



Bill No. CS for CS for CS for SB 2154, CS for SB 1900 & SB 282  
Amendment No. \_\_\_\_

1           (2) DEFINITIONS.--As used in this act, the term:

2           (a) "Agency" means the Agency for Health Care  
3 Administration.

4           (b) "Commission" means the Florida Commission on  
5 Excellence in Health Care.

6           (c) "Department" means the Department of Health.

7           (d) "Error," with respect to health care, means an  
8 unintended act, by omission or commission.

9           (e) "Health care practitioner" means any person  
10 licensed under chapter 457; chapter 458; chapter 459; chapter  
11 460; chapter 461; chapter 462; chapter 463; chapter 464;  
12 chapter 465; chapter 466; chapter 467; part I, part II, part  
13 III, part V, part X, part XIII, or part XIV of chapter 468;  
14 chapter 478; chapter 480; part III or part IV of chapter 483;  
15 chapter 484; chapter 486; chapter 490; or chapter 491, Florida  
16 Statutes.

17           (f) "Health care provider" means any health care  
18 facility or other health care organization licensed or  
19 certified to provide approved medical and allied health  
20 services in this state, or any entity licensed by the  
21 Department of Insurance as a prepaid health care plan or  
22 health maintenance organization or as an insurer to provide  
23 coverage for health care services through a network of  
24 providers.

25           (3) COMMISSION; DUTIES AND RESPONSIBILITIES.--There is  
26 created the Florida Commission on Excellence in Health Care.  
27 The commission shall:

28           (a) Identify existing data sources that evaluate  
29 quality of care in Florida and collect, analyze, and evaluate  
30 this data.

31           (b) Establish guidelines for data sharing and

Bill No. CS for CS for CS for SB 2154, CS for SB 1900 & SB 282  
Amendment No. \_\_\_\_

1 coordination.

2 (c) Identify core sets of quality measures for  
3 standardized reporting by appropriate components of the health  
4 care continuum.

5 (d) Recommend a framework for quality measurement and  
6 outcome reporting.

7 (e) Develop quality measures that enhance and improve  
8 the ability to evaluate and improve care.

9 (f) Make recommendations regarding research and  
10 development needed to advance quality measurement and  
11 reporting.

12 (g) Evaluate regulatory issues relating to the  
13 pharmacy profession and recommend changes necessary to  
14 optimize patient safety.

15 (h) Facilitate open discussion of a process to ensure  
16 that comparative information on health care quality is valid,  
17 reliable, comprehensive, understandable, and widely available  
18 in the public domain.

19 (i) Sponsor public hearings to share information and  
20 expertise, identify "best practices," and recommend methods to  
21 promote their acceptance.

22 (j) Evaluate current regulatory programs to determine  
23 what changes, if any, need to be made to facilitate patient  
24 safety.

25 (k) Review public and private health care purchasing  
26 systems to determine if there are sufficient mandates and  
27 incentives to facilitate continuous improvement in patient  
28 safety.

29 (l) Analyze how effective existing regulatory systems  
30 are in ensuring continuous competence and knowledge of  
31 effective safety practices.

Bill No. CS for CS for CS for SB 2154, CS for SB 1900 & SB 282  
Amendment No. \_\_\_\_

1           (m) Develop a framework for organizations that  
2 license, accredit, or credential health care practitioners and  
3 health care providers to more quickly and effectively identify  
4 unsafe providers and practitioners and to take action  
5 necessary to remove the unsafe provider or practitioner from  
6 practice or operation until such time as the practitioner or  
7 provider has proven safe to practice or operate.

8           (n) Recommend procedures for development of a  
9 curriculum on patient safety and methods of incorporating such  
10 curriculum into training, licensure, and certification  
11 requirements.

12           (o) Develop a framework for regulatory bodies to  
13 disseminate information on patient safety to health care  
14 practitioners, health care providers, and consumers through  
15 conferences, journal articles and editorials, newsletters,  
16 publications, and Internet websites.

17           (p) Recommend procedures to incorporate recognized  
18 patient safety considerations into practice guidelines and  
19 into standards related to the introduction and diffusion of  
20 new technologies, therapies, and drugs.

21           (q) Recommend a framework for development of  
22 community-based collaborative initiatives for error reporting  
23 and analysis and implementation of patient safety  
24 improvements.

