

Bill No. CS for SB 940

Barcode 625108

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Campbell) recommended the following amendment:

Senate Amendment

On page 4, line 19, through
page 5, line 6, delete those lines

and insert: and convincing evidence. Except with respect to a final judgment in a court in this state, in order to rely on an incident of medical malpractice to determine whether a license must be denied or revoked under this section, if the facts supporting the finding of the incident of medical malpractice were determined on a standard less stringent than clear and convincing evidence, the board shall review the record of the case and determine whether the finding would be supported under a standard of clear and convincing evidence. The board may verify on a biennial basis an out-of-state licensee's medical malpractice history using federal, state, or other databases. The board may require licensees and applicants for licensure to provide a copy of the record of a trial of any medical malpractice judgment entered outside of

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1 this state, which may be required to be in an electronic
2 format, involving an incident that occurred on or after
3 November 2, 2004. If a verdict is returned against a health
4 care provider licensed under chapter 458 or chapter 459 for
5 professional negligence in a court in this state, the judge
6 shall, post verdict and independent of the jury, make a
7 finding as to whether the verdict of professional negligence
8 was supported by clear and convincing evidence. The finding by
9 the judge shall be for the sole purpose of determining whether
10 the professional negligence also constitutes a medical
11 incident for purposes of s. 26, Art. X of the State
12 Constitution. Such finding by the judge shall constitute an
13 incident of medical malpractice without further review by the
14 board. The finding of the judge may not be used in any
15 subsequent appeal of the underlying medical negligence case.
16 For purposes of implementing s. 26, Art. X of the State
17 Constitution, the 90-day requirement for granting or denying a
18 complete allopathic or osteopathic licensure application in s.
19 120.60(1) is extended to 180 days.

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