

By the Committee on Health, Aging and Long-Term Care; and
Senator Peadar

317-2233-02

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, 627.6572, F.S.; requiring health
9 insurance policies to provide coverage for the
10 medically necessary services of a surgical
11 first assistant selected by the primary surgeon
12 to assist in a covered surgical procedure;
13 amending s. 641.31, F.S.; requiring health
14 maintenance contracts to provide coverage for
15 the medically necessary services of a surgical
16 first 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. Present subsections (31), (32), and (33) of
26 section 395.002, Florida Statutes, are redesignated as
27 subsections (32), (33), and (34), respectively, and a new
28 subsection (31) is added to that section, to read:

29 395.002 Definitions.--As used in this chapter:
30 (31) "Surgical first assistant" means the first
31 assistant to the surgeon during a surgical operation.

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

3 395.0197 Internal risk management program.--

4 (1) Every licensed facility shall, as a part of its
5 administrative functions, establish an internal risk
6 management program that includes all of the following
7 components:

8 (b) The development of appropriate measures to
9 minimize the risk of adverse incidents to patients, including,
10 but not limited to:

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

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

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

21 2. A prohibition, except when emergency circumstances
22 require otherwise, against a staff member of the licensed
23 facility attending a patient in the recovery room, unless the
24 staff member is authorized to attend the patient in the
25 recovery room and is in the company of at least one other
26 person. However, a licensed facility is exempt from the
27 two-person requirement if it has:

28 a. Live visual observation;

29 b. Electronic observation; or

30 c. Any other reasonable measure taken to ensure
31 patient protection and privacy.

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

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

19 Section 3. Section 627.64165, Florida Statutes, is
20 created to read:

21 627.64165 Surgical first assistants.--A health
22 insurance policy must provide coverage for the medically
23 necessary services provided by a surgical first assistant
24 selected by the primary surgeon to assist in a covered
25 surgical procedure. Nothing in this section may be construed
26 to require a health insurer to make additional, supplemental,
27 or duplicate payment to the hospital or provider solely
28 because of the use of a surgical first assistant.

29 Section 4. Section 627.6572, Florida Statutes, is
30 created to read:

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1 627.6572 Surgical first assistants.--A group, blanket,
2 or franchise health insurance policy must provide coverage for
3 the medically necessary services provided by a surgical first
4 assistant selected by the primary surgeon to assist in a
5 covered surgical procedure. Nothing in this section may be
6 construed to require a health insurer to make additional,
7 supplemental, or duplicate payment to the hospital or provider
8 solely because of the use of a surgical first assistant.

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

11 641.31 Health maintenance contracts.--

12 (40) A health maintenance organization must provide
13 coverage for the medically necessary services provided by a
14 surgical first assistant selected by a primary surgeon
15 contracted with the health maintenance organization to assist
16 in a covered surgical procedure. If the use of contracted
17 surgeons is mandated for a specific procedure, the health
18 maintenance organization may also require that the surgical
19 first assistant be a contracted provider with the health
20 maintenance organization. Payment to a hospital may not be
21 reduced by any portion of the payment to the surgical first
22 assistant. Nothing in this subsection may be construed to
23 require a health maintenance organization to make additional,
24 supplemental, or duplicate payment to the hospital or provider
25 solely because of the use of a surgical first assistant.

26 Section 6. This act shall take effect July 1, 2002,
27 and shall apply to policies and contracts issued or renewed
28 after that date.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 2226

The Committee Substitute differs from SB 2226 in the following ways:

An amendment to s. 395.002, F.S., provides a definition of surgical first assistant.

S. 627.64165, F.S., is created to require individual health insurance policies to provide coverage for the medically necessary services of a surgical first assistant.

The medically necessary services will not be defined by the American College of Surgeons.