

Bill No. CS for CS for SB 1252, 2nd Enq.

Amendment No. ____ Barcode 315074

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Bennett moved the following amendment:		
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13	Senate Amendment		
14	On page 6, line 10, through		
15	page 8, line 5, delete those lines		
16			
17	and insert:		
18	Section 4. Subsections (5), (7), and (12) of section		
19	400.147, Florida Statutes are amended to read:		
20	400.147 Internal risk management and quality assurance		
21	program.--		
22	(5) For purposes of reporting to the agency under this		
23	section, the term "adverse incident" means:		
24	(a) An event over which facility personnel could		
25	exercise control and which is associated in whole or in part		
26	with the facility's intervention, rather than the condition		
27	for which such intervention occurred, and which results in one		
28	of the following:		
29	1. Death;		
30	2. Brain or spinal damage;		
31	3. Permanent disfigurement;		

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- 1 4. Fracture or dislocation of bones or joints;
- 2 5. A limitation of neurological, physical, or sensory
- 3 function;
- 4 6. Any condition that required medical attention to
- 5 which the resident has not given his or her informed consent,
- 6 including failure to honor advanced directives; or
- 7 7. Any condition that required the transfer of the
- 8 resident, within or outside the facility, to a unit providing
- 9 a more acute level of care due to the adverse incident, rather
- 10 than the resident's condition prior to the adverse incident;
- 11 (b) Abuse, sexual abuse, neglect, or exploitation as
- 12 defined in s. 415.102;
- 13 (c) Abuse, neglect and harm as defined in s. 39.01;
- 14 (d) Resident elopement; or
- 15 (e) An event that is reported to law enforcement for
- 16 investigation.
- 17 (7) The facility shall initiate an investigation and
- 18 shall notify the agency within 1 business day after the risk
- 19 manager or his or her designee has received a report pursuant
- 20 to paragraph (1)(d). The notification must be made either in
- 21 writing or orally and be provided by telephone,
- 22 electronically, by facsimile device or overnight mail
- 23 delivery. The notification must include information regarding
- 24 the identity of the affected resident, the type of adverse
- 25 incident, the initiation of an investigation by the facility,
- 26 and whether the events causing or resulting in the adverse
- 27 incident represent a potential risk to any other resident. The
- 28 notification is confidential as provided by law and is not
- 29 discoverable or admissible in any civil or administrative
- 30 action, except in disciplinary proceedings by the agency or
- 31 the appropriate regulatory board. The agency may investigate,

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1 as it deems appropriate, any such incident and prescribe
2 measures that must or may be taken in response to the
3 incident. The agency shall review each incident and determine
4 whether it potentially involved conduct by the health care
5 professional who is subject to disciplinary action, in which
6 case the provisions of s. 456.073 shall apply.

7 (12) If the agency, through its receipt of the adverse
8 incident reports prescribed in subsection (7), or prescribed
9 in subsection (8), or through any investigation, has a
10 reasonable belief that conduct by a staff member or employee
11 of a facility is grounds for disciplinary action by the
12 appropriate regulatory board, the agency shall report this
13 fact to the regulatory board. The agency must use either the
14 1-day or the 15-day report to fulfill this reporting
15 requirement. This subsection does not require dual reporting
16 nor additional, new documentation and reporting by the
17 facility to the appropriate regulatory board.

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