

By Senator Peadar

1-1152-02

1                                   A bill to be entitled  
2           An act relating to medical practice; amending  
3           s. 395.0197, F.S.; providing for primary  
4           surgeons to select surgical first assistants;  
5           creating s. 627.6572, F.S.; requiring insurers  
6           to provide coverage for surgical first  
7           assistants; amending s. 641.31, requiring  
8           health maintenance organizations to provide  
9           coverage for surgical first assistants;  
10          providing an effective date.

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

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14           Section 1. Paragraph (b) of subsection (1) of section  
15 395.0197, Florida Statutes, is amended to read:

16           395.0197 Internal risk management program.--

17           (1) Every licensed facility shall, as a part of its  
18 administrative functions, establish an internal risk  
19 management program that includes all of the following  
20 components:

21           (b) The development of appropriate measures to  
22 minimize the risk of adverse incidents to patients, including,  
23 but not limited to:

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

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

28           b. At least 1 hour of such education and training  
29 annually for all personnel of the licensed facility working in  
30 clinical areas and providing patient care, except those  
31 persons licensed as health care practitioners who are required

1 to complete continuing education coursework pursuant to  
2 chapter 456 or the respective practice act.

3 2. A prohibition, except when emergency circumstances  
4 require otherwise, against a staff member of the licensed  
5 facility attending a patient in the recovery room, unless the  
6 staff member is authorized to attend the patient in the  
7 recovery room and is in the company of at least one other  
8 person. However, a licensed facility is exempt from the  
9 two-person requirement if it has:

- 10 a. Live visual observation;  
11 b. Electronic observation; or  
12 c. Any other reasonable measure taken to ensure  
13 patient protection and privacy.

14 3. A prohibition against an unlicensed person from  
15 assisting or participating in any surgical procedure unless  
16 the facility has authorized the person to do so following a  
17 competency assessment, and such assistance or participation is  
18 done under the direct and immediate supervision of a licensed  
19 physician and is not otherwise an activity that may only be  
20 performed by a licensed health care practitioner.

21 Notwithstanding the other provisions of this subparagraph, the  
22 primary operating surgeon may determine the need for and  
23 select the surgical first assistant from the facility's  
24 medical staff.

25 4. Development, implementation, and ongoing evaluation  
26 of procedures, protocols, and systems to accurately identify  
27 patients, planned procedures, and the correct site of the  
28 planned procedure so as to minimize the performance of a  
29 surgical procedure on the wrong patient, a wrong surgical  
30 procedure, a wrong-site surgical procedure, or a surgical  
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1 procedure otherwise unrelated to the patient's diagnosis or  
2 medical condition.

3 Section 2. Section 627.6572, Florida Statutes, is  
4 created to read:

5 627.6572 Surgical first assistants.--An insurer must  
6 provide coverage for the medically necessary services of a  
7 surgical first assistant, as defined by the American College  
8 of Surgeons, selected by the primary surgeon to assist in a  
9 covered surgical procedure.

10 Section 3. Subsection (40) is added to section 641.31,  
11 Florida Statutes, to read:

12 641.31 Health maintenance contracts.--

13 (40) A health maintenance organization must provide  
14 coverage for the medically necessary services of a surgical  
15 first assistant, as defined by the American College of  
16 Surgeons, selected by a primary surgeon contracted with the  
17 health maintenance organization to assist in a covered  
18 surgical procedure. If the use of contracted surgeons is  
19 mandated for a specific procedure, the health maintenance  
20 organization may also require that the surgical first  
21 assistant be contracted with the health maintenance  
22 organization.

23 Section 4. This act shall take effect July 1, 2002.

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SENATE SUMMARY

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Requires insurers and health maintenance organizations to  
28 provide coverage for surgical first assistants and  
provides for primary operating surgeons to select them.

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