

1 use of fees collected by the board; amending s.
2 627.419, F.S.; providing for payments to a
3 physician assistant under contracts providing
4 for payment for surgical first assisting
5 benefits or services; including certified
6 surgical first assistants, as defined, within
7 certain benefits or services payment
8 provisions; limiting application; providing an
9 effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Section 458.3465, Florida Statutes, is
14 created to read:

15 458.3465 Certified surgical first assistants.--

16 (1) DEFINITIONS.--As used in this section:

17 (a) "Board" means the Board of Medicine.

18 (b) "Certified surgical first assistant" means a
19 person who provides primary surgical assistance to the primary
20 surgeon during a surgical procedure, is listed on the
21 operative record as the first assistant, and meets the
22 qualifications for licensure under this section.

23 (c) "Continuing medical education" means courses
24 recognized and approved by the board, the Liaison Council on
25 Certification for the Surgical Technologist, the National
26 Surgical Assistant Association, the American Board of Surgical
27 Assistants, the American Medical Association, the American
28 Osteopathic Association, or the Accreditation Council on
29 Continuing Medical Education.

30 (d) "Direct supervision" means supervision by a
31 delegating physician who is physically present and who

1 personally directs delegated acts and remains immediately
2 available to personally respond to any emergency until the
3 patient is released from the operating room or the physician's
4 care and has been transferred to the care and responsibility
5 of another physician.

6 (e) "Surgical assisting" means providing aid under
7 direct supervision in exposure, hemostasis, closures, and
8 other intraoperative technical functions that assist a
9 physician in performing a safe operation with optimal results
10 for the patient.

11 (2) PERFORMANCE OF SUPERVISING PHYSICIAN.--Each
12 physician or group of physicians supervising a certified
13 surgical first assistant shall be qualified in the medical
14 areas in which the certified surgical first assistant is to
15 perform and may be individually or collectively responsible
16 and liable for the performance and the acts and omissions of
17 the certified surgical first assistant.

18 (3) PERFORMANCE OF CERTIFIED SURGICAL FIRST
19 ASSISTANTS.--

20 (a) A certified surgical first assistant may perform
21 duties limited to the scope of certification in surgical
22 assisting functions while under the direct supervision of a
23 physician.

24 (b) The scope of practice of a certified surgical
25 first assistant is limited to surgical assisting and tasks
26 delegated by the supervising physician.

27 (c) A certified surgical first assistant may only
28 perform his or her duties in a medical clinic, hospital,
29 ambulatory surgical center, or similar medical institution.

30 (4) EMPLOYMENT OF CERTIFIED SURGICAL FIRST
31 ASSISTANTS.--

1 (a) A physician or hospital is not required to
2 contract with a certified surgical first assistant.

3 (b) A health maintenance organization, preferred
4 provider organization, or health benefit plan shall not
5 require a physician, hospital, clinic, or ambulatory surgery
6 center to contract with a certified surgical first assistant
7 as a condition of payment to a certified surgical first
8 assistant.

9 (c) The employment arrangement of a certified surgical
10 first assistant shall not be limited in any way by rule of the
11 board or by statute.

12 (5) CERTIFIED SURGICAL FIRST ASSISTANT LICENSURE.--

13 (a) A person desiring to be licensed as a certified
14 surgical first assistant shall apply to the board. The board
15 shall issue a license to any person determined by the board as
16 having met the following requirements:

17 1. Is at least 18 years of age.

18 2. Holds and maintains certification from one of the
19 following recognized certifying agencies:

20 a. The Liaison Council on Certification for the
21 Surgical Technologist.

22 b. The National Surgical Assistant Association.

23 c. The American Board of Surgical Assistants.

24 3. Has completed the application form and remitted an
25 application fee not to exceed \$750 as set by the board. An
26 application for licensure made by a certified surgical first
27 assistant shall include:

28 a. A certificate from one of the recognized certifying
29 agencies specified in subparagraph 2.

30 b. A sworn statement of any prior felony convictions.

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1 c. A sworn statement of any previous revocation or
2 denial of licensure or certification.

3 (b) A license shall be renewed biennially. Each
4 renewal shall include:

5 1. A renewal fee not to exceed \$1,000 as set by the
6 board.

7 2. A sworn statement of no felony convictions in the
8 previous 2 years.

