

By Representatives Haridopolos, Sobel, Harrell, Ritter, Rubio, Bense, Bilirakis, Murman, Littlefield, Betancourt, Negrón, Atwater, Goodlette, Lacasa and Carassas

1 A bill to be entitled
2 An act relating to medical practice; amending
3 ss. 458.331 and 459.015, F.S.; providing that
4 delegating ocular postoperative
5 responsibilities to a person who is not a
6 licensed physician or osteopathic physician
7 constitutes grounds for disciplinary action;
8 providing penalties; providing an effective
9 date.

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

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13 Section 1. Paragraph (nn) is added to subsection (1)
14 of section 458.331, Florida Statutes, to read:

15 458.331 Grounds for disciplinary action; action by the
16 board and department.--

17 (1) The following acts shall constitute grounds for
18 which the disciplinary actions specified in subsection (2) may
19 be taken:

20 (nn) Delegating ocular postoperative responsibilities
21 to a person not licensed under this chapter or chapter 459.

22 (2) When the board finds any person guilty of any of
23 the grounds set forth in subsection (1), including conduct
24 that would constitute a substantial violation of subsection
25 (1) which occurred prior to licensure, it may enter an order
26 imposing one or more of the following penalties:

27 (a) Refusal to certify, or certification with
28 restrictions, to the department an application for licensure,
29 certification, or registration.

30 (b) Revocation or suspension of a license.

31 (c) Restriction of practice.

1 (d) Imposition of an administrative fine not to exceed
2 \$10,000 for each count or separate offense.

3 (e) Issuance of a reprimand.

4 (f) Placement of the physician on probation for a
5 period of time and subject to such conditions as the board may
6 specify, including, but not limited to, requiring the
7 physician to submit to treatment, to attend continuing
8 education courses, to submit to reexamination, or to work
9 under the supervision of another physician.

10 (g) Issuance of a letter of concern.

11 (h) Corrective action.

12 (i) Refund of fees billed to and collected from the
13 patient.

14 (j) Imposition of an administrative fine in accordance
15 with s. 381.0261 for violations regarding patient rights.

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17 In determining what action is appropriate, the board must
18 first consider what sanctions are necessary to protect the
19 public or to compensate the patient. Only after those
20 sanctions have been imposed may the disciplining authority
21 consider and include in the order requirements designed to
22 rehabilitate the physician. All costs associated with
23 compliance with orders issued under this subsection are the
24 obligation of the physician.

25 Section 2. Paragraph (pp) is added to subsection (1)
26 of section 459.015, Florida Statutes, to read:

27 459.015 Grounds for disciplinary action; action by the
28 board and department.--

29 (1) The following acts shall constitute grounds for
30 which the disciplinary actions specified in subsection (2) may
31 be taken:

1 (pp) Delegating ocular postoperative responsibilities
2 to a person not licensed under this chapter or chapter 458.

3 (2) When the board finds any person guilty of any of
4 the grounds set forth in subsection (1), it may enter an order
5 imposing one or more of the following penalties:

6 (a) Refusal to certify, or certify with restrictions,
7 to the department an application for certification, licensure,
8 renewal, or reactivation.

9 (b) Revocation or suspension of a license or
10 certificate.

11 (c) Restriction of practice.

12 (d) Imposition of an administrative fine not to exceed
13 \$10,000 for each count or separate offense.

14 (e) Issuance of a reprimand.

15 (f) Issuance of a letter of concern.

16 (g) Placement of the osteopathic physician on
17 probation for a period of time and subject to such conditions
18 as the board may specify, including, but not limited to,
19 requiring the osteopathic physician to submit to treatment,
20 attend continuing education courses, submit to reexamination,
21 or work under the supervision of another osteopathic
22 physician.

23 (h) Corrective action.

24 (i) Refund of fees billed to and collected from the
25 patient.

26 (j) Imposition of an administrative fine in accordance
27 with s. 381.0261 for violations regarding patient rights.

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29 In determining what action is appropriate, the board must
30 first consider what sanctions are necessary to protect the
31 public or to compensate the patient. Only after those

1 sanctions have been imposed may the disciplining authority
2 consider and include in the order requirements designed to
3 rehabilitate the physician. All costs associated with
4 compliance with orders issued under this subsection are the
5 obligation of the physician.

6 Section 3. This act shall take effect upon becoming a
7 law.

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HOUSE SUMMARY

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12 Provides that delegating ocular postoperative
13 responsibilities to a person who is not a licensed
14 physician or osteopathic physician constitutes grounds
15 for disciplinary action and provides the penalties
16 therefor. See bill for details.

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