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**2013 HOUSE OF DELEGATES ACTIONS**

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**ACTION ON RECOMMENDATIONS FROM THE BOARD OF GOVERNORS (PAGE 2)**

**ACTION ON HOUSE OF DELEGATES RESOLUTIONS (PAGES 3-15)**

**RESOLUTIONS REFERRED TO THE FMA BOARD OF GOVERNORS\* (SEE BELOW)**

- \*Recommendation B-1 FMA Bylaws Amendment, Chapter VII, Section II
- \*Resolution 13-106 Adoption of ASAM Criteria for Determining Essential Benefits In Substance Use Disorder. The Florida Society of Addiction Medicine (FSAM)
- \*Resolution 13-107 Specialty Specific Residency Training Florida College of Emergency Physicians
- \*Resolution 13-112 Conscience Protection, Diane Gowski, M.D., Delegate
- \*Resolution 13-201 Florida Medical Association Transparency, South Florida Caucus
- \*Resolution 13-203 Patient Protection and Affordable Care Act (PPACA), Owen Linder, M.D., FACP, Delegate
- \*Resolution 13-204 Physician and Medical Staff Member Bill of Rights, Broward CMA
- \*Resolution 13-304 Acupuncturists Illegally Prescribing Drugs, Injecting Drugs, Performing Surgery, Kenneth N. Woliner, M.D., Delegate
- \*Resolution 13-306 HCG Diet Outside Scope of Chiropractic Principle and Practice, Kenneth N. Woliner, M.D., Delegate
- \*Resolution 13-308 Limiting Futile Care at the End of Life, Duval County Medical Society
- \*Resolution 13-314 Unlicensed Health Care Clinics That Accept Only “Cash”, South Florida Caucus
- \*Resolution 13-317 Ensuring Medicare Rates for all Physicians, Hillsborough County Medical Association
- \*Resolution 13-321 Health Care Insurance Company Elimination of Methods for Review and Appeal of Payment Denial (Including Second and Third Level Reviews) as a Method to Attempt to Circumvent Florida Prompt Pay Law, Florida Chapter, American College of Cardiology
- \*Resolution 13-324 Compound Medications: Support for Laws Allowing “Office Use” Kenneth N. Woliner, M.D.
- \*Resolution 13-404 Medicaid Reform HMO/PSN Statewide Expansion and Medicaid Eligibility Expansion through Federal Funding, Broward County Medical Association, Dade County Medical Association
- \*Resolution 13-405 Eliminate Insurance Companies’ Colonoscopy Bait & Switch, Hillsborough County Medical Association
- \*Resolution 13-407 Medicaid Expansion, Owen Linder, M.D., FACP, Delegate
- \*Resolution 13-409 Improving Insurance Accountability to Physician Offices, Hillsborough County Medical Association

**FLORIDA MEDICAL ASSOCIATION, INC.**  
**2013 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:** 2005 FMA Policy Review – Reaffirm and Sunset  
Recommendation A-1 recommended that the House of Delegates approve the 2005 policies to be reaffirmed or sunset, according to the seven year policy review mechanism.

House Action: Did not adopt recommendation to reaffirm Policy P105.001 (Insanity Plea).  
Adopted remainder of report with recommendations to reaffirm and sunset 2005 policies as presented

**Recommendation A-2:** Specialty Group Recognition American Congress of Obstetricians and Gynecologists, District XII  
Recommendation A-2 recommended that the House of Delegates approve the American Congress of Obstetricians and Gynecologists, District XII, 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:** Amend Chapter VII, Section 2 of the FMA Bylaws.  
The Board of Governors recommended that the House of Delegates amend Chapter VII, Section 2 of the FMA Bylaws regarding the Medical Student Section to remove the word “allopathic” and add the word “schools” to adequately reflect all medical students in Florida.

House Action: Referred to FMA Bylaws Committee for further review.

**Report C of the Board of Governors**

**Recommendation C-1: Resolution 12-410, Mechanism for State Health Insurance Exchange**  
The Board of Governors recommended that the House of Delegates not adopt Resolution 12-410.

House Action: Adopted Board’s Recommendation to Not Adopt..

**Recommendation C-2: Resolution 12-309, Supporting Creation of a “No-Fault Patient Compensation System.”**  
The Board of Governors recommended that the House of Delegates not adopt Resolution 12-309.

