



1                   A bill to be entitled  
2           An act relating to St. Lucie County; providing legislative  
3           intent; providing a popular name; providing for  
4           consolidation of certain local hospital authority;  
5           providing powers and duties of hospital governing boards;  
6           providing an effective date.

7  
8   Be It Enacted by the Legislature of the State of Florida:

9  
10       Section 1. This act clarifies the delineation of authority  
11 within each hospital within St. Lucie County. It is the intent  
12 of the Legislature to provide consolidation of a hospital  
13 corporation's board of directors' power, authority, duty, and  
14 ultimate responsibility under existing statutes with respect to  
15 the operation of a hospital, including, but not limited to, the  
16 granting, denial, and discipline of medical staff and clinical  
17 privileges, and for compliance with statutorily mandated peer  
18 review, risk management, and quality assurance activities. This  
19 act is not intended to supersede, amend, or terminate any  
20 existing medical staff bylaws, but rather to clarify that in the  
21 event of a conflict between bylaws of a hospital corporation's  
22 board of directors and a hospital's medical staff bylaws, the  
23 hospital board's bylaws shall prevail with respect to medical  
24 staff privileges, quality assurance, peer review, and contracts  
25 for hospital-based services.

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



28           Section 3. The board of directors of each general hospital  
29 operating in St. Lucie County whose license is held by a  
30 corporation shall appoint or elect, in a manner and method of  
31 its own choosing, a governing board for each hospital which may  
32 be the board of directors of such corporation or a separate  
33 governing board. The board of directors may delegate such  
34 authority as it deems necessary to the governing board of a  
35 hospital, but such delegation does not relieve the hospital  
36 corporation of ultimate responsibility, and such delegation of  
37 authority shall remain subject to amendment, rescission, or  
38 revocation by the board of directors.

39           Section 4. The governing board shall also be ultimately  
40 responsible for the administration of the hospital, including  
41 managing the operations of the hospital, ensuring patient  
42 welfare, conducting peer review, overseeing the risk management  
43 program and quality assurance activities, and determining  
44 eligibility for medical staff membership and clinical  
45 privileges. This authority is granted subject to the provisions  
46 of sections 395.0191 and 395.0193, Florida Statutes, and the  
47 articles of incorporation and bylaws of the hospital  
48 corporation.

49           Section 5. A governing board's authority for the  
50 administration of the hospital is not limited by the authority  
51 of its medical staff. Therefore, a governing board may reject or  
52 modify a medical staff recommendation or may, if the medical  
53 staff has failed to act, take action independent of the medical  
54 staff concerning medical staff membership, clinical privileges,  
55 peer review, and quality assurance in accordance with the



56 procedures specified in section 6. To the extent, if any, that  
57 the bylaws or other regulations of the medical staff conflict  
58 with the bylaws or other regulations of the governing board, the  
59 bylaws or other regulations of the governing board shall control  
60 with respect to medical staff privileges, quality assurance,  
61 peer review, and contracts for hospital-based services,  
62 irrespective of the identity of the drafter of the respective  
63 bylaws or regulations. However, in no event shall a decision  
64 regarding medical staff privileges be made by the governing  
65 board entirely upon economic considerations. Neither the  
66 governing board nor a hospital's medical staff shall  
67 unilaterally amend a hospital's medical staff bylaws and related  
68 manuals, rules, or regulations. Any amendments or revisions  
69 proposed by the governing board shall first be submitted to the  
70 medical staff for its recommendations, including 30 days' notice  
71 for response, and any response timely made shall be carefully  
72 considered by the governing board prior to its approval of the  
73 proposed amendments or revisions.

74 Section 6. To the extent a governing board seeks to modify  
75 a medical staff recommendation, or where a medical staff has  
76 failed to act within 75 days after a request from the governing  
77 board to take action against, or with regard to, an individual  
78 physician concerning medical staff membership, clinical  
79 privileges, peer review, or quality assurance, a governing board  
80 may take action independent of the actions of the medical staff.  
81 Any such action shall be subject to a fair hearing process, if  
82 authorized by the medical staff bylaws, in which the physician  
83 is entitled to be represented by counsel, to be afforded an



84 opportunity to present oral and written argument in response to  
85 the corrective or disciplinary action proposed, and to comment  
86 upon and cross-examine witnesses and evidence against such  
87 physician. If, after any fair hearing, the governing board  
88 determines that corrective or disciplinary action is necessary,  
89 it shall recommend such action to a six-member joint conference  
90 committee composed of three members of the governing board, to  
91 be appointed by the chair of the governing board, and three  
92 members of the medical staff, to be appointed by the chair or  
93 president of the medical staff. The joint conference committee  
94 shall, within 15 days after the governing board's decision after  
95 the fair hearing process, review the fair hearing recommendation  
96 and notify the governing board that the joint conference  
97 committee accepts, rejects, or cannot reach a majority consensus  
98 concerning the governing board's recommendation. If the joint  
99 conference committee's recommendation is to accept the governing  
100 board's recommendation, the governing board's decision shall be  
101 final. If the joint conference committee rejects the governing  
102 board's recommendation and suggests an alternative corrective or  
103 disciplinary action, or finds that no corrective or disciplinary  
104 action is warranted, the governing board shall not unreasonably  
105 reject the joint conference committee's recommendation. If the  
106 joint conference committee cannot reach a majority consensus to  
107 either accept or reject the governing board's action concerning  
108 the fair hearing decision, the governing board's action shall be  
109 final. The governing board shall give full and complete  
110 consideration to the joint conference committee's  
111 recommendations.



112

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