



# Florida**Medical**

A S S O C I A T I O N

Helping Physicians Practice Medicine

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## *2011 HOUSE OF DELEGATES ACTIONS*

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**FLORIDA MEDICAL ASSOCIATION, INC.**  
**2011 HOUSE OF DELEGATES**  
**ACTION ON RECOMMENDATIONS FROM THE BOARD OF GOVERNORS**

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**Report A of the Board of Governors**

**Recommendation A-1:** Resolution 10-110, Cell Phones and Education for “In Case of Emergency (ICE)”; Hillsborough County Medical Association.

That the House of Delegates adopt Substitute Resolution 10-110, Cell Phones and Education for “In Case of Emergency (ICE)”;

House Action: Adopted as substituted.

RESOLVED, That the Florida Medical Association together with other patient advocates including county medical associations/societies and specialty societies engage in a social marketing campaign with its members to encourage office staff, on behalf of patients, to educate and advocate for the installation of personalized ICE numbers in the patient’s cell phone either at the time of an office visit or at the time that patients purchase cell phones; and be it further

RESOLVED, that an educational campaign relative to ICE number use be encouraged commencing in 2011 or earlier, through publication in the Florida Medical Association, county medical association/society, and specialty society web communications and/or other publications; and be it further

RESOLVED, that the Florida Medical Association advocate in 2011 with consumer groups and major vendors that all cell phone service providers voluntarily provide ICE instructions in their installation booklet and that a separate ICE brochure be available from service providers at all retail stores, posted on their electronic billing, or as a direct mailing to their customers.

**Recommendation A-2:** 2003 FMA Policy Review

That the House of Delegates approves the 2003 Policies to be reaffirmed or sunsetted, according to the seven year policy review mechanism.

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

**Recommendation A-3:** Specialty Society Recognition – American Society of Abdominal Surgeons, Inc.

That the House of Delegates approve the American Society of Abdominal Surgeons, Inc., as an FMA Specialty Society having met all the FMA criteria for recognition.

House Action: Adopted.

## **Report B of the Board of Governors**

**Recommendation B-1:** Resolution 10-207, Direct Regional Election of Medical District Representatives (AKA Home Rule)

That the House of Delegates not adopt Resolution 10-207, Direct Regional Election of Medical District Representatives (AKA Home Rule).

House Action: Adopted.

**Recommendation B-2:** FMA Bylaws – Additional Medical District take the place of the At Large Seat on FMA Board of Governors.

That the House of Delegates amend the FMA Bylaws to implement the action by the Board of Governors establishing an additional Medical District with the intention that this position take the place of the At Large seat on the Board of Governors.

House Action: Adopted.

**Recommendation B-3:** FMA Bylaws – Medical Student Representative Seat on Board of Governors – Terms and Requirement.

That the House of Delegates amend the FMA Bylaws to provide that the medical student representative to the Board of Governors serve a one year term and that the requirement that the seat be rotated consecutively among all the Florida Medical Schools be deleted.

House Action: Adopted.

**Recommendation B-4:** FMA Bylaws – Representative of the Council of Florida Medical School Deans on FMA Board of Governors.

That the House of Delegates amend the Florida Medical Association 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 appointed by the FMA President, with the approval of the Board of Governors, from those institutions with full active membership in the FMA.

House Action: Adopted.

**Recommendation B-5:** FMA Bylaws – Reword Section on Composition of Board of Governors.

That the House of Delegates amends the FMA bylaws to reword the section on the composition of the Board of Governors to make it easier to read and understand.

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 10-408, Medical Staff Self Governance.

That the House of Delegates adopt as amended Resolution 10-408, Medical Staff Self Governance.

House Action: Adopted as amended.

RESOLVED, That the Florida Medical Association (FMA) adopt as policy that the following concepts be included in medical staff bylaws:

1. 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
2. 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
3. The election of medical staff officers be conducted by closed ballot under the direct supervision of the medical staff without hospital interference, and
4. Any financial or other relationship with the hospital which may present a conflict of interest shall be disclosed by nominated and existing medical staff leaders in any official position to the medical staff in a confidential letter to members of the medical staff. These conflicts shall be disclosed at the beginning of each medical executive committee or other medical staff committee meeting. Any member with a conflict must recuse themselves from consideration of the matter and vacate their chair during discussions of the matter with which they have a conflict.
5. 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 physician member elected by the medical staff.

### **Recommendation D-2:** Resolution 10-409, Regional Peer Review

That the House of Delegates adopt as substituted Resolution 10-409, Regional Peer Review.

House Action: Adopted as substituted.

RESOLVED, that the Florida Medical Association direct staff to evaluate existing peer review entities to determine whether these entities can conduct hospital based peer review which would be controlled by the medical staff in an economically sustainable manner.

