

Amendment No. 02 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 The Committee on Judiciary offered the following:

13 **Amendment**

14 On page 2, line 4, through page 3, line 22 and on page  
15 4, line 11 through page 5, line 29,  
16 remove from the bill: all of said lines

17  
18 insert in lieu thereof:

19 (4) For purposes of notification to the department  
20 pursuant to this section, the term "adverse incident" means an  
21 event over which the physician or licensee could exercise  
22 control and which is associated in whole or in part with a  
23 medical intervention, rather than the condition for which such  
24 intervention occurred, and which results in the following  
25 patient injuries:

26 (a) The death of a patient.

27 (b) Brain or spinal damage to a patient.

28 (c) The performance of a surgical procedure on the  
29 wrong patient.

30 (d)1. The performance of a wrong-site surgical  
31 procedure;

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1           2. The performance of a wrong surgical procedure; or  
2           3. The surgical repair of damage to a patient  
3 resulting from a planned surgical procedure where the damage  
4 is not a recognized specific risk as disclosed to the patient  
5 and documented through the informed-consent process  
6  
7 if it results in: death; brain or spinal damage; permanent  
8 disfigurement not to include the incision scar; fracture or  
9 dislocation of bones or joints; a limitation of neurological,  
10 physical or sensory function; or any condition that required  
11 the transfer of the patient.

12           (e) A procedure to remove unplanned foreign objects  
13 remaining from a surgical procedure.

14           (f) Any condition that required the transfer of a  
15 patient to a hospital licensed under chapter 395 from an  
16 ambulatory surgical center licensed under chapter 395 or any  
17 facility or any office maintained by a physician for the  
18 practice of medicine which is not licensed under chapter 395.

19           (5) The department shall review each incident and  
20 determine whether it potentially involved conduct by a health  
21 care professional who is subject to disciplinary action, in  
22 which case s. 455.621 applies. Disciplinary action, if any,  
23 shall be taken by the board under which the health care  
24 professional is licensed.

25           (6) The board may adopt rules to administer this  
26 section.

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