House Action: Adopted Board’s Recommendation to Not Adopt

**Report D of the Board of Governors**

No recommendations by the Board of Governors in report D.

**FLORIDA MEDICAL ASSOCIATION, INC.**  
**2013 HOUSE OF DELEGATES**  
**RESOLVES REFLECT FINAL ACTION ON AMENDED OR SUBSTITUTED RESOLUTIONS**  
**BY THE HOUSE OF DELEGATES**

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**Resolution 13-101**

**Opposition to the FSMB Maintenance of Licensure (MOL) Program Adoption in Florida**

Charlotte County Medical Society, Florida Chapter- American Academy Of Pediatrics, Collier County  
Medical Society, Manatee County Medical Society, Hillsborough County Medical Association,  
Sarasota County Medical Society  
Reference Committee I – Health, Education and Public Policy

House Action: Adopted as amended.

RESOLVED, That the Florida Medical Association (FMA) opposes any efforts by the Florida Board of Medicine and the Florida Board of Osteopathic Medicine to require the Federation of State Medical Boards, Inc., (FSMB) “maintenance of licensure (MOL)” program, “maintenance of certification (MOC)”, or recertification by a specialty medical board as a condition of licensure in the State of Florida, and be it further

RESOLVED, That the FMA Delegation to the American Medical Association submit a similar resolution for national consideration.

**Resolution 13-102**

**Violent Death Control**

Jose A. Gaudier, M.D., Delegate  
Reference Committee I – Health, Education and Public Policy

House Action: Not adopted.

**Resolution 13-103**

**Opposition to Mandatory Maintenance of Certification (MOC)**

South Florida Caucus  
Reference Committee I – Health, Education and Public Policy

House Action: Not adopted.

**Resolution 13-104**

**Medical Marijuana**

Jose A. Gaudier, M.D., Delegate  
Reference Committee I – Health, Education and Public Policy

House Action: Not adopted.

**Resolution 13-105**

**CME Requirements for Medical Licensure**

Florida Academy of Family Physicians  
Reference Committee I – Health, Education and Public Policy

House Action: Adopted as amended.

RESOLVED, That the Florida Medical Association (FMA) Board of Governors study the feasibility of passing legislation which would allow physicians to submit active ABMS or American Osteopathic Association Certification as an alternative pathway for compliance with MD/DO Florida licensure and re-licensure continuing medical education requirements; and be it further

RESOLVED, That based upon the findings, the FMA Board of Governors take appropriate action to best serve the FMA membership.

**Resolution 13-106**

**Adoption of ASAM Criteria for Determining Essential Benefits in Substance Use Disorder**

The Florida Society of Addiction Medicine (FSAM)

Reference Committee I – Health, Education and Public Policy

\* House Action: Referred to the Board of Governors

RESOLVED, That the Florida Medical Association supports requiring that Florida adopt the ASAM criteria as the standard for determining essential benefits in the Florida Health Insurance Exchange and as the mandated standard for assessment and treatment of substance use disorder in Florida.

**Resolution 13-107**

**Specialty Specific Residency Training**

Florida College of Emergency Physicians

Reference Committee I – Health, Education and Public Policy

\* House Action: Referred to the Board of Governors

RESOLVED, That the Florida Medical Association support the concept that board certification in a medical or surgical specialty requires specialty specific residency training for those specialties where this training is in existence and would exclude any legacy physicians who were certified prior to the availability of such training.

**Resolution 13-108**

**Diet Treatments Involving Human Chorionic Gonadotropin (Hcg)**

Kenneth N. Woliner, M.D., A.B.F.M.

Reference Committee I – Health, Education and Public Policy

House Action: Not adopted.

**Resolution 13-109**

**Graduated Driver Licensing Systems – Teen Safe Driving**

Florida Chapter American Academy of Pediatrics

Reference Committee I – Health, Education and Public Policy

House Action: Adopted.

RESOLVED, That the Florida Medical Association support legislation to strengthen Florida's existing graduated driver licensing systems to meet current recommendations by the National Highway Traffic Safety Administration, Insurance Institute for Highway Safety, and the American Academy of Pediatrics.

**Resolution 13-111**  
**Child Death Review Committees and Infant Co-Sleeping Deaths**  
Specialty Society Section  
Reference Committee I – Health, Education and Public Policy

House Action: Adopted as amended.