**FLORIDA MEDICAL ASSOCIATION, INC.**  
**2011 HOUSE OF DELEGATES**  
**RESOLVES REFLECT FINAL ACTION ON AMENDED OR SUBSTITUTED RESOLUTIONS**  
**BY THE HOUSE OF DELEGATES**

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**Resolution 11-101**  
**Advocacy Campaign for Cell Phones and “In Case of Emergency (ICE)”**  
Hillsborough County Medical Association  
Reference Committee I

House Action: Adopted as amended.

RESOLVED, That our FMA conduct an active patient related advocacy campaign and advocate with state regulatory agencies 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, ICE consumer information be posted on their electronic billing, or a brochure providing in case of emergency information be provided as a mailing or with the electronic billing notice to their customers; and all cell phones shall have an emergency application that contains emergency (911) and in case of emergency (ICE) contacts.

**Resolution 11-102**  
**Fetal Alcohol Syndrome**  
Hillsborough County Medical Association  
Reference Committee I

House Action: Reaffirmed as existing policy.

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.

**Resolution 11-103**  
Child Safety  
Orange County Medical Society

Withdrawn by sponsor.

**Resolution 11-104**  
**Secondhand Smoke and Comprehensive Tobacco Free Policies**  
**Throughout the State of Florida**  
Orange County Medical Society  
Reference Committee I

House Action: Adopted.

RESOLVED, That the Florida Medical Association (FMA) support comprehensive policies for smoke free workplaces throughout Florida including those currently exempted by Florida law such as standalone bars, fraternal clubs and other venues; and be it further

RESOLVED, That the FMA encourage the dissemination and publication of existing city, county and school district policies regarding tobacco free parks, outdoor recreation venues, schools, beaches and government property and buildings.

**Resolution 11-105**  
**Collaboration Between Human Medicine, Veterinary Medicine, and the  
Environmental Sciences (One Health)**  
Escambia County Medical Society; Manatee County Medical Society  
Reference Committee I

House Action: Adopted as amended.

RESOLVED, That our Florida Medical Association support the “One Health” initiative designed to promote collaboration among the health professions by improving the lives of all species through the integration of human medicine, veterinary medicine, and the environmental sciences; and be it further

RESOLVED, That our FMA engage in a dialogue with the Florida Veterinary Medical Association and the Florida Public Health Association to determine and implement strategies for enhancing collaboration among the human medical, veterinary medical, and environmental sciences professions in medical education, clinical care, public health, and biomedical research.

**Resolution 11-107**  
**FMA Press Release Advocating Children’s Issues**  
Florida Pediatric Society  
Florida Obstetric and Gynecologic Society  
Hillsborough County Medical Association  
Reference Committee I

House Action: Adopted.

RESOLVED, That the Florida Medical Association release a press statement at the beginning of "Children's Week" during each Florida legislative session to the effect of: "Florida has the 4th largest childhood population in the United States. As such, the Florida Medical Association encourages the Florida Legislature to strongly consider the importance of the physical and mental well-being of children to the future of our State as they make decisions that impact Florida's children".

**Resolution 11-108**  
**Informing Floridians About the Risks to Municipal Water Supplies and the Limitations of Bottled Water**  
Duval County Medical Society  
Reference Committee I

House Action: Referred the Board of Governors for action.

RESOLVED, That the Florida Medical Association support measures that: 1) increase research in the area of drinking water safety and potential toxin contaminants, 2) seek to prevent the contamination of the Florida Aquifer, 3) fund maintenance of municipal water systems, and 4) provide for more rigorous testing of water for toxins that have been identified by the Federal Environmental Protection Agency under the US Safe Drinking Water Act (1976), including suspected carcinogens and endocrine disruptors; and be it further

RESOLVED, That the Florida Medical Association support measures that: 1) help to educate Floridians about water quality and toxins, 2) explain the conditions of municipal water systems, 3) encourage the filtering of tap water, and 4) explain the limitations of bottled water.

**Resolution 11-109**  
**Continued Support for Prescription Drug Monitoring Program**  
Florida Society of Medicine (FSAM)  
Reference Committee I

House Action: Adopted as amended.

RESOLVED, That the Florida Medical Association (FMA) support the immediate implementation of the Prescription Drug Monitoring Program (PDMP); and be it further

RESOLVED, That the FMA supports creation of an elective course to educate physicians on the guidelines and requirements for prescribing in compliance with the PDMP.

**Resolution 11-110**  
**Medical Marijuana Use Not Supported or Substantiated**  
The Florida Society of Addiction Medicine (FSAM)  
Reference Committee I

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

RESOLVED, That the Florida Medical Association (FMA) opposes consideration of any initiative or policy supporting the use of medical marijuana in Florida; and be it further

RESOLVED, That the FMA supports and adopts as official policy the American Society of Addiction Medicine “Public Policy Statement on Medical Marijuana.”

