

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Farkas, Pickens, Needelman, Kottkamp, Bowen, Allen, Brown, and Ross offered the following:

Amendment

Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Paragraph (nn) is added to subsection (1) of section 458.331, Florida Statutes, is amended to 458.331 Grounds for disciplinary action; action by the board and department.--

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

(nn) Except as otherwise provided herein, delegating ocular post-operative responsibilities to a person other than an ophthalmologist licensed as a physician under this chapter or chapter 459 or an ophthalmologist with an active, unencumbered license in another state in which the patient is a resident. Nothing herein shall be construed to prohibit an ophthalmologist performing ocular surgery from delegating

1 ocular post-operative responsibilities relating to that ocular
2 surgery to a board certified optometrist licensed under
3 chapter 463; provided, that the delegation occurs no sooner
4 than 7 days following the ocular surgery, the board certified
5 optometrist is under general supervision by the operating
6 surgeon or an equivalently trained ophthalmologist, and the
7 operating surgeon remains responsible for the management of
8 the patient's postoperative care. General supervision means
9 regular reporting to the surgeon, and immediate availability
10 of an ocular surgeon for consultation or to direct treatment.

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

16 (a) Refusal to certify, or certification with
17 restrictions, to the department an application for licensure,
18 certification, or registration.

19 (b) Revocation or suspension of a license.

20 (c) Restriction of practice.

21 (d) Imposition of an administrative fine not to exceed
22 \$10,000 for each count or separate offense.

23 (e) Issuance of a reprimand.

24 (f) Placement of the physician on probation for a
25 period of time and subject to such conditions as the board may
26 specify, including, but not limited to, requiring the
27 physician to submit to treatment, to attend continuing
28 education courses, to submit to reexamination, or to work
29 under the supervision of another physician.

30 (g) Issuance of a letter of concern.

31 (h) Corrective action.

1 (i) Refund of fees billed to and collected from the
2 patient.

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

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6 In determining what action is appropriate, the board must
7 first consider what sanctions are necessary to protect the
8 public or to compensate the patient. Only after those
9 sanctions have been imposed may the disciplining authority
10 consider and include in the order requirements designed to
11 rehabilitate the physician. All costs associated with
12 compliance with orders issued under this subsection are the
13 obligation of the physician.

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

16 459.015 Grounds for disciplinary action; action by the
17 board and department.--

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

21 (pp) Except as otherwise provided herein, delegating
22 ocular post-operative responsibilities to a person other than
23 an ophthalmologist licensed as a physician under this chapter
24 or chapter 459 or an ophthalmologist with an active,
25 unencumbered license in another state in which the patient is
26 a resident. Nothing herein shall be construed to prohibit an
27 ophthalmologist performing ocular surgery from delegating
28 ocular post-operative responsibilities relating to that ocular
29 surgery to a board certified optometrist licensed under
30 chapter 463; provided, that the delegation occurs no sooner
31 than 7 days following the ocular surgery, the board certified

1 optometrist is under general supervision by the operating
2 surgeon or an equivalently trained ophthalmologist, and the
3 operating surgeon remains responsible for the management of
4 the patient's postoperative care. General supervision means
5 regular reporting to the surgeon, and immediate availability
6 of an ocular surgeon for consultation or to direct treatment.

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

10 (a) Refusal to certify, or certify with restrictions,
11 to the department an application for certification, licensure,
12 renewal, or reactivation.

13 (b) Revocation or suspension of a license or
14 certificate.

15 (c) Restriction of practice.

16 (d) Imposition of an administrative fine not to exceed
17 \$10,000 for each count or separate offense.

18 (e) Issuance of a reprimand.

19 (f) Issuance of a letter of concern.

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

27 (h) Corrective action.

28 (i) Refund of fees billed to and collected from the
29 patient.

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

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

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