RESOLVED, That the Florida Medical Association request that the Secretary of the Department of Children and Families direct the Child Abuse Reporting Hotline to continue to accept calls reporting child deaths while sleeping with adults or other children on the same bed or other surface; and be it further

RESOLVED, That the Florida Medical Association requests that the Secretary of the Department of Health consider asking the Secretary of the Department of Children and Families to forward all such reports to regional Child Death Review Committees and the state Child Death Review Committee regardless of the presence or absence of other risk factors for unsafe sleep.

**Resolution 13-112**  
**Conscience Protection**  
Diane Gowski, M.D., Delegate  
Reference Committee I – Health, Education and Public Policy

\* House Action: Referred to the Board of Governors with a report back in 2014.

RESOLVED, That the Florida Medical Association expand its conscience protection policy to affirm its applicability to physicians' work outside the realm of the abortion issue.

**Resolution 13-201**  
**Florida Medical Association Transparency**  
South Florida Caucus  
Reference Committee II – Finance and Administration

\* House Action: Referred to the Board of Governors.

RESOLVED, That the Florida Medical Association (FMA) open meetings of the Committee on the Future to all FMA members, and be it further

RESOLVED, That the minutes of the Committee on the Future be made available to all FMA members, and be it further

RESOLVED, That the minutes of all FMA councils and committees, the FMA Board of Governors, and the FMA Executive Committee be made available to all FMA members.

**Resolution 13-202**  
**Representation of Employed Physicians**  
South Florida Caucus  
Reference Committee II – Finance and Administration

House Action: Adopted as amended.

RESOLVED, That the Florida Medical Association study the feasibility of contractually employed physicians forming a union or other appropriate organization.

**Resolution 13-203**  
**Patient Protection and Affordable Care Act (PPACA)**  
Owen Linder, M.D., FACP, Delegate  
Reference Committee II – Finance and Administration

\* House Action: Referred to the Board of Governors.

RESOLVED, That the Florida Medical Association update its policies to reflect lawful abiding of the law.

**Resolution 13-204**  
**Physician and Medical Staff Member Bill Of Rights**  
Broward County Medical Association  
Reference Committee II – Finance and Administration

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

RESOLVED, That the Florida Medical Association will support and adopt the amended Medical Staff Member Bill of Rights to include rights number 9 and 10; and be it further

RESOLVED, That the Florida Medical Association will encourage the formation of Medical Staff Advocacy Committees throughout Florida; and be it further

RESOLVED, That the Florida Medical Association will support the Medical Staff Advocacy Committees' role with medical staff issues and communications between Physicians and Hospitals and any other appropriate agency; and be it further

RESOLVED, That the Florida Medical Association will report or support such report by a local medical society to the appropriate agency any concern or violation of the Physicians Bill of Rights not resolved by communications between the medical society and hospitals; and be it further

RESOLVED, That the Florida Medical Association should publically announce the physician medical staff bill of rights and send a letter urging every medical staff leadership and hospital administration in Florida to adopt and immediately conform with these basic rights within 30 days.

**Resolution 13-301**  
**Reduction of NICA Fees**  
Stephen Babic, M.D.  
Reference Committee III - Legislation

House Action: Not adopted.

**Resolution 13-302**  
**NICA Accountability**  
South Florida Caucus  
Reference Committee III - Legislation

House Action: Adopted as amended.

RESOLVED, That the Florida Medical Association (FMA), in the interest of transparency, provide to its members a link on the FMA website to any annual report required by the Florida Legislature related to NICA.

**Resolution 13-303**  
**Inadequate Enforcement by the Department of Health MQA**

Kenneth N. Woliner, M.D.  
Reference Committee III - Legislation

House Action: Not adopted.

**Resolution 13-304**  
**Acupuncturists Illegally Prescribing Drugs, Injecting Drugs, Performing Surgery**

Kenneth N. Woliner, M.D.  
Reference Committee III - Legislation

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

RESOLVED, That the Florida Medical Association formally and explicitly asks the Joint Legislative Auditing Committee (JLAC), either on its own or through the Auditor General, to conduct an audit, review, or examination of the Board of Acupuncture, using its subpoena power as necessary, to identify problems and implement solutions to better protect the health and safety of Floridians. Copies of this letter shall be sent to Surgeon General John H. Armstrong, M.D., and Governor Rick Scott and shall also be shared with the press through the FMA's communications director.