**Resolution 11-111**  
**Ad Hoc Guardianship Examining Committee**  
South Florida Caucus  
Reference Committee I

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

RESOLVED, That the Florida Medical Association (FMA) immediately create a five member Presidential Ad Hoc Committee on Florida Guardianship to, within 24 months, determine and report to the FMA President the current number of Florida’s Wards of the state; and be it further

RESOLVED, That this Ad Hoc Committee on Florida Guardianship investigate the process as per Florida Statute 744 with regard to the clinical determination of incapacity by physicians and other paramedical personnel to assess its clinical validity and within 24 months report to the FMA President on its evaluation of the clinical validity of the process used to determine incapacity.

**Resolution 11-201**  
**Collective Bargaining For Florida Physicians**  
Duval County Medical Society  
Reference Committee II

House Action: Adopted.

RESOLVED, That the Florida Medical Association study the advocacy efforts being taken by MSSNY to allow collective bargaining by Florida physicians and determine if similar action in Florida is feasible; and further, that the study findings be reported to the FMA Board of Governors for appropriate action no later than the 2012 FMA Annual Meeting.

**Resolution 11-202**  
**AMA to Make Balance Billing Its Highest Priority**  
Palm Beach County Medical Society  
Reference Committee II

House Action: Adopted Amended Substitute Resolution 202.

RESOLVED, That the Florida Medical Association (FMA) requests the American Medical Association (AMA) to make private contracting one of its highest priorities.

RESOLVED, That the AMA work to allow participating and non-participating physicians to privately contract with Medicare patients and make available allowable Medicare payments toward services provided.

**Resolution 11-203**  
**Patient Protection and Affordable Care Act**  
Orange County Medical Society  
Reference Committee II

House Action: Adopted as amended.

RESOLVED, That the Florida Medical Association (FMA), through its delegation to the American Medical Association (AMA), request that the AMA petition the office of the President of the United States, the United States Senate, and the House of Representatives to address Medical Malpractice Reform and support HR 5 – HEALTH ACT of 2011 by Representative Gingrey.

**Resolution 11-204**  
**Establish Arbitration Agreements**  
Lake-Sumter Medical Society  
Reference Committee II

House Action: Adopted.

RESOLVED, That the Florida Medical Association work with the Florida Board of Medicine to develop an alternative to jury trials for disputed medical malpractices case; and be it further

RESOLVED, That one of these alternatives be the development of an arbitration agreement that can be entered into between the physicians of Florida and their patients prior to any claim of malpractice; and be it further

RESOLVED, The Florida Medical Association and the Florida Board of Medicine make available a standardized Arbitration Agreement Form that can be used by any physician licensed in the State of Florida.

**Resolution 11-205**  
**Physician Civil Rights Abuses by Managed Care Organizations**  
Duval County Medical Society  
Reference Committee II

House Action: Adopted.

RESOLVED, That the Florida Medical Association (FMA) study due process/civil rights abuses by managed care organizations (MCOs) and determine if remedial actions such as reporting to state and/or

federal agencies (e.g., Florida Attorney General, Medicare Civil Rights Division, etc.) would benefit FMA members; and further, that the findings be reported to the FMA Board of Governors for appropriate action no later than the 2012 FMA Annual Meeting.

**Resolution 11-206**  
**Mandatory Report for Medical Professionals with Multiple Driving Under  
The Influence (DUI) Arrests**  
The Florida Society of Addiction Medicine  
Reference Committee II

House Action: Adopted as amended.

RESOLVED, That the Florida Medical Association supports action requiring that any medical professional who is arrested for driving under the influence on two occasions should self report to his or her appropriate advocacy agency, the Professionals Resource Network or the Intervention Project for Nurses, and submit to assessment for alcoholism and chemical dependence.

**Resolution 11-207**  
**FMA Sponsorship of Attendance at Meetings of the Council of Florida Medical Society Executives**  
Alachua County Medical Society, South Florida Caucus  
Reference Committee II

House Action: Adopted Substitute Resolution 11-207.

RESOLVED, That the FMA Board of Governors consider a webinar format to improve participation of county and specialty medical society executives in FMA meetings.

**Resolution 11-208**  
**FMA Support for the FMA Alliance**  
South Florida Caucus  
Reference Committee II

House Action: Referred to the FMA Board of Governors

RESOLVED, That The Florida Medical Association (FMA) will continue to support the Florida Medical Association Alliance by (1) encouraging the spouses of all FMA members to join the FMA Alliance, (2) providing in-kind donation of support staff and office materials as in the past, (3) provide the name and contact information for all new members of the FMA to the FMA Alliance, to assist them in recruiting new members.

