

Bill No. CS for SB 2214

Barcode 604698

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Jones moved the following amendment:

Senate Amendment (with title amendment)

On page 38, between lines 16 and 17,

insert:

Section 16. 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.

(b) Beginning July 1, 2005, the department shall verify the information submitted by the applicant under s. 456.039 concerning disciplinary history and medical

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1 malpractice claims at the time of initial licensure and
 2 license renewal using the National Practitioner Data Bank. The
 3 physician profiles shall reflect the disciplinary action and
 4 medical malpractice claims as reported by the National
 5 Practitioner Data Bank, and shall include information relating
 6 to liability and disciplinary actions obtained as a result of
 7 a search of the National Practitioner Data Bank.

8 (c) Within 30 calendar days after receiving an update
 9 of information required for the practitioner's profile, the
 10 department shall update the practitioner's profile in
 11 accordance with the requirements of subsection (7).

12 (2) On the profile published under subsection (1), the
 13 department shall indicate if the information provided under s.
 14 456.039(1)(a)7. or s. 456.0391(1)(a)7. is or is not
 15 corroborated by a criminal history check conducted according
 16 to this subsection. The department, or the board having
 17 regulatory authority over the practitioner acting on behalf of
 18 the department, shall investigate any information received by
 19 the department or the board.

20 (3) The Department of Health shall include in each
 21 practitioner's practitioner profile that criminal information
 22 that directly relates to the practitioner's ability to
 23 competently practice his or her profession. The department
 24 must include in each practitioner's practitioner profile the
 25 following statement: "The criminal history information, if any
 26 exists, may be incomplete; federal criminal history
 27 information is not available to the public." The department
 28 shall provide in each practitioner profile, for every final
 29 disciplinary action taken against the practitioner, an
 30 easy-to-read narrative description that explains the
 31 administrative complaint filed against the practitioner and

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1 the final disciplinary action imposed on the practitioner. The
 2 department shall include a hyperlink to each final order
 3 listed in its website report of dispositions of recent
 4 disciplinary actions taken against practitioners.

5 (4) The Department of Health shall include, with
 6 respect to a practitioner licensed under chapter 458 or
 7 chapter 459, a statement of which category ~~how~~ the
 8 practitioner has elected to comply with the financial
 9 responsibility requirements of s. 458.320 or s. 459.0085. The
 10 department shall include, with respect to practitioners
 11 subject to s. 456.048, a statement of how the practitioner has
 12 elected to comply with the financial responsibility
 13 requirements of that section. The department shall include,
 14 with respect to practitioners licensed under chapter 461,
 15 information relating to liability actions which has been
 16 reported under s. 456.049 or s. 627.912 within the previous 10
 17 years for any paid claim that exceeds \$5,000. The department
 18 shall include, with respect to practitioners licensed under
 19 chapter 458 or chapter 459, information relating to liability
 20 actions which has been reported under ss. 456.049 and 627.912
 21 within the previous 10 years for any paid claim that exceeds
 22 \$100,000. Such claims information shall be reported in the
 23 context of comparing an individual practitioner's claims to
 24 the experience of other practitioners within the same
 25 specialty, or profession if the practitioner is not a
 26 specialist. The department must provide a hyperlink in such
 27 practitioner's profile to all such comparison reports. If
 28 information relating to a liability action is included in a
 29 practitioner's practitioner profile, the profile must also
 30 include the following statement: "Settlement of a claim may
 31 occur for a variety of reasons that do not necessarily reflect

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1 negatively on the professional competence or conduct of the
2 practitioner. A payment in settlement of a medical
3 malpractice action or claim should not be construed as
4 creating a presumption that medical malpractice has occurred."

5 (5) The Department of Health shall include the date of
6 a hospital or ambulatory surgical center disciplinary action
7 taken by a licensed hospital or an ambulatory surgical center,
8 in accordance with the requirements of s. 395.0193, in the
9 practitioner profile. The department shall state whether the
10 action related to professional competence and whether it
11 related to the delivery of services to a patient.

12 (6) Each profile must include the appropriate
13 information behind the following headings: general
14 information, education and training, academic appointments,
15 speciality certification, criminal offenses, disciplinary
16 actions, medical malpractice insurance, and optional
17 information.

18 (7) The department shall specifically provide in each
19 practitioner profile an easy-to-read explanation of whether
20 the practitioner had medical malpractice insurance, whether or
21 not the practitioner has relinquished a license or had a
22 license revoked in any state or jurisdiction, whether the
23 practitioner is retired, and whether the practitioner is
24 practicing in Florida.

25 (8) Upon notification the department shall indicate on
26 each practitioner profile the date of death of the
27 practitioner.

28 ~~(9)(6)~~ The Department of Health may include in the
29 practitioner's practitioner profile any other information that
30 is a public record of any governmental entity and that relates
31 to a practitioner's ability to competently practice his or her

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1 profession.

2 ~~(1)(7)~~ Upon the completion of a practitioner profile
 3 under this section, the Department of Health shall furnish the
 4 practitioner who is the subject of the profile a copy of it
 5 for review and verification. The practitioner has a period of
 6 30 days in which to review and verify the contents of the
 7 profile and to correct any factual inaccuracies in it. The
 8 Department of Health shall make the profile available to the
 9 public at the end of the 30-day period regardless of whether
 10 the practitioner has provided verification of the profile
 11 content. A practitioner shall be subject to a fine of up to
 12 \$100 per day for failure to verify the profile contents and to
 13 correct any factual errors in his or her profile within the
 14 30-day period. The department shall make the profiles
 15 available to the public through the World Wide Web and other
 16 commonly used means of distribution. The department must
 17 include the following statement, in boldface type, in each
 18 profile that has not been reviewed by the practitioner to
 19 which it applies: "The practitioner has not verified the
 20 information contained in this profile." Beginning July 1,
 21 2006, and annually thereafter, the department shall perform a
 22 random audit of 5 percent of all practitioner profiles in
 23 order to determine the accuracy of those profiles. A
 24 practitioner whose profile is factually incorrect shall be
 25 subject to a fine of a \$50 per day from the time the content
 26 should have been reported until the factual inaccuracy is
 27 discovered by the department, not to exceed \$5,000.

28 ~~(11)(8)~~ The Department of Health must provide in each
 29 profile an easy-to-read explanation of any disciplinary action
 30 taken and the reason the sanction or sanctions were imposed.

31 ~~(12)(9)~~ The Department of Health may provide one link

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1 in each profile to a practitioner's professional website if
2 the practitioner requests that such a link be included in his
3 or her profile.

4 ~~(13)(10)~~ Making a practitioner profile available to
5 the public under this section does not constitute agency
6 action for which a hearing under s. 120.57 may be sought.

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8 (Redesignate subsequent sections.)

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

12 And the title is amended as follows:

13 On page 5, line 15, following the semicolon

14

15 insert:

16 amending s. 456.041, F.S.; providing a format
17 for practitioner profiles; requiring certain
18 information to be included on such profiles;
19 requiring a periodic audit of practitioner
20 profiles; providing for fines for practitioners
21 whose practitioner profiles are factually
22 inaccurate;

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