

Bill No. SB 1216

Barcode 652884

CHAMBER ACTION

Senate

House

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

Senate Amendment (with title amendment)

On page 7, lines 4-18, delete those lines

and insert:

Section 3. Section 456.041, Florida Statutes, is amended to read:

456.041 Practitioner profile; creation.--

(1)(a) The Department of Health shall compile the information submitted pursuant to s. 456.039 into a practitioner profile of the applicant submitting the information, except that the Department of Health shall develop a format to compile uniformly any information submitted under s. 456.039(4)(b). Beginning July 1, 2001, the Department of Health may compile the information submitted pursuant to s. 456.0391 into a practitioner profile of the applicant submitting the information. The protocol submitted pursuant to s. 464.012(3) must be included in the practitioner profile of the applicant submitting the information to obtain

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1 certification as an advanced registered nurse practitioner.

2 (b) Beginning July 1, 2005, the department shall
3 verify the information submitted by the applicant under s.
4 456.039 concerning disciplinary history and medical
5 malpractice claims at the time of initial licensure and
6 license renewal using the National Practitioner Data Bank. The
7 physician profiles shall reflect the disciplinary action and
8 medical malpractice claims as reported by the National
9 Practitioner Data Bank, and shall include information relating
10 to liability and disciplinary actions obtained as a result of
11 a search of the National Practitioner Data Bank.

12 (c) Within 30 calendar days after receiving an update
13 of information required for the practitioner's profile, the
14 department shall update the practitioner's profile in
15 accordance with the requirements of subsection (7).

16 (2) On the profile published under subsection (1), the
17 department shall indicate if the information provided under s.
18 456.039(1)(a)7. or s. 456.0391(1)(a)7. is or is not
19 corroborated by a criminal history check conducted according
20 to this subsection. The department, or the board having
21 regulatory authority over the practitioner acting on behalf of
22 the department, shall investigate any information received by
23 the department or the board.

24 (3) The Department of Health shall include in each
25 practitioner's practitioner profile that criminal information
26 that directly relates to the practitioner's ability to
27 competently practice his or her profession. The department
28 must include in each practitioner's practitioner profile the
29 following statement: "The criminal history information, if any
30 exists, may be incomplete; federal criminal history
31 information is not available to the public." The department

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1 shall provide in each practitioner profile, for every final
 2 disciplinary action taken against the practitioner, an
 3 easy-to-read narrative description that explains the
 4 administrative complaint filed against the practitioner and
 5 the final disciplinary action imposed on the practitioner. The
 6 department shall include a hyperlink to each final order
 7 listed in its website report of dispositions of recent
 8 disciplinary actions taken against practitioners.

9 (4) The Department of Health shall include, with
 10 respect to a practitioner licensed under chapter 458 or
 11 chapter 459, a statement of how the practitioner has elected
 12 to comply with the financial responsibility requirements of s.
 13 458.320 or s. 459.0085. The department shall include, with
 14 respect to practitioners subject to s. 456.048, a statement of
 15 how the practitioner has elected to comply with the financial
 16 responsibility requirements of that section. If the
 17 practitioner has elected not to have financial responsibility
 18 in the form of insurance, escrow account, or letter of credit,
 19 the profile shall state in 14-point type: "This practitioner
 20 does not have medical malpractice insurance. This means that
 21 he or she may not have funds available to pay any claim you
 22 might have as a result of medical malpractice." The department
 23 shall include, with respect to practitioners licensed under
 24 chapter 461, information relating to liability actions which
 25 has been reported under s. 456.049 or s. 627.912 within the
 26 previous 10 years for any paid claim that exceeds \$5,000. The
 27 department shall include, with respect to practitioners
 28 licensed under chapter 458 or chapter 459, information
 29 relating to liability actions which has been reported under
 30 ss. 456.049 and 627.912 within the previous 10 years for any
 31 paid claim that exceeds ~~\$50,000~~ ~~\$100,000~~. Such claims

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1 information shall be reported in the context of comparing an
 2 individual practitioner's claims to the experience of other
 3 practitioners within the same specialty, or profession if the
 4 practitioner is not a specialist. The department must provide
 5 a hyperlink in such practitioner's profile to all such
 6 comparison reports. If information relating to a liability
 7 action is included in a practitioner's practitioner profile,
 8 the profile must also include the following statement:
 9 "Settlement of a claim may occur for a variety of reasons that
 10 do not necessarily reflect negatively on the professional
 11 competence or conduct of the practitioner. A payment in
 12 settlement of a medical malpractice action or claim should not
 13 be construed as creating a presumption that medical
 14 malpractice has occurred."