**Resolution 11-209**  
**FMA Assistance with Increasing County Medical Society Memberships**  
Hillsborough County Medical Association  
Reference Committee II

House Action: Adopted as amended.

RESOLVED, That the Florida Medical Association (FMA) encourage county medical society membership on its "Home Page" and place a link on its membership application/renewal website to county medical societies' membership application/renewal websites; and be it further

RESOLVED, That the FMA provide a link to county medical societies membership application/renewal website in each of their "FMA Member Connection E-News" emails; and be it further

RESOLVED, That the FMA dedicate an “FMA TV” episode and an article in the FMA Magazine each year on the importance of FMA and county medical society membership, and be it further

RESOLVED, That the county medical societies’ websites reciprocate in an equal fashion encouraging FMA membership.

**Resolution 11-301**  
**Drug Monitoring Database**  
Orange County Medical Society  
Reference Committee III

House Action: Reaffirmed as existing policy.

RESOLVED, That the Florida Medical Association supports the sustainable funding of the Prescription Drug Monitoring Database.

**Resolution 11-302**  
**Repeal of the Florida State Legislation on Non-Medical Testing**  
**for Those Seeking to Legally Terminate Pregnancy**  
Orange County Medical Society  
Reference Committee III

House Action: Adopted.

RESOLVED, That the Florida Medical Association supports the repeal of the Florida state legislation requiring non-medical testing of those seeking to legally terminate a pregnancy.

**Resolution 11-303**  
**Defining Expert Testimony**  
Lake-Sumter County Medical Society  
Reference Committee III

House Action: Reaffirmed as existing policy.

RESOLVED, That the Florida Medical Association support legislation that would require Florida courts to interpret and apply principles of expert testimony in conformity with the *Daubert* standard, as set forth by the United States Supreme Court.

**Resolution 11-304**  
**Ensuring Payment for Newborn Care**  
Florida Pediatric Society  
Reference Committee III

House Action: Adopted Substitute Resolution 11-304 in lieu of original Resolution 11-304 and original Resolution 11-318.

RESOLVED, That the Florida Medical Association support legislation so that a newborn's medical care is covered under the mother's health insurance for the first 30 days of life and that the newborn's insurance be active at the time of birth with no additional costs for the policyholder during the first 30 days and regardless of whether or not the child is registered.

**Resolution 11-305**  
**Opposition to Legislation Seeking to Limit Physician  
and Patient Conversations**  
Florida Pediatric Society  
Reference Committee III

House Action: Adopted as amended.

RESOLVED, That the Florida Medical Association oppose any legislation that would seek to interfere with the scope of conversations a physician can have with their patients or patient's guardian.

**Resolution 11-306**  
**Identify Interventional Pain Medicine as the Practice of Medicine**  
Florida Society of Anesthesiologists (FSA)  
Florida Academy of Pain Medicine (FAPM)  
Florida Society of Interventional Pain Physicians (FSIPP)  
Reference Committee III

House Action: Referred to the Board of Governors for study and action, if appropriate.

RESOLVED, That the Florida Medical Association (FMA) recognizes that the practice of Interventional Pain Medicine is the practice of medicine; and be it further

RESOLVED, That the FMA recognizes that only appropriately trained physicians licensed under Florida Statutes Ch. 458 and 459 may perform interventional Pain Medicine techniques; and be it further

RESOLVED, That the FMA will dedicate all available resources to support legislation in the 2012 Legislative Session identifying Interventional Pain Medicine as the practice of medicine.

**Resolution 11-307**  
**Return to Play After Suspected Concussion**  
Escambia County Medical Society  
Reference Committee III

House Action: Reaffirmed as existing policy.

RESOLVED, That the Florida Medical Association support the adoption of requirements that student athletes under age 18, who are suspected by a coach, trainer, administrator, or other individual responsible for the health and well-being of athletes of having sustained a concussion, are prohibited from returning to play or practice without prior written approval from an M.D or D.O.; and be it further

RESOLVED, That the Florida Medical Association support an educational program for young athletes, parents, and coaches regarding concussions so that they can recognize the symptoms of a concussion and know when to seek medical attention.

**Resolution 11-308**  
**Radiology Benefits Management Intrusion and Transparency Act**  
Duval County Medical Society  
Reference Committee III

House Action: Adopted Substitute Resolution 11-308 in lieu of original Resolution 11-308.

RESOLVED, That our FMA seek legislation that would require any physicians making health insurance coverage recommendations regarding approval or disapproval of diagnostic imaging procedures, or any other patient care decisions, be licensed in the state of Florida, and disclose upon request the guidelines used to make a negative recommendation.

