

By the Committee on Health Care Licensing & Regulation and  
Representatives Crow and Levine

1                                   A bill to be entitled  
2           An act relating to hospital internal risk  
3           management; amending s. 395.0197, F.S.;  
4           updating a cross reference; revising  
5           circumstances under which certain adverse  
6           incidents occurring in a hospital, ambulatory  
7           surgical center, or mobile surgical facility  
8           must be reported to the Agency for Health Care  
9           Administration; requiring the agency to  
10          annually publish report cards summarizing each  
11          such facility's incident reports; requiring the  
12          report cards to be available to the public  
13          on-line and through other means by a specified  
14          date; specifying organization and minimum  
15          contents of the report cards; requiring a  
16          statement regarding the use of adverse incident  
17          data in assessing a facility; providing an  
18          effective date.

19

20 Be It Enacted by the Legislature of the State of Florida:

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22           Section 1. Subsection (2), paragraph (c) of subsection  
23          (5), and subsection (18) of section 395.0197, Florida  
24          Statutes, are amended to read:

25

395.0197 Internal risk management program.--

26

27           (2) The internal risk management program is the  
28          responsibility of the governing board of the health care  
29          facility. Each licensed facility shall hire a risk manager,  
30          licensed under ss. 395.10971-395.10975 ~~part IX of chapter 626,~~  
31          who is responsible for implementation and oversight of such  
31          facility's internal risk management program as required by

1 this section. A risk manager must not be made responsible for  
2 more than four internal risk management programs in separate  
3 licensed facilities, unless the facilities are under one  
4 corporate ownership or the risk management programs are in  
5 rural hospitals.

6 (5) For purposes of reporting to the agency pursuant  
7 to this section, the term "adverse incident" means an event  
8 over which health care personnel could exercise control and  
9 which is associated in whole or in part with medical  
10 intervention, rather than the condition for which such  
11 intervention occurred, and which:

12 (c) Required the surgical repair of damage resulting  
13 to a patient from a planned surgical procedure, ~~where the~~  
14 ~~damage was not a recognized specific risk, as disclosed to the~~  
15 ~~patient and documented through the informed consent process;~~  
16 or

17 (18) The agency shall annually publish a report card  
18 summarizing the information contained in the annual incident  
19 reports submitted by licensed facilities pursuant to  
20 subsection (6) and disciplinary actions reported to the agency  
21 pursuant to s. 395.0193. The report card must be made  
22 available to the public through the World Wide Web and other  
23 commonly used means of distribution no later than July 1 of  
24 each year. The report card must be organized by county and, at  
25 a minimum, for each hospital and other licensed facility in  
26 the state, present an itemized list showing summarize:

27 (a) The name and address of the facility.

28 (b) Whether the facility is a private, for-profit or  
29 not-for-profit, public, or teaching facility.

30 (c) The total number of beds.

31

1           (d) A description of the categories of services  
2 provided by the facility.

3           ~~(e)(a)~~ On an annual basis, the percentage of adverse  
4 incidents per total number of patients in the facility, by  
5 category of reported incident, and by type of professional  
6 involved.

7           (f) A listing, by category, of the types of  
8 operations, diagnostic or treatment procedures, or other  
9 actions or inactions, giving rise to the adverse incidents and  
10 the number of adverse incidents in each category.

11           ~~(g)(b)~~ Types of malpractice claims filed, by type of  
12 professional involved.

13           ~~(h)(c)~~ Disciplinary actions taken against  
14 professionals, by type of professional involved.

15  
16 The report card must include the following statement: "Adverse  
17 incident reports are just one part of the picture that emerges  
18 about a facility. You should also consider that facility's  
19 survey results and complaint investigations and conduct your  
20 own research on a facility before coming to conclusions about  
21 that facility. When making comparisons among facilities, some  
22 may have many more adverse incidents than others because this  
23 report is not adjusted for the size of the facility nor the  
24 severity or complexity of the health problems of the people it  
25 serves."

26           Section 2. This act shall take effect October 1, 2000.  
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