

1 A bill to be entitled
2 An act relating to surgical first assistance; creating s.
3 458.3465, F.S.; providing definitions; providing
4 requirements for the performance of supervising
5 physicians; providing the duties and scope and location of
6 practice for certified surgical first assistants;
7 providing contracting and employment guidelines for
8 physicians, hospitals, clinics, or ambulatory surgical
9 centers employing certified surgical first assistants;
10 providing licensure criteria for certified surgical first
11 assistants; providing for application fees and licensure
12 renewal fees; providing for licensure renewal; providing
13 continuing education requirements; authorizing the Board
14 of Medicine to impose penalties; providing scope of a
15 certified surgical first assistant's license; providing
16 for reciprocity of licenses among states; providing for
17 inactive and delinquent status; providing that an
18 unlicensed person who holds himself or herself out as, or
19 indicates or implies that he or she is, licensed commits a
20 third degree felony and is subject to applicable
21 penalties; providing for denial, suspension, or revocation
22 of licensure; authorizing the board to adopt rules;
23 providing that supervising physicians may be liable for
24 certain acts or omissions of certified surgical first
25 assistants; providing guidelines for the use of fees
26 collected by the board; amending s. 627.419, F.S.;
27 providing for payments to a physician assistant under
28 contracts providing for payment for surgical first

29 assisting benefits or services; including certified
 30 surgical first assistants, as defined, within certain
 31 benefits or services payment provisions; limiting
 32 application; providing an effective date.

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

36 Section 1. Section 458.3465, Florida Statutes, is created
 37 to read:

38 458.3465 Certified surgical first assistants.--

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

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

41 (b) "Certified surgical first assistant" means a person
 42 who provides primary surgical assistance to the primary surgeon
 43 during a surgical procedure, is listed on the operative record
 44 as the first assistant, and meets the qualifications for
 45 licensure under this section.

46 (c) "Continuing medical education" means courses
 47 recognized and approved by the board, the Liaison Council on
 48 Certification for the Surgical Technologist, the National
 49 Surgical Assistant Association, the American Board of Surgical
 50 Assistants, the American Medical Association, the American
 51 Osteopathic Association, or the Accreditation Council on
 52 Continuing Medical Education.

53 (d) "Direct supervision" means supervision by a delegating
 54 physician who is physically present and who personally directs
 55 delegated acts and remains immediately available to personally
 56 respond to any emergency until the patient is released from the

57 operating room or the physician's care and has been transferred
58 to the care and responsibility of another physician.

59 (e) "Surgical assisting" means providing aid under direct
60 supervision in exposure, hemostasis, closures, and other
61 intraoperative technical functions that assist a physician in
62 performing a safe operation with optimal results for the
63 patient.

64 (2) PERFORMANCE OF SUPERVISING PHYSICIAN.--Each physician
65 or group of physicians supervising a certified surgical first
66 assistant shall be qualified in the medical areas in which the
67 certified surgical first assistant is to perform and may be
68 individually or collectively responsible and liable for the
69 performance and the acts and omissions of the certified surgical
70 first assistant.

71 (3) PERFORMANCE OF CERTIFIED SURGICAL FIRST ASSISTANTS.--

72 (a) A certified surgical first assistant may perform
73 duties limited to the scope of certification in surgical
74 assisting functions while under the direct supervision of a
75 physician.

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

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

82 (4) EMPLOYMENT OF CERTIFIED SURGICAL FIRST ASSISTANTS.--

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

85 (b) A health maintenance organization, preferred provider
 86 organization, or health benefit plan shall not require a
 87 physician, hospital, clinic, or ambulatory surgery center to
 88 contract with a certified surgical first assistant as a
 89 condition of payment to a certified surgical first assistant.

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

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

94 (a) A person desiring to be licensed as a certified
 95 surgical first assistant shall apply to the board. The board
 96 shall issue a license to any person determined by the board as
 97 having met the following requirements:

98 1. Is at least 18 years of age.

99 2. Holds and maintains certification from one of the
 100 following recognized certifying agencies:

101 a. The Liaison Council on Certification for the Surgical
 102 Technologist.

103 b. The National Surgical Assistant Association.

104 c. The American Board of Surgical Assistants.

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

109 a. A certificate from one of the recognized certifying
 110 agencies specified in subparagraph 2.

