

Bill No. CS for CS for SB 1252, 1st Eng.

Amendment No. ____ Barcode 380314

CHAMBER ACTION

Senate

House

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Senator Argenziano moved the following amendment:

Senate Amendment (with title amendment)

On page 6, line 6, through
page 8, line 27, delete those lines

and insert:

Section 4. Subsections (5), (7), and (12) of section
400.147, Florida Statutes are amended to read:

400.147 Internal risk management and quality assurance
program.--

(5) For purposes of reporting to the agency under this
section, the term "adverse incident" means:

(a) An event over which facility personnel could
exercise control and which is associated in whole or in part
with the facility's intervention, rather than the condition
for which such intervention occurred, and which results in one
of the following:

- 1. Death;
- 2. Brain or spinal damage;
- 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, neglect, or exploitation as defined in s.
- 12 415.102;
- 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 in writing
- 21 and be provided electronically, by facsimile device or
- 22 overnight mail delivery. The notification must include
- 23 information regarding the identity of the affected resident,
- 24 the type of adverse incident, the initiation of an
- 25 investigation by the facility, and whether the events causing
- 26 or resulting in the adverse incident represent a potential
- 27 risk to any other resident. The notification is confidential
- 28 as provided by law and is not discoverable or admissible in
- 29 any civil or administrative action, except in disciplinary
- 30 proceedings by the agency or the appropriate regulatory board.
- 31 The agency may investigate, as it deems appropriate, any such

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

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

17 And the title is amended as follows:

18 On page 1, lines 28-30, delete those lines

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20 and insert:

21 revising

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