**Resolution 13-305**  
**Medical Examiners Reporting of Prescription Drug Overdose Deaths**

Kenneth N. Woliner, M.D.  
Reference Committee III - Legislation

House Action: Not adopted.

**Resolution 13-306**  
**HCG Diet Outside Scope of Chiropractic Principle and Practice**

Kenneth N. Woliner, M.D.  
Reference Committee III - Legislation

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

RESOLVED, That the FMA ask its Executive Vice President to write correspondence to the Florida Board of Chiropractic Medicine, suggesting that they amend Rule 64B2-17.0025, F.A.C. to add the following words, "Chiropractic physicians are expressly prohibited from advertising, prescribing, administering, or dispensing HCG in any form whatsoever." And further send copies of this letter shall be sent to Surgeon General John H. Armstrong, M.D., and Governor Rick Scott and also shall be shared with the press through the FMA's communications director.

**Resolution 13-307**  
**Transfer of Performance Enhancing Drugs (HGH, Sermorelin And HCG) To Schedule III**

Kenneth N. Woliner, M.D.  
Reference Committee III - Legislation

House Action: Reaffirmed existing policy adopted by the Board of Governors in May 2013 in lieu of Resolution 13-307.

**Resolution 13-308**  
**Limiting Futile Care at the End of Life**  
Duval County Medical Society  
Reference Committee III - Legislation

\* House Action: Referred to the Board of Governors for report back.

RESOLVED, That the Florida Medical Association Delegation to the AMA submit a resolution to the AMA seeking legislation by the United States Congress that will follow or be like the Texas Advanced Care Act empowering physicians to either not engage in or to suspend futile care at the end of life; and, that those physicians (MDs/DOs) be given immunity from liability when such decisions are made in good faith and within the standard of care with a clear and convincing legal and ethical standard; and be it further

RESOLVED, That the Florida Medical Association House of Delegates by passing this resolution direct the Legislative Committee of the FMA to pursue as one of its highest priorities similar legislation by the Florida Legislature for the State of Florida.

**Resolution 13-309**  
**Maintaining Physicians as Team Leaders in Primary Care**  
Collier County Medical Society  
Reference Committee III – Legislation

House Action: Adopted as amended.

RESOLVED, That the Florida Medical Association maintain its policy that MDs and DOs are the only appropriate leaders in primary care and the patient centered medical home, and be it further

RESOLVED, That the FMA reaffirm Policy 450.009 encroachment of non-physicians on the practice of medicine.

**Resolution 13-310**  
**Creation of an Independent Ad Hoc Committee to Objectively Review  
The Patients' Compensation System**  
Charlotte County Medical Society  
Reference Committee III – Legislation

House Action: Not adopted.

**Resolution 13-311**  
**Prohibiting the Sale of Tobacco Products in Retail Pharmacies**  
Florida Chapter, American College of Physicians  
Reference Committee III – Legislation

House Action: Adopted as amended.

RESOLVED, That the Florida Medical Association support legislation amending current Pharmacy laws to prohibit the sale of tobacco products (including, but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation), in establishments housing licensed pharmacies.



**Resolution 13-312**  
**Raising Cigarette Taxes in the State Of Florida**  
Florida Chapter, American College of Physicians  
Reference Committee III – Legislation

House Action: Adopted as amended.

RESOLVED, That the Florida Medical Association support legislation to further raise the excise tax on cigarettes to at or above \$2/pack in order to further tobacco control efforts within the State of Florida.

**Resolution 13-313**  
**Limits of Provider Responsibility**  
Escambia County Medical Society, et al.  
Reference Committee III – Legislation

House Action: Adopted

RESOLVED, That the Florida Medical Association seek legislation which automatically terminates the active provider-patient relationship 3 years from the date of the last provision of care; and further stating that the provider is not responsible for the provision of services to any patient that no longer has an active relationship with their provider.

**Resolution 13-314**  
**Unlicensed Health Care Clinics That Accept Only “Cash”**  
South Florida Caucus  
Reference Committee III – Legislation

\* House Action: Referred to the Board of Governors.

