

Bill No. CS for CS for SB 2170, 1st Eng.

Amendment No. \_\_\_\_ Barcode 554822

CHAMBER ACTION

Senate

House

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Senator Bennett moved the following amendment:

**Senate Amendment (with title amendment)**

On page 56, line 10, through  
page 57, line 19, delete those lines

and insert:

Section 32. Paragraphs (aa) and (bb) of subsection (1)  
of section 456.072, Florida Statutes, are amended, paragraphs  
(ff), (gg), and (hh) are added to that subsection, and  
subsection (7) is added to that section, to read:

456.072 Grounds for discipline; penalties;  
enforcement.--

(1) The following acts shall constitute grounds for  
which the disciplinary actions specified in subsection (2) may  
be taken:

(aa) Performing or attempting to perform health care  
services on the wrong patient, a wrong-site procedure, a wrong  
procedure, or an unauthorized procedure or a procedure that is  
medically unnecessary or otherwise unrelated to the patient's  
diagnosis or medical condition. For the purposes of this

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1 paragraph, performing or attempting to perform health care  
2 services includes invasive actions taken in furtherance of the  
3 preparation of the patient, but does not include those  
4 preparations that are noninvasive.

5 (bb) Leaving a foreign body in a patient, such as a  
6 sponge, clamp, forceps, surgical needle, or other  
7 paraphernalia commonly used in surgical, examination, or other  
8 diagnostic procedures, unless leaving the foreign body is  
9 medically indicated and documented in the patient record. For  
10 the purposes of this paragraph, it shall be legally presumed  
11 that retention of a foreign body is not in the best interest  
12 of the patient and is not within the standard of care of the  
13 profession, unless medically indicated and documented in the  
14 patient record regardless of the intent of the professional.

15 (ff) Prescribing, administering, dispensing, or  
16 distributing a legend drug, including a controlled substance,  
17 when the practitioner knows or reasonably should know that the  
18 receiving patient has not established a valid professional  
19 relationship with the prescribing practitioner. A medical  
20 questionnaire completed by Internet, telephone, electronic  
21 transfer, or mail does not establish a valid professional  
22 relationship.

23 (gg) Being terminated from an impaired practitioner  
24 program that is overseen by an impaired practitioner  
25 consultant as described in s. 456.076 for failure to comply  
26 with the terms of the monitoring or treatment contract entered  
27 into by the licensee without good cause.

28 (hh) In any advertisement for health care services,  
29 and also during the first in-person encounter, failing to  
30 disclose the type of license under which the practitioner is  
31 operating. This paragraph does not apply to a practitioner

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1 while the practitioner is providing services in a facility  
2 licensed under chapter 394, chapter 395, or chapter 400.

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

6 And the title is amended as follows:

7           On page 4, line 24, after the semicolon

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9 insert:

10           requiring disclosure of licensure to patients

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