25           (r) Evaluate the role of advertising in promoting or  
26 adversely affecting patient safety.

27           (4) MEMBERSHIP, ORGANIZATION, MEETINGS, PROCEDURES,  
28 STAFF.--

29           (a) The commission shall consist of:

30           1. The Secretary of Health and the Director of Health  
31 Care Administration;

Bill No. CS for CS for CS for SB 2154, CS for SB 1900 & SB 282  
Amendment No. \_\_\_\_

1           2. One representative each from the following agencies  
2 or organizations: the Board of Medicine, the Board of  
3 Osteopathic Medicine, the Board of Pharmacy, the Board of  
4 Dentistry, the Board of Nursing, the Florida Dental  
5 Association, the Florida Medical Association, the Florida  
6 Osteopathic Medical Association, the Florida Chiropractic  
7 Association, the Florida Podiatric Medical Association, the  
8 Florida Nurses Association, the Florida Organization of  
9 Nursing Executives, the Florida Pharmacy Association, the  
10 Florida Society of Health System Pharmacists, Inc., the  
11 Florida Hospital Association, the Association of Community  
12 Hospitals and Health Systems of Florida, Inc., the Florida  
13 League of Health Systems, the Florida Health Care Risk  
14 Management Advisory Council, the Florida Health Care  
15 Association, the Florida Statutory Teaching Hospital Council,  
16 Inc., the Florida Statutory Rural Hospital Council, and the  
17 Florida Association of Homes for the Aging;

18           3. Two health lawyers, appointed by the Secretary of  
19 Health, one of whom must be a member of the Health Law Section  
20 of The Florida Bar who defends physicians and one of whom must  
21 be a member of the Academy of Florida Trial Lawyers;

22           4. Two representatives of the health insurance  
23 industry, appointed by the Director of Health Care  
24 Administration, one of whom shall represent indemnity plans  
25 and one of whom shall represent managed care;

26           5. Five consumer advocates, consisting of one from the  
27 Association for Responsible Medicine, two appointed by the  
28 Governor, one appointed by the President of the Senate, and  
29 one appointed by the Speaker of the House of Representatives;

30           6. Two legislators, one appointed by the President of  
31 the Senate and one appointed by the Speaker of the House of

Bill No. CS for CS for CS for SB 2154, CS for SB 1900 & SB 282  
Amendment No. \_\_\_\_

1 Representatives; and

2 7. One representative of a Florida medical school  
3 appointed by the Secretary of Health.

4  
5 Commission membership shall reflect the geographic and  
6 demographic diversity of the state.

7 (b) The Secretary of Health and the Director of Health  
8 Care Administration shall jointly chair the commission.  
9 Subcommittees shall be formed by the joint chairs, as needed,  
10 to make recommendations to the full commission on the subjects  
11 assigned. However, all votes on work products of the  
12 commission shall be at the full commission level, and all  
13 recommendations to the Governor, the President of the Senate,  
14 and the Speaker of the House of Representatives must pass by a  
15 two-thirds vote of the full commission. Sponsoring agencies  
16 and organizations may designate an alternative member who may  
17 attend and vote on behalf of the sponsoring agency or  
18 organization in the event the appointed member is unable to  
19 attend a meeting of the commission or any subcommittee. The  
20 commission shall be staffed by employees of the Department of  
21 Health and the Agency for Health Care Administration.  
22 Sponsoring agencies or organizations must fund the travel and  
23 related expenses of their appointed members on the commission.  
24 Travel and related expenses for the consumer members of the  
25 commission shall be reimbursed by the state pursuant to  
26 section 112.061, Florida Statutes. The commission shall hold  
27 its first meeting no later than July 15, 2000.

