Society, Palm Beach County Medical Society)

Reference Committee IV

RESOLVED, That the Florida Medical Association (FMA) institute and organize a regionalized, state-wide peer review system modeled after the Texas peer review system.

House Action: Referred to the Board of Governors for study and report back to the 2011 House of Delegates.

Resolution 10-410
High Risk Insurance Pool Expansion Plan

Owen Linder, MD, Delegate

Reference Committee IV

RESOLVED, That the FMA will issue verbal support for the high-risk program; and

RESOLVED, That the FMA will enroll a committee of physicians to determine how to administer and overview the Federal program; and

RESOLVED, That the FMA will use support staff to actuarially project how many new high risk patients can be enrolled and supported until the health exchanges take effect in 2014 without exceeding the allocation of 35 million dollars; and be it further

RESOLVED, That the FMA will close the pool when fiscally prudent.

House Action: Referred to the Board of Governors for study and report back to the 2011 House of Delegates.

Resolution 10-411
Ranking National Healthcare Systems on Medical Innovation

Jon Ward, MD, Delegate

Bays County Medical Society

Reference Committee IV

RESOLVED, That the FMA urge the AMA to begin a study on healthcare quality that does not use access to care and per capita dollars spent, but technologic innovation, outcomes, patient satisfaction and rapidity of access for those with the ability to pay for services and that the Florida AMA Delegation bring a resolution to the next AMA meeting to accomplish these goals.

House Action: Adopted as amended.

Resolution 10-412
Medicaid Reform Waiver Extension
Broward County Medical Association
Reference Committee IV

RESOLVED, That the FMA oppose the request for extension of the waiver and Medicaid Reform, and be it further

RESOLVED, That the FMA will notify CMS in a timely fashion before the expiration of the comment period.

House Action: Referred to the Board of Governors for action.