

Bill No. CS for SB 2220

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Campbell moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 69, between lines 9 and 10,		
15			
16	insert:		
17	Section 56. Paragraph (v) of subsection (1) of section		
18	458.331, Florida Statutes, 1998 Supplement, is amended to		
19	read:		
20	458.331 Grounds for disciplinary action; action by the		
21	board and department.--		
22	(1) The following acts shall constitute grounds for		
23	which the disciplinary actions specified in subsection (2) may		
24	be taken:		
25	(v) Practicing or offering to practice beyond the		
26	scope permitted by law or accepting and performing		
27	professional responsibilities which the licensee knows or has		
28	reason to know that he or she is not competent to perform. The		
29	board may establish by rule standards of practice and		
30	standards of care for particular practice settings, including,		
31	but not limited to, education and training, equipment and		

Bill No. CS for SB 2220

Amendment No. ____

1 ~~supplies, medications including anesthetics, assistance of and~~
2 ~~delegation to other personnel, transfer agreements,~~
3 ~~sterilization, records, performance of complex or multiple~~
4 ~~procedures, informed consent, and policy and procedure~~
5 ~~manuals.~~

6 Section 57. Subsections (3) and (4) are added to
7 section 458.309, Florida Statutes, 1998 Supplement, to read:

8 458.309 Authority to make rules.--

9 (3) The board may establish by rule standards of
10 practice and standards of care for particular practice
11 settings, including, but not limited to, education and
12 training, equipment and supplies, medications including
13 anesthetics, assistance of and delegation to other personnel,
14 transfer agreements, sterilization, records, performance of
15 complex or multiple procedures, informed consent, and policy
16 and procedure manuals.

17 (4) In addition to the standards listed under
18 subsection (3), the board may establish by rule requirements
19 for the registration and inspection of settings in which Level
20 II or III office surgery, as defined by board rule, is
21 performed. Such registration and inspections shall be
22 conducted by the department for the purpose of determining
23 compliance with board rules. The board may approve appropriate
24 accreditation agencies for the purpose of conducting
25 inspections. The actual costs for registration and inspection
26 shall be paid by the person seeking to register and operate
27 the office setting in which Level II or III office surgery is
28 performed.

29 Section 58. Section 458.351, Florida Statutes, is
30 created to read:

31 458.351 Reports of adverse incidents in office

Bill No. CS for SB 2220

Amendment No. ____

1 practice settings.--

2 (1) Any adverse incident that occurs on or after
3 January 1, 2000, in any office maintained by a physician for
4 the practice of medicine which is not licensed under chapter
5 395 must be reported to the department in accordance with the
6 provisions of this section.

7 (2) Any physician or other licensee under this chapter
8 practicing in this state must notify the department if the
9 physician or licensee was involved in an adverse incident that
10 occurred on or after January 1, 2000, in any office maintained
11 by a physician for the practice of medicine which is not
12 licensed under chapter 395.

13 (3) The required notification to the department must
14 be submitted in writing by certified mail and postmarked
15 within 15 days after the occurrence of the adverse incident.

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

23 (a) The death of a patient.

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

25 (c) The performance of a surgical procedure on the
26 wrong patient.

27 (d)1. The performance of a wrong-site surgical
28 procedure;

29 2. The performance of a wrong surgical procedure; or

30 3. The surgical repair of damage to a patient

31 resulting from a planned surgical procedure where the damage

Bill No. CS for SB 2220

Amendment No. ____

1 is not a recognized specific risk as disclosed to the patient
2 and documented through the informed-consent process

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4 if it results in: death; brain or spinal damage; permanent
5 disfigurement not to include the incision scar; fracture or
6 dislocation of bones or joints; a limitation of neurological,
7 physical or sensory function; or any condition that required
8 the transfer of the patient.

9 (e) A procedure to remove unplanned foreign objects
10 remaining from a surgical procedure.

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

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

22 (6) The board may adopt rules to administer this
23 section.

24 Section 59. Section 459.026, Florida Statutes, is
25 created to read:

26 459.026 Reports of adverse incidents in office
27 practice settings.--

28 (1) Any adverse incident that occurs on or after
29 January 1, 2000, in any office maintained by an osteopathic
30 physician for the practice of osteopathic medicine which is
31 not licensed under chapter 395 must be reported to the

Bill No. CS for SB 2220

Amendment No. ____

1 department in accordance with the provisions of this section.

2 (2) Any osteopathic physician or other licensee under
3 this chapter practicing in this state must notify the
4 department if the osteopathic physician or licensee was
5 involved in an adverse incident that occurred on or after
6 January 1, 2000, in any office maintained by an osteopathic
7 physician for the practice of osteopathic medicine which is
8 not licensed under chapter 395.

9 (3) The required notification to the department must
10 be submitted in writing by certified mail and postmarked
11 within 15 days after the occurrence of the adverse incident.

12 (4) For purposes of notification to the department
13 pursuant to this section, the term "adverse incident" means an
14 event over which the physician or licensee could exercise
15 control and which is associated in whole or in part with a
16 medical intervention, rather than the condition for which such
17 intervention occurred, and which results in the following
18 patient injuries:

19 (a) The death of a patient.

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

21 (c) The performance of a surgical procedure on the
22 wrong patient.

23 (d)1. The performance of a wrong-site surgical
24 procedure;

25 2. The performance of a wrong surgical procedure; or

26 3. The surgical repair of damage to a patient
27 resulting from a planned surgical procedure where the damage
28 is not a recognized specific risk as disclosed to the patient
29 and documented through the informed-consent process

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31 if it results in: death; brain or spinal damage; permanent

Bill No. CS for SB 2220

Amendment No. ____

1 disfigurement not to include the incision scar; fracture or
2 dislocation of bones or joints; a limitation of neurological,
3 physical or sensory function; or any condition that required
4 the transfer of the patient.

5 (e) A procedure to remove unplanned foreign objects
6 remaining from a surgical procedure.

7 (f) Any condition that required the transfer of a
8 patient to a hospital licensed under chapter 395 from an
9 ambulatory surgical center licensed under chapter 395 or any
10 facility or any office maintained by a physician for the
11 practice of medicine which is not licensed under chapter 395.

12 (5) The department shall review each incident and
13 determine whether it potentially involved conduct by a health
14 care professional who is subject to disciplinary action, in
15 which case s. 455.621 applies. Disciplinary action, if any,
16 shall be taken by the board under which the health care
17 professional is licensed.

18 (6) The board may adopt rules to administer this
19 section.

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21 (Redesignate subsequent sections.)

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23
24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 On page 1, line 2, delete that line

27
28 and insert:

29 An act relating to health; creating ss. 458.351
30 and 459.026, F.S.; requiring reports to the
31 Department of Health of adverse incidents in

Bill No. CS for SB 2220

Amendment No. ____

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specified settings; providing for review of
such incidents and initiation of disciplinary
proceedings, where appropriate; authorizing
department access to certain records and
preserving exemption from public access
thereto; providing rulemaking authority;