

Bill No. PCS for SB 940 (941384)

Barcode 515212

CHAMBER ACTION

Senate

House

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The Committee on Health Care (Saunders) recommended the following amendment:

Senate Amendment (with title amendment)

On page 2, lines 10-20, delete those lines

and insert:

(a) "Board" means the Board of Medicine, in the case of a physician licensed under chapter 458, and the Board of Osteopathic Medicine, in the case of a physician licensed under chapter 459.

(b) "Final administrative agency decision" means a final order of the board following a hearing as provided in s. 120.57(1) or (2) or s. 120.574 finding that the licensee has violated s. 458.331(1)(t) or s. 459.015(1)(x).

(c) "Found to have committed" means the malpractice has been found in a final judgment of a court of law, final administrative agency decision, or decision of binding arbitration.

(d) "Incident" means the wrongful act or occurrence from which the medical malpractice arises, regardless of the

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1 number of claimants or findings. For purposes of this section:

2 1. A single act of medical malpractice, regardless of
3 the number of claimants, shall count as only one incident;

4 2. Multiple findings of medical malpractice arising
5 from the same wrongful act or series of wrongful acts
6 associated with the treatment of the same patient shall count
7 as only one incident.

8 (e) "Level of care, skill, and treatment recognized in
9 general law related to health care licensure" means the
10 standard of care specified in s. 766.102.

11 (f) "Medical doctor" means a physician licensed under
12 chapter 458 or chapter 459.

13 (g) "Medical malpractice" means the failure to
14 practice medicine in accordance with the level of care, skill,
15 and treatment recognized in general law related to health care
16 licensure. Only for the purpose of finding repeated medical
17 malpractice pursuant to this section, any similar wrongful
18 act, neglect, or default, committed in another state or
19 country, which if committed in this state would have been
20 considered medical malpractice as defined in this paragraph,
21 shall be considered medical malpractice if the standard of
22 care and burden of proof applied in the other state or country
23 equaled or exceeded that used in this state.

24 (h) "Repeated medical malpractice" means three or more
25 incidents of medical malpractice within the previous 5-year
26 period for incidents resulting in indemnities being paid in
27 excess of \$50,000 for each incident to the claimant in a
28 judgment or decision of binding arbitration, or findings of
29 medical malpractice in a final administrative agency decision,
30 or combination thereof. Only an incident occurring on or after
31 November 3, 2004, shall be considered an incident for purposes

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1 of finding repeated medical malpractice under this section.

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

5 And the title is amended as follows:

6 On page 1, lines 19 and 20, delete those lines

7

8 and insert:

9 date; providing definitions for purposes of

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