**Resolution 11-309**  
**Establish Standards for Informed Consent**  
Lake-Sumter County Medical Society  
Reference Committee III

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

RESOLVED, That the Florida Medical Association (FMA) work with the Florida Board of Medicine to develop standardized informed consent handouts for a majority of interventional procedures; and be it further

RESOLVED, That these documents include specific signed informed consent documents for each of these same procedures; and be it further

RESOLVED, That the FMA seek to amend the recently passed Expert Witness law to include exemptions from malpractice for those complications listed on the consent forms, much like the ophthalmologists have within that bill; and be it further

RESOLVED, That the FMA and the Florida Board of Medicine create handouts that are available, at no cost to physician offices, via internet download or by print, that cover these same procedures; and be it further

RESOLVED, That the handouts be available in the top languages spoken within the state of Florida to include at least English and Spanish.

**Resolution 11-310**  
**National Standardized Form**  
Lee County Medical Society  
Reference Committee III

House Action: Not adopted.

RESOLVED, There be legislation requiring limited standardized forms for prescription management company authorization requests: and be it further

RESOLVED, That a single form be designed for an anticipated step therapy request/scenario; and be it further

RESOLVED, That a single form be designed for preferred tiered name brand prescription requests; and be it further

RESOLVED, That the standardized forms be accepted at a national level and that the Florida Medical Association, through its delegation to the American Medical Association (AMA), propose a resolution seeking legislation with the above resolves for an adequate solution to patient prescription delivery and if necessary work with the AMA to put into effect legislation on a national level to address this issue.

**Resolution 11-311**  
**Payment for Preventive Services**  
Florida Pediatric Society  
Reference Committee III

House Action: Adopted.

RESOLVED, That the Florida Medical Association (FMA) seek or support legislation so that comprehensive preventive medicine CPT codes (99381-99387, 99391-99397) are paid at least at “Medicare” rates, as calculated by using RVU’s obtained from the Centers of Medicare and Medicaid Services (CMS); and be it further

RESOLVED, That the FMA seek or support legislation so that vision screening, hearing screening, VEP (visual evoked potential), and recommended age-appropriate laboratory procedures and tests are required to be paid independently when performed along with a comprehensive preventive medicine CPT code (99381-99387, 99391-99397).

**Resolution 11-312**  
**Timely and Appropriate Payments for New CPT Codes and Vaccine Price Increases**  
Florida Pediatric Society  
Florida Obstetric and Gynecologic Society

Withdrawn by sponsor.

**Resolution 11-313**  
**Appropriate Payment by AHCA for Vaccines and their Administration**  
Florida Pediatric Society  
Reference Committee III

House Action: Adopted

RESOLVED, That the Florida Medical Association (FMA) work with the Agency for Healthcare Administration (AHCA) or seek legislation to increase vaccine payments to at least 25% above the vaccine cost, as listed on the CDC Vaccine Price List, for patients with MediKids or Healthy Kids insurance; and be it further

RESOLVED, That the FMA encourage AHCA to update their vaccine fee schedule for MediKids and Healthy Kids patients on the first day of every quarter on their website; and be it further

RESOLVED, That the FMA work with AHCA or seek legislation to increase vaccine administration payments for all patients covered by Florida KidCare (Medicaid, MediKids, Healthy Kids, Children's Medical Services) to the Maximum Regional Charges for Florida (\$16.06) as established by the US Department of Health and Human Services.

**Resolution 11-314**  
**Timely and Appropriate Payments for New CPT Codes**  
Florida Pediatric Society  
Florida Obstetric and Gynecologic Society  
Reference Committee III

House Action: Adopted.

RESOLVED, That the Florida Medical Association (FMA) seek or support legislation to ensure that, beginning January 1<sup>st</sup> of each year, health insurance companies recognize and pay physicians for all current-year CPT codes billed.

**Resolution 11-315**  
**Appropriate Payments for Vaccine Price Increases**  
Florida Pediatric Society  
Florida Obstetric and Gynecologic Society  
Reference Committee III

House Action: Adopted

RESOLVED, That the Florida Medical Association seek or support legislation so that health insurance companies increase vaccine payments by an amount at least equal to the manufacturer vaccine price increase(s) beginning on the day the price increase(s) goes into effect.

**Resolution 11-316**  
**Disciplining Irresponsible Out-Of-State Expert Witnesses in Child Abuse Cases**  
Florida Pediatric Society  
Reference Committee III

House Action: Adopted as amended.

RESOLVED, That the Florida Medical Association support legislation that requires non-Florida licensed physicians called to testify in criminal or civil cases involving medical issues such as child abuse cases be required to obtain an Expert Witness Certificate from the Florida Department of Health.

**Resolution 11-317**  
**Opposition to Legislation on Gun Safety Issues**  
Collier County Medical Society

Withdrawn by sponsor.

**Resolution 11-318**  
**Support of Payment to Physicians for Newborn**  
South Florida Caucus  
Reference Committee III

House Action: Adopted Substitute Resolution 11-304 in lieu of original Resolution 11-304 and original Resolution 11-318.