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

112 c. A sworn statement of any previous revocation or denial
 113 of licensure or certification.

114 (b) A license shall be renewed biennially. Each renewal
 115 shall include:

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

117 2. A sworn statement of no felony convictions in the
 118 previous 2 years.

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

123 (d) The board may impose any of the penalties authorized
 124 under ss. 456.072 and 458.331(2) upon a certified surgical first
 125 assistant if the certified surgical first assistant or the
 126 supervising physician has been found guilty of or is being
 127 investigated for any act that constitutes a violation of this
 128 chapter or chapter 456.

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

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

132 2. Is not required of a registered nurse, an advanced
 133 registered nurse practitioner, a registered nurse first
 134 assistant, or a physician assistant as a condition of
 135 employment.

136 (6) RECIPROCITY.--The department shall allow reciprocity
 137 to certified surgical first assistants who are determined by the
 138 board to:

139 (a) Be licensed in other states and who are in good
 140 standing with their state of licensure and their certifying
 141 agency.

142 (b) Have paid appropriate licensure fees.

143 (c) Have complied with all other requirements of the
 144 board.

145 (7) INACTIVE AND DELINQUENT STATUS.--A license on inactive
 146 or delinquent status may be reactivated only as provided in s.
 147 456.036.

148 (8) PENALTY.--A person who has not been licensed by the
 149 board and approved by the department and who holds himself or
 150 herself out as a licensed certified surgical first assistant or
 151 who uses any other term in indicating or implying that he or she
 152 is a licensed certified surgical first assistant commits a
 153 felony of the third degree, punishable as provided in s.
 154 775.082, s. 775.083, or s. 775.084.

155 (9) DENIAL, SUSPENSION, OR REVOCATION OF LICENSURE.--The
 156 board may deny, suspend, or revoke a certified surgical first
 157 assistant license if the board determines that the certified
 158 surgical first assistant has violated this chapter.

159 (10) RULES.--The board may adopt rules to administer this
 160 section.

161 (11) LIABILITY.--Each supervising physician using a
 162 certified surgical first assistant may be liable for acts or
 163 omissions of the certified surgical first assistant acting under
 164 the physician's supervision and control.

165 (12) FEES.--The fees collected by the board under this
 166 section shall be used for the licensure and regulation of

167 certified surgical first assistants in accordance with this
 168 section.

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

171 627.419 Construction of policies.--

172 (6)(a) Notwithstanding any other provision of law, when
 173 any health insurance policy, health care services plan, or other
 174 contract provides for payment for surgical first assisting
 175 benefits or services, the policy, plan, or contract is to be
 176 construed as providing for payment to a physician assistant or
 177 registered nurse first assistant or employers of a physician
 178 assistant or ~~registered~~ nurse first assistant who performs such
 179 services that are within the scope of a physician assistant's or
 180 a registered nurse first assistant's professional license. ~~The~~
 181 ~~provisions of This paragraph applies subsection apply~~ only if
 182 reimbursement for an assisting physician, licensed under chapter
 183 458 or chapter 459, would be covered and a physician assistant
 184 or a registered nurse first assistant who performs such services
 185 is used as a substitute.

186 (b)1. Notwithstanding any other provision of law, when any
 187 health insurance policy, health care services plan, or other
 188 contract provides for payment for surgical first assisting
 189 benefits or services, the policy, plan, or contract is to be
 190 construed as providing for payment to a certified surgical first
 191 assistant or to the employer of a certified surgical first
 192 assistant who performs such services that are assigned by the
 193 supervising physician or osteopathic physician. This paragraph
 194 applies only if reimbursement for an assisting physician,

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195 licensed under chapter 458 or chapter 459, would be covered and
196 the certified surgical first assistant who performs such
197 services is used as a substitute. As used in this paragraph, the
198 term "certified surgical first assistant" means a person who is
199 a licensed health care provider who is directly accountable to a
200 physician licensed under chapter 458 or an osteopathic physician
201 licensed under chapter 459 and who is certified by the National
202 Surgical Assistant Association, the Liaison Council on
203 Certification for the Surgical Technologist, or the American
204 Board of Surgical Assistants.

205 2. This paragraph does not require an insurer to directly
206 reimburse a certified surgical first assistant if the certified
207 surgical first assistant is paid or will be paid for a surgical
208 procedure by the health care facility at which the surgical
209 procedure is performed.

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