9 (c) Each licensed certified surgical first assistant
10 shall biennially complete 40 hours of continuing medical
11 education or shall hold a current certificate issued by a
12 recognized certifying agency listed in subparagraph (a)2.

13 (d) The board may impose any of the penalties
14 authorized under ss. 456.072 and 458.331(2) upon a certified
15 surgical first assistant if the certified surgical first
16 assistant or the supervising physician has been found guilty
17 of or is being investigated for any act that constitutes a
18 violation of this chapter or chapter 456.

19 (e) A certified surgical first assistant's license:

20 1. Does not authorize the licensee to engage in the
21 practice of medicine or professional nursing.

22 2. Is not required of a registered nurse, an advanced
23 registered nurse practitioner, a registered nurse first
24 assistant, or a physician assistant as a condition of
25 employment.

26 (6) RECIPROCITY.--The department shall allow
27 reciprocity to certified surgical first assistants who are
28 determined by the board to:

29 (a) Be licensed in other states and who are in good
30 standing with their state of licensure and their certifying
31 agency.

1 (b) Have paid appropriate licensure fees.

2 (c) Have complied with all other requirements of the
3 board.

4 (7) INACTIVE AND DELINQUENT STATUS.--A license on
5 inactive or delinquent status may be reactivated only as
6 provided in s. 456.036.

7 (8) PENALTY.--A person who has not been licensed by
8 the board and approved by the department and who holds himself
9 or herself out as a licensed certified surgical first
10 assistant or who uses any other term in indicating or implying
11 that he or she is a licensed certified surgical first
12 assistant commits a felony of the third degree, punishable as
13 provided in s. 775.082, s. 775.083, or s. 775.084.

14 (9) DENIAL, SUSPENSION, OR REVOCATION OF
15 LICENSURE.--The board may deny, suspend, or revoke a certified
16 surgical first assistant license if the board determines that
17 the certified surgical first assistant has violated this
18 chapter.

19 (10) RULES.--The board may adopt rules to administer
20 this section.

21 (11) LIABILITY.--Each supervising physician using a
22 certified surgical first assistant may be liable for acts or
23 omissions of the certified surgical first assistant acting
24 under the physician's supervision and control.

25 (12) FEES.--The fees collected by the board under this
26 section shall be used for the licensure and regulation of
27 certified surgical first assistants in accordance with this
28 section.

29 Section 2. Subsection (6) of section 627.419, Florida
30 Statutes, is amended to read:

31 627.419 Construction of policies.--

1 (6)(a) Notwithstanding any other provision of law,
2 when any health insurance policy, health care services plan,
3 or other contract provides for payment for surgical first
4 assisting benefits or services, the policy, plan, or contract
5 is to be construed as providing for payment to a physician
6 assistant or registered nurse first assistant or employers of
7 a physician assistant or registered nurse first assistant who
8 performs such services that are within the scope of a
9 physician assistant's or a registered nurse first assistant's
10 professional license. ~~The provisions of This paragraph applies~~
11 ~~subsection apply~~ only if reimbursement for an assisting
12 physician, licensed under chapter 458 or chapter 459, would be
13 covered and a physician assistant or a registered nurse first
14 assistant who performs such services is used as a substitute.

15 (b)1. Notwithstanding any other provision of law, when
16 any health insurance policy, health care services plan, or
17 other contract provides for payment for surgical first
18 assisting benefits or services, the policy, plan, or contract
19 is to be construed as providing for payment to a certified
20 surgical first assistant or to the employer of a certified
21 surgical first assistant who performs such services that are
22 assigned by the supervising physician or osteopathic
23 physician. This paragraph applies only if reimbursement for an
24 assisting physician, licensed under chapter 458 or chapter
25 459, would be covered and the certified surgical first
26 assistant who performs such services is used as a substitute.
27 As used in this paragraph, the term "certified surgical first
28 assistant" means a person who is a licensed health care
29 provider who is directly accountable to a physician licensed
30 under chapter 458 or an osteopathic physician licensed under
31 chapter 459 and who is certified by the National Surgical

1 Assistant Association, the Liaison Council on Certification
2 for the Surgical Technologist, or the American Board of
3 Surgical Assistants.

4 2. This paragraph does not require an insurer to
5 directly reimburse a certified surgical first assistant if the
6 certified surgical first assistant is paid or will be paid for
7 a surgical procedure by the health care facility at which the
8 surgical procedure is performed.

9 Section 3. This act shall take effect July 1, 2006.

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