

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Health Regulation offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause

and insert:

Section 1. Subsections (31), (32), and (33), of section 395.002, Florida Statutes, are renumbered as subsections (32), (33), and (34) respectively, and a new subsection (31) of section 395.002, Florida Statutes, is created to read:

395.002 Definitions.--As used in this chapter:

(31) "Surgical first assistant" means the first assistant to the surgeon during a surgical operation.

(32)~~(31)~~ "Utilization review" means a system for reviewing the medical necessity or appropriateness in the allocation of health care resources of hospital services given or proposed to be given to a patient or group of patients.

(33)~~(32)~~ "Utilization review plan" means a description of the policies and procedures governing utilization review activities performed by a private review agent.

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1           ~~(34)~~(33) "Validation inspection" means an inspection  
2 of the premises of a licensed facility by the agency to assess  
3 whether a review by an accrediting organization has adequately  
4 evaluated the licensed facility according to minimum state  
5 standards.

6           Section 2. Paragraph (b) of subsection (1) of section  
7 395.0197, Florida Statutes, is amended to read:

8           395.0197 Internal risk management program.--

9           (1) Every licensed facility shall, as a part of its  
10 administrative functions, establish an internal risk  
11 management program that includes all of the following  
12 components:

13           (b) The development of appropriate measures to  
14 minimize the risk of adverse incidents to patients, including,  
15 but not limited to:

16           1. Risk management and risk prevention education and  
17 training of all nonphysician personnel as follows:

18           a. Such education and training of all nonphysician  
19 personnel as part of their initial orientation; and

20           b. At least 1 hour of such education and training  
21 annually for all personnel of the licensed facility working in  
22 clinical areas and providing patient care, except those  
23 persons licensed as health care practitioners who are required  
24 to complete continuing education coursework pursuant to  
25 chapter 456 or the respective practice act.

26           2. A prohibition, except when emergency circumstances  
27 require otherwise, against a staff member of the licensed  
28 facility attending a patient in the recovery room, unless the  
29 staff member is authorized to attend the patient in the  
30 recovery room and is in the company of at least one other  
31 person. However, a licensed facility is exempt from the

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1 two-person requirement if it has:

2 a. Live visual observation;

3 b. Electronic observation; or

4 c. Any other reasonable measure taken to ensure  
5 patient protection and privacy.

6 3. A prohibition against an unlicensed person from  
7 assisting or participating in any surgical procedure unless  
8 the facility has authorized the person to do so following a  
9 competency assessment, and such assistance or participation is  
10 done under the direct and immediate supervision of a licensed  
11 physician and is not otherwise an activity that may only be  
12 performed by a licensed health care practitioner. Moreover,  
13 the primary operating surgeon may select a surgical first  
14 assistant from among available individuals who are approved or  
15 credentialed by the facility.

16 4. Development, implementation, and ongoing evaluation  
17 of procedures, protocols, and systems to accurately identify  
18 patients, planned procedures, and the correct site of the  
19 planned procedure so as to minimize the performance of a  
20 surgical procedure on the wrong patient, a wrong surgical  
21 procedure, a wrong-site surgical procedure, or a surgical  
22 procedure otherwise unrelated to the patient's diagnosis or  
23 medical condition.

24 Section 3. Section 627.64165, Florida Statutes, is  
25 created to read:

26 627.64165 Surgical first assistants.--A health  
27 insurance policy must provide coverage for the medically  
28 necessary services of a surgical first assistant, as defined  
29 by the American College of Surgeons, selected by the primary  
30 surgeon to assist in a covered surgical procedure.

31 Section 4. Section 627.6572, Florida Statutes, is

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1 created to read:

2 627.6572 Surgical first assistants.--A group, blanket,  
3 or franchise health insurance policy must provide coverage for  
4 the medically necessary services of a surgical first  
5 assistant, as defined by the American College of Surgeons,  
6 selected by the primary surgeon to assist in a covered  
7 surgical procedure.

8 Section 5. Subsection (40) is added to section 641.31,  
9 Florida Statutes, to read:

10 641.31 Health maintenance contracts.--

11 (40) A health maintenance organization must provide  
12 coverage for the medically necessary services of a surgical  
13 first assistant, as defined by the American College of  
14 Surgeons, selected by a primary surgeon contracted with the  
15 health maintenance organization to assist in a covered  
16 surgical procedure. If the use of contracted surgeons is  
17 mandated for a specific procedure, the health maintenance  
18 organization may also require that the surgical first  
19 assistant be contracted with the health maintenance  
20 organization. Payment to a hospital may not be reduced by any  
21 portion of the payment to the surgical first assistant.

22 Section 6. This act shall take effect July 1, 2002,  
23 and shall apply to policies and contracts issued or renewed  
24 after that date.

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27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 remove everything before the enacting clause

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31 and insert:

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1                                   A bill to be entitled  
2           An act relating to surgical first assistants;  
3           amending s. 395.002, F.S.; providing a  
4           definition; amending s. 395.0197, F.S.;  
5           revising a required component of internal risk  
6           management programs to include requirements for  
7           the use of surgical first assistants; creating  
8           ss. 627.64165 and 627.6572, F.S.; requiring  
9           health insurance policies to provide coverage  
10          for the medically necessary services of a  
11          surgical first assistant selected by the  
12          primary surgeon to assist in a covered surgical  
13          procedure; amending s. 641.31, F.S.; requiring  
14          health maintenance contracts to provide  
15          coverage for the medically necessary services  
16          of a surgical first assistant selected by a  
17          primary surgeon contracted with the health  
18          maintenance organization to assist in a covered  
19          surgical procedure; providing applicability to  
20          new or renewed policies and contracts;  
21          providing an effective date.

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