RESOLVED, That the Florida Medical Association support legislation to substitute the words “remuneration, either directly from the patient, in cash or in kind, or through a third party, such as an insurance company” for the word “reimbursement”, effectively making clinics that do not receive insurance reimbursement also required to register with the Agency for Health Care Administration (AHCA) as a Health Care Clinic, thereby protecting the public from unlicensed activity.

**Resolution 13-315**  
**Board of Medicine Governance of Non-Physician Health Care Professionals**  
Sarasota County Medical Society  
Reference Committee III – Legislation

House Action: Adopted as amended.

RESOLVED, In the event that legislation is introduced in Florida to allow for non-MD/DO health professionals to practice independently, the Florida Medical Association will seek legislation placing any rights or privileges of all non-physician health care professionals engaged in the independent, unsupervised, or indirectly supervised delivery of health care under the governance of the Board of Medicine or the Board of Osteopathic Medicine.

**Resolution 13-316**  
**Ensuring Medicaid Payment Rate Increase**  
Florida Chapter American Academy of Pediatrics  
Reference Committee III – Legislation

House Action: Adopted as amended.

RESOLVED, That the Florida Medical Association support legislation and help guide discussions in the 2014 legislative session between the Governor, the Senate, and the House to ensure that Medicaid payment rates, including Title XIX, Title XXI (MediKids and Healthy Kids), and Children's Medical Services, are increased to not less than Medicare levels in 2015 and beyond for all Florida physicians.

**Resolution 13-317**  
**Ensuring Medicare Rates for all Physicians**  
Hillsborough County Medical Association  
Reference Committee III – Legislation

\* House Action: Referred to the Board of Governors.

RESOLVED, That the Florida Medical Association seek legislation directing that commercial insurance companies must pay all physicians for professional services rendered at not less than 2009 Medicare rates adjusted annually at an increase of not less than 90% of the most recently published Medical Price Index (MPI) for the same or similar services and that failure to meet this payment adjustment shall be considered defacto waiver of any prior contractual prohibition of balance billing to the patient.

**Resolution 13-318**  
**Payment for Medicaid HMO Newborn Services**  
Florida Chapter of American Chapter of Pediatrics  
Reference Committee III – Legislation

House Action: Adopted as amended.

RESOLVED, That our Florida Medical Association support legislation in 2014 that would ensure physician payments for newborn care in the infant's first 30 days of life to physicians by all Florida licensed Medicaid HMO's contracting with the Agency for Health Care Administration, irrespective of the physician's contracting status with the Medicaid HMO.

**Resolution 13-319**  
**IRS Enforcement of ObamaCare**  
Glenn Knox, M.D.  
Reference Committee III – Legislation

House Action: Not adopted.

**Resolution 13-320**  
**Ensuring the Availability of Medical Professional Services and the Safety of Office Based Surgery**

Florida Society of Anesthesiologists  
Reference Committee III – Legislation

House Action: Adopted as amended.

RESOLVED, That the Florida Medical Association support legislation requiring all insurance companies to recognize that higher costs exist for professional medical services performed in an office and further to negotiate in good faith with any provider of office based services to contract higher levels of payment to provide those services in the office.

**Resolution 13-321**  
**Health Care Insurance Company Elimination of Methods for Review and Appeal of Payment Denial (Including Second and Third Level Reviews) as a Method to Attempt to Circumvent Florida Prompt Pay Law**

Florida Chapter, American College of Cardiology  
Reference Committee III – Legislation

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

RESOLVED, That the FMA will study model legislation from other states and take action to enact similar Florida legislation consistent with, and to strengthen, current prompt pay law by specifically mandating the availability of an IN-HOUSE review / appeal process of payment denial (including 2<sup>nd</sup> and 3<sup>rd</sup> level reviews).

**Resolution 13-322**  
**Doctor of Nursing Practice (DNP)**  
Specialty Society Section  
Reference Committee III – Legislation

House Action: Adopted as amended.

RESOLVED, That due to the extreme likelihood that patients treated by a Doctor of Nursing Practice (DNP) will be misled into thinking that their “doctor” is a physician, the Board of Governors of the Florida Medical Association (FMA) direct staff to introduce legislation mandating that all persons other than M.D.s, D.O.s, dentists and chiropractors holding themselves out as “doctors” wear a conspicuous name tag or signage which has letters no smaller than 4mm per letter and which fully spells out the exact name of their formal degree (Doctor of Nursing Practice, etc.) and that they further be required to orally state that they are not physicians with each and every encounter.