28 (5) EVIDENTIARY PROHIBITIONS.--

29 (a) The findings, recommendations, evaluations,  
30 opinions, investigations, proceedings, records, reports,  
31 minutes, testimony, correspondence, work product, and actions

Bill No. CS for CS for CS for SB 2154, CS for SB 1900 & SB 282  
Amendment No. \_\_\_\_

1 of the commission shall be available to the public, but may  
2 not be introduced into evidence at any civil, criminal,  
3 special, or administrative proceeding against a health care  
4 practitioner or health care provider arising out of the  
5 matters which are the subject of the findings of the  
6 commission. Moreover, no member of the commission shall be  
7 examined in any civil, criminal, special, or administrative  
8 proceeding against a health care practitioner or health care  
9 provider as to any evidence or other matters produced or  
10 presented during the proceedings of this commission or as to  
11 any findings, recommendations, evaluations, opinions,  
12 investigations, proceedings, records, reports, minutes,  
13 testimony, correspondence, work product, or other actions of  
14 the commission or any members thereof. However, nothing in  
15 this section shall be construed to mean that information,  
16 documents, or records otherwise available and obtained from  
17 original sources are immune from discovery or use in any  
18 civil, criminal, special, or administrative proceeding merely  
19 because they were presented during proceedings of the  
20 commission. Nor shall any person who testifies before the  
21 commission or who is a member of the commission be prevented  
22 from testifying as to matters within his or her knowledge in a  
23 subsequent civil, criminal, special, or administrative  
24 proceeding merely because such person testified in front of  
25 the commission.

26 (b) The findings, recommendations, evaluations,  
27 opinions, investigations, proceedings, records, reports,  
28 minutes, testimony, correspondence, work product, and actions  
29 of the commission shall be used as a guide and resource and  
30 shall not be construed as establishing or advocating the  
31 standard of care for health care practitioners or health care

Bill No. CS for CS for CS for SB 2154, CS for SB 1900 & SB 282  
Amendment No. \_\_\_\_

1 providers unless subsequently enacted into law or adopted in  
2 rule. Nor shall any findings, recommendations, evaluations,  
3 opinions, investigations, proceedings, records, reports,  
4 minutes, testimony, correspondence, work product, or actions  
5 of the commission be admissible as evidence in any way,  
6 directly or indirectly, by introduction of documents or as a  
7 basis of an expert opinion as to the standard of care  
8 applicable to health care practitioners or health care  
9 providers in any civil, criminal, special, or administrative  
10 proceeding unless subsequently enacted into law or adopted in  
11 rule.

12 (c) No person who testifies before the commission or  
13 who is a member of the commission may specifically identify  
14 any patient, health care practitioner, or health care provider  
15 by name. Moreover, the findings, recommendations, evaluations,  
16 opinions, investigations, proceedings, records, reports,  
17 minutes, testimony, correspondence, work product, and actions  
18 of the commission may not specifically identify any patient,  
19 health care practitioner, or health care provider by name.

20 (6) REPORT; TERMINATION.--The commission shall provide  
21 a report of its findings and recommendations to the Governor,  
22 the President of the Senate, and the Speaker of the House of  
23 Representatives no later than February 1, 2001. After  
24 submission of the report, the commission shall continue to  
25 exist for the purpose of assisting the Department of Health,  
26 the Agency for Health Care Administration, and the regulatory  
27 boards in their drafting of proposed legislation and rules to  
28 implement its recommendations and for the purpose of providing  
29 information to the health care industry on its  
30 recommendations. The commission shall be terminated June 1,  
31 2001.



Bill No. CS for CS for CS for SB 2154, CS for SB 1900 & SB 282  
Amendment No. \_\_\_\_

1           Section 57. The sum of \$91,000 in nonrecurring general  
2 revenue is hereby appropriated from the General Revenue Fund  
3 to the Department of Health to cover costs of the Florida  
4 Commission on Excellence in Health Care relating to the travel  
5 and related expenses of staff and consumer members and the  
6 reproduction and dissemination of documents.

7  
8 (Redesignate subsequent sections.)

9  
10

11 ===== T I T L E   A M E N D M E N T =====  
12 And the title is amended as follows:

13           On page 7, line 10, after the semicolon,  
14  
15 insert:

16           creating the Florida Commission on Excellence  
17           in Health Care; providing legislative findings  
18           and intent; providing definitions; providing  
19           duties and responsibilities; providing for  
20           membership, organization, meetings, procedures,  
21           and staff; providing for reimbursement of  
22           travel and related expenses of certain members;  
23           providing certain evidentiary prohibitions;  
24           requiring a report to the Governor, the  
25           President of the Senate, and the Speaker of the  
26           House of Representatives; providing for  
27           termination of the commission; providing an  
28           appropriation;

29  
30  
31