15 (5) The Department of Health shall include the date of
 16 a hospital or ambulatory surgical center disciplinary action
 17 taken by a licensed hospital or an ambulatory surgical center,
 18 in accordance with the requirements of s. 395.0193, in the
 19 practitioner profile. The department shall state whether the
 20 action related to professional competence and whether it
 21 related to the delivery of services to a patient.

22 (6) Each profile must include the appropriate
 23 information behind the following headings: general
 24 information, education and training, academic appointments,
 25 specialty certification, criminal offenses, disciplinary
 26 actions, medical malpractice insurance, and optional
 27 information.

28 (7) The department shall specifically provide in each
 29 practitioner profile an easy-to-read explanation of whether
 30 the practitioner has medical malpractice insurance, whether or
 31 not the practitioner has relinquished a license or had a

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1 license revoked in any state or jurisdiction, whether the
2 practitioner is retired, and whether the practitioner is
3 practicing in this state.

4 (8) The department shall include in each profile in an
5 easy-to-read format a statement of whether the practitioner
6 has filed for bankruptcy protection.

7 (9) Upon notification, the department shall indicate
8 on each practitioner profile the date of death of the
9 practitioner.

10 (10)(6) The Department of Health may include in the
11 practitioner's practitioner profile any other information that
12 is a public record of any governmental entity and that relates
13 to a practitioner's ability to competently practice his or her
14 profession.

15 (11)(7) Upon the completion of a practitioner profile
16 under this section, the Department of Health shall furnish the
17 practitioner who is the subject of the profile a copy of it
18 for review and verification. The practitioner has a period of
19 30 days in which to review and verify the contents of the
20 profile and to correct any factual inaccuracies in it. The
21 Department of Health shall make the profile available to the
22 public at the end of the 30-day period regardless of whether
23 the practitioner has provided verification of the profile
24 content. A practitioner shall be subject to a fine of up to
25 \$100 per day for failure to verify the profile contents and to
26 correct any factual errors in his or her profile within the
27 30-day period. The department shall make the profiles
28 available to the public through the World Wide Web and other
29 commonly used means of distribution. The department must
30 include the following statement, in boldface type, in each
31 profile that has not been reviewed by the practitioner to

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1 | which it applies: "The practitioner has not verified the
 2 | information contained in this profile." Beginning July 1,
 3 | 2006, and every 6 months thereafter, the department shall
 4 | perform a random audit of 5 percent of all practitioner
 5 | profiles in order to determine the accuracy of those profiles.
 6 | A practitioner whose profile is factually incorrect is subject
 7 | to a fine of \$100 a day from the time the correct information
 8 | should have been reported until the factual inaccuracy is
 9 | discovered by the department, not to exceed \$5,000.

10 | ~~(12)(8)~~ The Department of Health must provide in each
 11 | profile an easy-to-read explanation of any disciplinary action
 12 | taken and the reason the sanction or sanctions were imposed.

13 | ~~(13)(9)~~ The Department of Health may provide one link
 14 | in each profile to a practitioner's professional website if
 15 | the practitioner requests that such a link be included in his
 16 | or her profile.

17 | ~~(14)(10)~~ Making a practitioner profile available to
 18 | the public under this section does not constitute agency
 19 | action for which a hearing under s. 120.57 may be sought.

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22 | ===== T I T L E A M E N D M E N T =====

23 | And the title is amended as follows:

24 | On page 1, line 12, following the semicolon

25 |

26 | insert:

27 | requiring a practitioner profile of a physician
 28 | or osteopathic physician to contain additional
 29 | information with respect to financial
 30 | responsibility; requiring practitioner profiles
 31 | to contain certain information with respect to

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1 medical malpractice insurance, license
2 relinquishment or revocation, whether the
3 practitioner is retired, whether the
4 practitioner is practicing in Florida, and
5 whether the practitioner has filed for
6 bankruptcy; requiring the date of
7 practitioner's death to be noted on the
8 profile; prescribing format for practitioner
9 profiles; requiring the department to randomly
10 audit profiles; prescribing fines for
11 practitioners whose profiles are factually
12 incorrect;

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