**Resolution 13-323**  
**NICA Modifications for Fairness in Premium Payment**  
Peter Swain, M.D.  
Reference Committee III – Legislation

House Action: Not Adopted.

**Resolution 13-324**  
**Compound Medications: Support for Laws Allowing “Office Use”**

Kenneth N. Woliner, M.D.  
Reference Committee III – Legislation

- \* House Action: Referred to the Board for study and action.

RESOLVED That the Florida Medical Association House of Delegates direct its Council on Legislation to monitor legislation moving through the US Congress and the Florida legislature, lobbying for support of legislation that ensures patient safety but does not unduly burden physicians and patients by outlawing office use compounding.

**Resolution 13-401**  
**New Rules for Emergency Room Care**  
Stephen Babic, M.D., Delegate  
Reference Committee IV – Medical Economics

House Action: Adopted as amended.

RESOLVED, That the Florida Medical Association oppose rules for hospitals and doctors regarding time lines for care in the emergency department until adequate evidence-based proof of such change will improve patient care; and further, through its delegation to the American Medical Association (AMA), request the AMA do the same.

**Resolution 13-402**  
**Support FFS as the Most Appropriate Way to Reimburse Physicians**  
Hillsborough County Medical Association, Florida Orthopaedic Society  
Reference Committee IV – Medical Economics

House Action: Adopted Substitute Resolution 13-402.

RESOLVED, That the Florida Medical Association affirms that fee for services rendered to patients is a standard, valid, and ethical practice; and be it further

RESOLVED, That the Florida Medical Association will actively oppose any Florida legislation which seeks to limit physicians’ ability to contract for services with patients, or which coerces a physician to be a party to a contract which the physician has not agreed to; and be it further

RESOLVED, That the Florida Medical Association delegation will promulgate and submit a resolution to the American Medical Association House of Delegates which directs the AMA to similarly affirm fee for service as a standard of business in the medical profession, and to vigorously oppose legislation which limits or seeks to limit the protection under law for physicians to contract for services with patients, or which attempts to make a physician a party to a contract to which the physician has made no agreement; and be it further

RESOLVED, That the Florida Medical Association reaffirms its commitment to the Patient Empowerment Act brought forth by Representative Tom Price, M.D., and calls on the AMA to similarly re-affirm its commitment to support this legislation.

**Resolution 13-403**  
**Suspend HCAHPS Rating System**  
Hillsborough County Medical Association, Florida Orthopaedic Society  
Reference Committee IV – Medical Economics

House Action: Adopted.

RESOLVED, That the Florida Medical Association demand that CMS suspend HCAHPS rating until a valid scoring system can be adopted, and further submit a resolution to the American Medical Association to do the same.

**Resolution 13-404**  
**Medicaid Reform HMO/PSN Statewide Expansion and  
Medicaid Eligibility Expansion through Federal funding**  
Broward County Medical Association, Dade County Medical Association  
Reference Committee IV – Medical Economics

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

RESOLVED, That the Florida Medical Association will publicly support the Medicaid eligibility expansion and federal support and furthermore request and urge that the State of Florida accepts those provisions of the Patient Protection and Affordable Care Act accepting federal dollar support for the Medicaid program and higher physician reimbursement; and be it further

RESOLVED, That the Florida Medical Association will publicly support any statewide expansion of Medicaid into managed care only if such programs safeguard patient access to care while increasing all primary care physicians Medicaid rate payments to Medicare rates such as internal and family medicine, pediatricians and obstetrician and gynecologists; and furthermore support such rates for specialists in order to maintain sufficient care networks in the state regions of reform; and be it further

RESOLVED, That the Florida Medical Association (FMA) will publicly support any Medicaid Reform statewide only if it addresses all of its physician's concerns; and be it further

RESOLVED, That the FMA will send a letter to the State of Florida, the Governor and CMS within one month specifically publishing and asking for these resolutions and this position, requesting the state to expand Medicaid statewide only with safeguards and higher physician reimbursements and to accept the Federal Medicaid eligibility expansion and federal funds and furthermore, ask for a 2013 special legislative session.