**Resolution 11-319**  
**Physician Ability to Freely Discuss Gun Safety**  
Broward County Medical Association  
Reference Committee III

House Action: Adopted Substitute Resolution 11-319 in lieu of original Resolution 11-319.

RESOLVED, That our FMA legally supports, to the greatest degree possible, any FMA member subject to disciplinary action based on enforcement of the Florida gun law (HB 155, 2011) if the affected physician was acting based on the medical necessity and safety of the patient or others; and be it further

RESOLVED, That our FMA actively opposes any attempt to restrict physician questions to patients or require questions of patients; and be it further

RESOLVED, That our FMA opposes requiring any patient to answer any questions posed by their physicians; and be it further

RESOLVED, That our FMA supports the right of patients and physician to enter into and end patient relationship based solely on the personal choice of the patient or the physician.

**Resolution 11-320**  
**CMS Verbal Order Authentication Requirement**  
Escambia County Medical Society  
The Bays County Medical Society  
Pinellas County Medical Association  
Reference Committee III

House Action: Adopted.

RESOLVED, That the Florida Medical Association (FMA) collaborates with the Florida Hospital Association and the Florida Society of Hospital Physician Executives to effect legislative change to FS 395.3025(12) as follows, “Verbal or telephone orders for hospital services must be authenticated within 30 days from the date of patient discharge. The hospital must maintain the written authentication or documentation of the efforts made to obtain such authentication as part of the medical record.”

**Resolution 11-321**  
**Newborn Screening to Detect the Presence of Severe Combined Immunodeficiency Disease (SCID’s)**  
Steven Rosenberg, M.D., Delegate  
Orange County Medical Society  
Reference Committee III

House Action: Adopted as amended.

RESOLVED, That the Florida Medical Association will support petitioning both the Governor of the state of Florida and the Florida Legislature to appropriate funds to institute screening for Severe Combined Immunodeficiency Disease (SCID’s) in the State of Florida.

**Resolution 11-322**  
**Improving Quality of Patient Care and Working Conditions for Florida’s Hospital-Based Nurses**  
David McKalip, M.D., Delegate  
Reference Committee III

House Action: Referred to the Board of Governors.

RESOLVED, That the Florida Medical Association (FMA) work with the Florida Nurses Association to examine the issue of appropriate nurse:patient staffing ratios in various hospital-based patient care settings as well as the impact of increased administrative work and decreased technical staff and administrative staff support for nurses; and be it further

RESOLVED, That the Florida Medical Association (FMA), through model legislation and/or administrative rules, propose state mandated standards to be followed by hospitals for minimum appropriate nurse:patient ratios in various hospital-based patient care settings and minimum work place standards including percentage of nursing time spent on clinical duties and appropriate numbers of clinical technical support and administrative support staff for hospital-based nurses.

**Resolution 11-323**  
**Florida Medical Association Support for Department Of Health**  
**During Proposed Reorganization, August, 2011**

Gerold L. Schiebler, M.D., Delegate

John S. Curran, M.D., Delegate

Reference Committee III

House Action: Adopted.

RESOLVED, That the FMA leadership and staff monitor the aforementioned hearing to emphasize and reinforce the following key items essential to not only maintain but to enhance the health care system of the great State of Florida, to wit:

- a. The position of Surgeon General/Secretary of the Department of Health, if the positions are to be separated in a future reorganization plan, that both positions be statutorily mandated to be filled by a physician licensed under F.S. 458 or F.S. 459;
- b. On any future reorganization plan in which the Department of Health is proposed to be amalgamated with other State Agencies, that the Secretary of this newly created Department must be a physician licensed under F.S. 458 or F.S. 459;
- c. The present Division of Medical Quality Assurance (MQA) in the Department of Health be maintained in its present organizational format and not be transferred to another State Agency such as but not limited to the Department of Business and Professional Regulation;
- d. That the position of the present statutorily mandated Deputy Secretary for Children's Medical Services and Deputy State Health Officer for Children be maintained with a realignment of the children's health mission in any reorganizational plan and that this positions be filled as soon as feasible;
- e. That the present Children's Medical Services (CMS) Network, physician led and directed, should be maintained in the Department of Health and not outsourced to the Agency for Health Care Administration in which physician influence and delivery of quality enhanced child health programs would presumably be markedly diluted;
- f. Maintaining and expanding the present Children's Medical Services provider service network for both specialty and primary care should remain a top priority under physician direction to allow them parity in competing with traditional health maintenance organizations (HMO) which frequently have little or no direct physician involvement or direction and depend on rudimentary quality child health measures not comparable with the Children's Medical Services Network; and
- g. The present physician directed Child Protection Teams (CPT's) under Children's Medical Services deal with multi-faceted problems and challenges of child abuse and should remain with adequate recurring funding in the Department of Health and not be transferred as proposed to the Department of Children and Families (DCF).

