

Bill No. CS for SB 2-B

Amendment No. ____ Barcode 140546

CHAMBER ACTION

Senate

House

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Senator Fasano moved the following amendment:

Senate Amendment (with title amendment)

On page 68, line 31,

insert:

Section 27. Section 458.352, Florida Statutes, is created to read:

458.352 Repeated malpractice.--

(1) The Department of Health shall immediately suspend the license of any person holding a license to practice medicine pursuant to chapter 458 who has been found to have committed three or more incidents of medical malpractice within 5 years. The license shall remain suspended until the department has investigated the cases and the Board of Medicine has issued a final order addressing the cases.

(2) For purposes of this section, the term:

(a) "Medical malpractice" means both the failure to practice medicine in this state with that level of care, skill, and treatment recognized in general law related to licensed physicians and any similar wrongful act, neglect, or

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1 default in any other state or country which, if committed in
2 this state would be considered medical malpractice.

3 (b) "Found to have committed" means that the
4 malpractice has been found pursuant to a final judgment of a
5 court of law, a final decision by an administrative agency, or
6 a decision of binding arbitration, which judgment or decisions
7 must be in unrelated matters.

8 (3) The Department of Health may adopt rules to
9 administer this section.

10 Section 28. Section 459.027, Florida Statutes, is
11 created to read:

12 459.027 Repeated malpractice.--

13 (1) The Department of Health shall immediately suspend
14 the license of any person holding a license to practice
15 osteopathic medicine pursuant to chapter 459 who has been
16 found to have committed three or more incidents of medical
17 malpractice within 5 years. The license shall remain suspended
18 until the department has investigated the cases and the Board
19 of Osteopathic Medicine has issued a final order addressing
20 the cases.

21 (2) For purposes of this section, the term:

22 (a) "Medical malpractice" means both the failure to
23 practice osteopathic medicine in this state with that level of
24 care, skill, and treatment recognized in general law related
25 to licensed osteopathic physicians and any similar wrongful
26 act, neglect, or default in any other state or country which,
27 if committed in this state would be considered medical
28 malpractice.

29 (b) "Found to have committed" means that the
30 malpractice has been found pursuant to a final judgment of a
31 court of law, a final decision by an administrative agency, or

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1 a decision of binding arbitration, which judgment or decisions
2 must be in unrelated matters.

3 (3) The Department of Health may adopt rules to
4 administer this section.

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6 (Redesignate subsequent sections.)

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

10 And the title is amended as follows:

11 On page 8, line 2, after the semicolon,

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13 insert:

14 creating ss. 458.352 and 459.027, F.S.;

15 providing sanctions for repeated malpractice by

16 a physician or an osteopathic physician;

17 providing definitions; authorizing the

18 Department of Health to adopt rules;

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