**Resolution 13-405**  
**Eliminate Insurance Companies' Colonoscopy Bait & Switch**  
Hillsborough County Medical Association  
Reference Committee IV – Medical Economics

\* House Action: Referred to the Board of Governors for study with a report back to the House in 2014.

RESOLVED, That the Florida Medical Association (FMA) bring to the attention of the Florida Insurance Commissioner the unethical behavior of changing the colonoscopy procedure code by the insurance companies for the purpose of cost-shifting in our state and request that this practice of changing the procedure code be abolished and those companies who partake in this behavior be severely penalized; and be it further

RESOLVED, That the FMA submit a resolution to the American Medical Association (AMA) identifying this practice of changing the colonoscopy procedure code by insurance companies, for the purpose of cost-shifting, in our nation and mandate that it be abolished and those companies who partake in this behavior be severely penalized.

**Resolution 13-406**  
**Lung Cancer Screening to be Considered Standard of Care**  
Hillsborough County Medical Association  
Reference Committee IV – Medical Economics

House Action: Adopted as amended.

RESOLVED, That the Florida Medical Association (FMA) bring to the attention of the Florida Insurance Commissioner the importance of Lung Cancer Screening and recommend coverage of lung cancer screening for high risk patients by Medicare, Medicaid, and private health insurers be required as the key to ensuring that everyone at risk has a fair and equitable opportunity to survive a lung cancer diagnosis; and further, through its delegation to the American Medical Association (AMA) request the AMA do the same.

**Resolution 13-407**  
**Medicaid Expansion**  
Owen Linder, M.D., FACP, Delegate  
Reference Committee IV – Medical Economics

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

RESOLVED, That the Florida Medical Association demonstrate substantial support for the Medicaid expansion and urge the Governor, Senate, and House to consider this issue of prime importance.

**Resolution 13-408**  
**Study to Assess Increased Medicaid Payment Rates and Access to Care**  
Florida Chapter American Academy Of Pediatrics  
Reference Committee IV – Medical Economics

House Action: Adopted.

RESOLVED, That the Florida Medical Association ensure through effective advocacy or other means that a study is performed in 2013 and again in 2014, via a government agency, university, qualified consultant, or private company to quantitatively assess the presumed effect of the Medicaid payment increase facilitating access to care for Floridians in order to guide future advocacy and health and economic policy decisions related to promotion of health and medical access in the State of Florida.

**Resolution 13-409**  
**Improving Insurance Accountability to Physician Offices**  
Hillsborough County Medical Association  
Reference Committee IV – Medical Economics

- \* House Action: Referred to the Board of Governors for study and report back to the House of Delegates in 2014.

RESOLVED, That the Florida Medical Association (FMA) work proactively in advocacy with the Office of Insurance Regulation and the major commercial insurance companies in Florida to ensure that each physician office and/or physician group always have a primary assigned individual(s) as their insurance representative(s) or ombudsperson to the extent possible and reasonable; and be it further

RESOLVED, That our FMA work with the Office of Insurance Regulation and the major commercial insurance companies to establish a "physician-insurance protocol" delineating appropriate insurance response expectations and time of response depending on the nature of the physician inquiry, including billing, referrals, medication denials, laboratory and radiological testing denials, and contracting; and be it further

RESOLVED, That our FMA work with the Office of Insurance Regulation and the major commercial insurance companies to help ensure that this "physician-insurance protocol" is amended to be an integral part of all insurance contracts and that a significant monetary penalty be levied against the insurer if there is flagrant disregard or breach of the protocol.

**Resolution 13-410**  
**Health Delivery Evaluation Criteria Used by Medicaid and Private Insurance**  
**Companies/Accountable Care Organizations Must Be Current and Recognized by National**  
**Specialty Organizations**

Peter Swain, M.D., Delegate  
Reference Committee IV – Medical Economics

House Action: Adopted.

RESOLVED, That the FMA will promote administrative corrections with Florida Medicaid and insurance regulatory organizations to mandate the yearly review of criteria used to evaluate health care providers. Criteria can be reviewed more frequently if compelling information is discovered. Guidelines must use currently accepted recommendations by national health care associations including but not limited to the United States Preventative Services Task Force (USPSTF), American Association of Pediatricians (AAP), American Associations of Family Physicians, (AAFP), American College of Obstetrics and Gynecology (ACOG), American Association of Clinical Endocrinology (AACE), American College Physicians (ACP).