

By Representative Harrell

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

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

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25 Section 1. Paragraph (b) of subsection (1) of section
26 395.0197, Florida Statutes, is amended to read:

27 395.0197 Internal risk management program.--

28 (1) Every licensed facility shall, as a part of its
29 administrative functions, establish an internal risk
30 management program that includes all of the following
31 components:

1 (b) The development of appropriate measures to
2 minimize the risk of adverse incidents to patients, including,
3 but not limited to:

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

6 a. Such education and training of all nonphysician
7 personnel as part of their initial orientation; and
8 b. At least 1 hour of such education and training
9 annually for all personnel of the licensed facility working in
10 clinical areas and providing patient care, except those
11 persons licensed as health care practitioners who are required
12 to complete continuing education coursework pursuant to
13 chapter 456 or the respective practice act.

14 2. A prohibition, except when emergency circumstances
15 require otherwise, against a staff member of the licensed
16 facility attending a patient in the recovery room, unless the
17 staff member is authorized to attend the patient in the
18 recovery room and is in the company of at least one other
19 person. However, a licensed facility is exempt from the
20 two-person requirement if it has:

21 a. Live visual observation;
22 b. Electronic observation; or
23 c. Any other reasonable measure taken to ensure
24 patient protection and privacy.

25 3. A prohibition against an unlicensed person from
26 assisting or participating in any surgical procedure unless
27 the facility has authorized the person to do so following a
28 competency assessment, and such assistance or participation is
29 done under the direct and immediate supervision of a licensed
30 physician and is not otherwise an activity that may only be
31 performed by a licensed health care practitioner. Moreover,

1 the primary operating surgeon may select a physician surgical
2 first assistant in accordance with the guidelines of the
3 American College of Surgeons from among the appropriately
4 credentialed members of the facility's medical staff.

5 4. Development, implementation, and ongoing evaluation
6 of procedures, protocols, and systems to accurately identify
7 patients, planned procedures, and the correct site of the
8 planned procedure so as to minimize the performance of a
9 surgical procedure on the wrong patient, a wrong surgical
10 procedure, a wrong-site surgical procedure, or a surgical
11 procedure otherwise unrelated to the patient's diagnosis or
12 medical condition.

13 Section 2. Section 627.64165, Florida Statutes, is
14 created to read:

15 627.64165 Surgical first assistants.--A health
16 insurance policy must provide coverage for the medically
17 necessary services of a physician surgical first assistant, as
18 defined by the American College of Surgeons, selected by the
19 primary surgeon to assist in a covered surgical procedure.

20 Section 3. Section 627.6572, Florida Statutes, is
21 created to read:

22 627.6572 Surgical first assistants.--A group, blanket,
23 or franchise health insurance policy must provide coverage for
24 the medically necessary services of a physician surgical first
25 assistant, as defined by the American College of Surgeons,
26 selected by the primary surgeon to assist in a covered
27 surgical procedure.

28 Section 4. Subsection (40) is added to section 641.31,
29 Florida Statutes, to read:

30 641.31 Health maintenance contracts.--
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1 (40) A health maintenance organization must provide
2 coverage for the medically necessary services of a physician
3 surgical first assistant, as defined by the American College
4 of Surgeons, selected by a primary surgeon contracted with the
5 health maintenance organization to assist in a covered
6 surgical procedure. If the use of contracted surgeons is
7 mandated for a specific procedure, the health maintenance
8 organization may also require that the physician surgical
9 first assistant be contracted with the health maintenance
10 organization. Payment to a hospital may not be reduced by any
11 portion of the payment to the physician surgical first
12 assistant.

13 Section 5. This act shall take effect July 1, 2002,
14 and shall apply to policies and contracts issued or renewed
15 after that date.

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18 HOUSE SUMMARY

19 Revises a required component of internal risk management
20 programs to include requirements for the use of physician
21 surgical first assistants. Requires health insurance
22 policies and health maintenance contracts to provide
23 coverage for the medically necessary services of a
24 physician surgical first assistant selected by the
25 primary surgeon to assist in a covered surgical
26 procedure. See bill for details.
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