



HB 1447

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CHAMBER ACTION

The Committee on Health Care recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to St. Lucie County; providing legislative intent; providing a popular name; providing for consolidation of certain local hospital authority; providing powers and duties of hospital governing boards; providing an effective date.

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

Section 1. This act clarifies the delineation of authority within each hospital within St. Lucie County. It is the intent of the Legislature to provide consolidation of a hospital corporation's board of directors' power, authority, duty, and ultimate responsibility under existing statutes with respect to the operation of a hospital, including, but not limited to, the granting, denial, and discipline of medical staff and clinical privileges, and for compliance with statutorily mandated peer review, risk management, and quality assurance activities. This act is not intended to supersede, amend, or terminate any



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29 existing medical staff bylaws, but rather to clarify that in the
30 event of a conflict between bylaws of a hospital corporation's
31 board of directors and a hospital's medical staff bylaws, the
32 hospital board's bylaws shall prevail with respect to medical
33 staff privileges, quality assurance, peer review, and contracts
34 for hospital-based services.

35 Section 2. This act may be known by the popular name the
36 "St. Lucie County Hospital Governance Law."

37 Section 3. The board of directors of each general hospital
38 operating in St. Lucie County whose license is held by a
39 corporation shall appoint or elect, in a manner and method of
40 its own choosing, a governing board for each hospital which may
41 be the board of directors of such corporation or a separate
42 governing board. The board of directors may delegate such
43 authority as it deems necessary to the governing board of a
44 hospital, but such delegation does not relieve the hospital
45 corporation of ultimate responsibility, and such delegation of
46 authority shall remain subject to amendment, rescission, or
47 revocation by the board of directors.

48 Section 4. The governing board shall also be ultimately
49 responsible for the administration of the hospital, including
50 managing the operations of the hospital, ensuring patient
51 welfare, conducting peer review, overseeing the risk management
52 program and quality assurance activities, and determining
53 eligibility for medical staff membership and clinical
54 privileges. This authority is granted subject to the provisions
55 of sections 395.0191 and 395.0193, Florida Statutes, and the



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56 articles of incorporation and bylaws of the hospital
57 corporation.

58 Section 5. A governing board's authority for the
59 administration of the hospital is not limited by the authority
60 of its medical staff. Therefore, a governing board may reject or
61 modify a medical staff recommendation or may, if the medical
62 staff has failed to act, take action independent of the medical
63 staff concerning medical staff membership, clinical privileges,
64 peer review, and quality assurance in accordance with the
65 procedures specified in section 6. To the extent, if any, that
66 the bylaws or other regulations of the medical staff conflict
67 with the bylaws or other regulations of the governing board, the
68 bylaws or other regulations of the governing board shall control
69 with respect to medical staff privileges, quality assurance,
70 peer review, and contracts for hospital-based services,
71 irrespective of the identity of the drafter of the respective
72 bylaws or regulations. However, in no event shall a decision
73 regarding medical staff privileges be made by the governing
74 board entirely upon economic considerations. Neither the
75 governing board nor a hospital's medical staff shall
76 unilaterally amend a hospital's medical staff bylaws and related
77 manuals, rules, or regulations. Any amendments or revisions
78 proposed by the governing board shall first be submitted to the
79 medical staff for its recommendations, including 30 days' notice
80 for response, and any response timely made shall be carefully
81 considered by the governing board prior to its approval of the
82 proposed amendments or revisions.



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83 Section 6. To the extent a governing board seeks to modify
84 a medical staff recommendation, or where a medical staff has
85 failed to act within 75 days after a request from the governing
86 board to take action against, or with regard to, an individual
87 physician concerning medical staff membership, clinical
88 privileges, peer review, or quality assurance, a governing board
89 may take action independent of the actions of the medical staff.
90 Any such action shall be subject to a fair hearing process, if
91 authorized by the medical staff bylaws, in which the physician
92 is entitled to be represented by counsel, to be afforded an
93 opportunity to present oral and written argument in response to
94 the corrective or disciplinary action proposed, and to comment
95 upon and cross-examine witnesses and evidence against such
96 physician. If, after any fair hearing, the governing board
97 determines that corrective or disciplinary action is necessary,
98 it shall recommend such action to a six-member joint conference
99 committee composed of three members of the governing board, to
100 be appointed by the chair of the governing board, and three
101 members of the medical staff, to be appointed by the chair or
102 president of the medical staff. The joint conference committee
103 shall, within 15 days after the governing board's decision after
104 the fair hearing process, review the fair hearing recommendation
105 and notify the governing board that the joint conference
106 committee accepts, rejects, or cannot reach a majority consensus
107 concerning the governing board's recommendation. If the joint
108 conference committee's recommendation is to accept the governing
109 board's recommendation, the governing board's decision shall be
110 final. If the joint conference committee rejects the governing



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111 | board's recommendation and suggests an alternative corrective or
112 | disciplinary action, or finds that no corrective or disciplinary
113 | action is warranted, the governing board shall not unreasonably
114 | reject the joint conference committee's recommendation. If the
115 | joint conference committee cannot reach a majority consensus to
116 | either accept or reject the governing board's action concerning
117 | the fair hearing decision, the governing board's action shall be
118 | final. The governing board shall give full and complete
119 | consideration to the joint conference committee's
120 | recommendations.

121 | Section 7. This act shall take effect upon becoming a law.