**Resolution 11-324**  
**Limiting Malpractice Hedge Funds**  
Lake-Sumter Medical Society  
Reference Committee III

House Action: Adopted.

RESOLVED, That the Florida Medical Association help establish and support legislation that would make medical malpractice hedge funds illegal in the State of Florida; and further be it

RESOLVED, That the Florida Medical Association Delegation to the American Medical Association establish a resolution to present to the AMA House of Delegates a similar resolution to present to the U.S. Congress, CMS and the President in order to help curb the rising costs of health care.

**Resolution 11-325**  
**Medicaid Managed Care Equality**  
Specialty Society Section  
Reference Committee III

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

RESOLVED, That the Florida Medical Association work with the Florida Agency for Health Care Administration (AHCA) to require that Medicaid HMOs and PSNs utilize a comprehensive system of care guaranteeing a full spectrum of basic benefits for all Medicaid beneficiaries including the following criteria: (1) consultative direction by physicians from multiple disciplines responsible for the clinical care of these patients (2) annual review and evaluation for efficacy, cost effectiveness, and relevance using objective clinical evidence (3) annual reporting of this analysis to the Governor, Senate President, and Speaker of the House to ensure full transparency.

**Resolution 11-401**  
**Uniform Insurance Enrollment Form and Process**  
Brevard County Medical Society  
Indian River County Medical Society  
Volusia County Medical Society  
Reference Committee IV

House Action: Adopted.

RESOLVED, That the Florida Medical Association adopt policy that would support a uniform insurance enrollment form and process.

**Resolution 11-402**  
**A “Level Playing Field” in Negotiations Between Health Insurance Companies and Physicians;**  
Lawrence S. Halperin, M.D., Delegate  
Orange County Medical Society  
Florida Orthopaedic Society  
Sarasota County Medical Society

House Action: Adopted.

RESOLVED, That the Florida Medical Association (FMA) use its resources to support passage of bill HR-1409 by contacting and strongly requesting each congressperson in the Florida delegation support and co-

sponsor HR-1409 and further request that each member of the FMA contact their congressperson and ask them to do the same; and be it further

RESOLVED, That the FMA request all Florida county medical societies and all state medical societies to pass a similar resolution and take similar action; and be it further

RESOLVED, That the FMA, through its delegation to the American Medical Association (AMA) attempt to make passage of HR 1409 a top legislative priority of the AMA.

**Resolution 11-403**  
**Access to Specialty Care**  
Orange County Medical Society

House Action: Adopted as amended.

RESOLVED, That the Florida Medical Association (FMA) once again reaffirm existing FMA policy supporting setting Medicaid reimbursement at 100% of the Medicare fee schedule; and be it further

RESOLVED, That the FMA work with the Agency for Health Care Administration (AHCA) and the managed care industry to assure Medicaid beneficiary access to robust networks of all physicians, as well as multicultural services to address health care disparities; and be it further

RESOLVED, That specialty care providers for Medicaid beneficiaries be reimbursed at 100% of the Medicare fee schedule.

**Resolution 11-404**  
**Florida's Expansion of Medicaid Managed Care**  
Florida College of Emergency Physicians

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

RESOLVED, That our Florida Medical Association use current Florida workforce study data to evaluate the current status of primary care and specialist physician Medicaid coverage and access issue that currently exists; and be it further

RESOLVED, That our Florida Medical Association evaluate the impact of Medicaid managed care expansion on each of the following: (1) Emergency Department volumes of Medicaid patients; (2) Wait times for new patients getting non-emergency appointments with a physician; (3) Percentages of physicians accepting new patients; and (4) Physician acceptance of traditional Medicaid and Medicaid managed care programs.

**Resolution 11-405**  
**Financial Recuperation Prescription Decisions**  
Lee County Medical Society  
Raymond W. Kordonowy, M.D., Delegate

House Action: Reaffirmed as existing policy.

RESOLVED, That prescription providers and/or patients be given the authority to invoice prescription management plans for financial recuperation for time incurred printing, filling out and managing these forms.

**Resolution 11-406**  
**Prescription Management Options**  
Lee County Medical Society  
Raymond W. Kordonowy, M.D., Delegate

House Action: Not adopted.

RESOLVED, That limited pill count policies be eliminated for prescription management options, and be it further

RESOLVED, That the option of requesting preferred generics be eliminated from prescription management plan denial options.

**Resolution 11-407**  
**Prior Authorization**  
Philippe A. Saxe, M.D., FACP  
Florida Society of Rheumatology

House Action: Adopted amended Substitute Resolution 11-407 in lieu of original Resolution 11-407.

RESOLVED, That the FMA call on insurers and payers to eliminate complex barriers and reinstate physicians as the primary authorities for patient treatment. In addition, the formulary must be transparent, oppose preauthorization of commonly used peer-review supported medication or procedure. Furthermore, a standardized short simple focused universal prior authorization form, available written and electronically must be used, and physicians should be compensated for their time completing this form. Lastly, if a health plan or insurer does not use the standardized universal prior authorization form or fails to provide a decision within 48 hours that the prior authorization will automatically be deemed granted; and further, reviews should be no more frequent than annually for those with chronic disorders.

**Resolution 11-408**  
**Acknowledging and Promoting a Good Program for Health Insurance**  
Owen Linder, M.D., FACP, Delegate

House Action: Not adopted.

RESOLVED, That the Florida Medical Association supports dissemination of information regarding health insurance for persons with preexisting conditions.

**Resolution 11-409**  
**Inpatient Versus Outpatient Hospital Medical Care**  
Palm Beach County Medical Society

House Action: Adopted.

RESOLVED, That the Florida Medical Association, in conjunction with its delegation to the American Medical Association, and in coordination with the Hospital Association, work together to assure that both patients and physicians are treated fairly in the process of delineating the hospital admission status of patients.

**Resolution 11-410**  
**Equal Access to Organ Transplantation for Medicaid Beneficiaries**  
Duval County Medical Society

House Action: Adopted.

RESOLVED, That our FMA submit a resolution to the AMA urging CMS to designate organ transplantation care and services which are covered by Medicare to be designated as mandatory benefits under Medicaid, and deemed life-saving and essential, such that Medicaid coverage throughout the United States be uniform, predictable, and enabling regarding access to life-saving care.

**Resolution 11-411**  
**Florida Physicians against the Independent Payment Advisory Board (IPAB)**  
Duval County Medical Society

House Action: Reaffirmed as existing policy.

RESOLVED, That our FMA support organized medicine in repealing the Independent Payment Advisory Board (IPAB) and advocate the use of evidence-based, medical guidelines and appropriate use criteria to help improve the quality and cost effectiveness of medical care to all patients.

**Resolution 11-412**  
**Medical Staff Bylaws**  
St. Lucie-Okeechobee Counties Medical Society

House Action: Not Adopted.

RESOLVED, That the Florida Medical Association, through its professional relations, such as the American Medical Association, prohibit the strong imposition of the Joint Commission's 01.01.01 on medical staffs to change their approved bylaws; and be it further

RESOLVED, That 01.01.01 should also suggest that medical staffs seek legal counsel regarding accepting this standard in their approved medical staff bylaws; and be it further

RESOLVED, That the standard should mention that this may be difficult to implement in the medical staff bylaws, especially where the bylaws are considered a form of contract.

**Resolution 11-413**  
**Employing Hospitalists**  
St. Lucie-Okeechobee Counties Medical Society

House Action: Not adopted.

RESOLVED, That any Florida hospital should be prohibited from employing hospitalist(s) at the same hospital facility.

**Resolution 11-414**  
**Medicaid Reform Waiver Extension and Statewide Expansion**  
Broward County Medical Association

House Action: Adopted.

RESOLVED, That the Florida Medical Association (FMA) will publicly oppose the request for extension of the waiver and Medicaid Reform state wide and address all physician's concerns; and be it further

RESOLVED, That the FMA will send a letter to CMS within one month and before the expiration of any comment period specifically asking CMS not to extend the waiver nor allow the state to expand the program statewide because Florida has failed and is still failing to properly address concerns by patients, physicians, hospitals and CMS alike.

**Resolution 11-415**  
**Managed Care Panels**  
Florida Society of Dermatology and Dermatologic Surgery

House Action: Adopted.

RESOLVED, That the Florida Medical Association petition the American Medical Association to seek legislation that would prohibit Medicare managed care companies from terminating without cause an enrollee's contracted, pre-existing physician before the enrollee's first subsequent open enrollment period.

**Resolution 11-416**  
**Professional Services vs. Evaluation and Management**  
**Services CPT Codes**  
Polk County Medical Association

House Action: Adopted

RESOLVED, The current situation is inequitable and the FMA should request the AMA to revise the CPT policy by removing the description "professional services" and replace with "evaluation and management services".

**Resolution 11-417**  
**High Risk Insurance Pool**  
Owen Linder, M.D., Delegate  
Pinellas County Medical Association

House Action: Adopted as amended.

RESOLVED, That the Florida Medical Association (FMA) issue a statement to its members providing the details and benefits of the Pre-existing Condition Insurance Plan (PCIP) and disseminate the web site containing the toll free number 1-866-717-5826 and the web site [www.PCIP.gov](http://www.PCIP.gov).