

## CHAMBER ACTION

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1 The Health Care Regulation Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to surgical first assistance; creating s.  
7 458.3465, F.S.; providing definitions; providing  
8 requirements for the performance of supervising  
9 physicians; providing the duties and scope and location of  
10 practice for certified surgical first assistants;  
11 providing contracting and employment guidelines for  
12 physicians, hospitals, clinics, or ambulatory surgical  
13 centers employing certified surgical first assistants;  
14 providing licensure criteria for certified surgical first  
15 assistants; providing for application fees and licensure  
16 renewal fees; providing for licensure renewal; providing  
17 continuing education requirements; authorizing the Board  
18 of Medicine to impose penalties; providing scope of a  
19 certified surgical first assistant's license; providing  
20 for inactive and delinquent status; providing that an  
21 unlicensed person who holds himself or herself out as, or  
22 indicates or implies that he or she is, licensed commits a  
23 third degree felony and is subject to applicable

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24 penalties; providing for denial, suspension, or revocation  
 25 of licensure; authorizing the board to adopt rules;  
 26 providing that supervising physicians may be liable for  
 27 certain acts or omissions of certified surgical first  
 28 assistants; providing guidelines for the use of fees  
 29 collected by the board; amending s. 627.419, F.S.;  
 30 providing for payments to a physician assistant under  
 31 contracts providing for payment for surgical first  
 32 assisting benefits or services; including certified  
 33 surgical first assistants, as defined, within certain  
 34 benefits or services payment provisions; limiting  
 35 application; providing an effective date.

36  
 37 Be It Enacted by the Legislature of the State of Florida:

38  
 39 Section 1. Section 458.3465, Florida Statutes, is created  
 40 to read:

41 458.3465 Certified surgical first assistants.--

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

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

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

49 (c) "Continuing medical education" means courses  
 50 recognized and approved by the board, the Liaison Council on  
 51 Certification for the Surgical Technologist, the National

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52 Surgical Assistant Association, the American Board of Surgical  
53 Assistants, the American Medical Association, the American  
54 Osteopathic Association, or the Accreditation Council on  
55 Continuing Medical Education.

56 (d) "Department" means the Department of Health.

57 (e) "Direct supervision" means supervision by a delegating  
58 physician who is physically present and who personally directs  
59 delegated acts and remains immediately available to personally  
60 respond to any emergency until the patient is released from the  
61 operating room or the physician's care and has been transferred  
62 to the care and responsibility of another physician.

63 (f) "Surgical assisting" means providing aid under direct  
64 supervision in exposure, hemostasis, closures, and other  
65 intraoperative technical functions that assist a physician in  
66 performing a safe operation with optimal results for the  
67 patient.

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

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

76 (a) A certified surgical first assistant may perform  
77 duties limited to the scope of certification in surgical  
78 assisting functions while under the direct supervision of a  
79 physician.

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

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

86        (d) Nothing in this section shall be construed as  
 87 requiring licensure as a certified surgical first assistant in  
 88 order to provide surgical assisting services.

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

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

92        (b) A health maintenance organization, preferred provider  
 93 organization, or health benefit plan shall not require a  
 94 physician, hospital, clinic, or ambulatory surgery center to  
 95 contract with a certified surgical first assistant as a  
 96 condition of payment to a certified surgical first assistant.

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

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

101        (a) A person desiring to be licensed as a certified  
 102 surgical first assistant shall apply to the department. The  
 103 department shall issue a license to any person certified by the  
 104 board as having met the following requirements:

105            1. Is at least 18 years of age.

106            2. Holds and maintains certification from one of the  
 107 following recognized certifying agencies:

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- 108        a. The Liaison Council on Certification for the Surgical  
109 Technologist.
- 110        b. The National Surgical Assistant Association.
- 111        3. Has completed the application form and remitted an  
112 application fee not to exceed \$750 as set by the board. An  
113 application for licensure made by a certified surgical first  
114 assistant shall include:
- 115            a. A certificate from one of the recognized certifying  
116 agencies specified in subparagraph 2.
- 117            b. A sworn statement of any prior felony convictions.
- 118            c. A sworn statement of any previous revocation or denial  
119 of licensure or certification.
- 120        (b) A license shall be renewed biennially. Each renewal  
121 shall include:
- 122            1. A renewal fee not to exceed \$1,000 as set by the board.
- 123            2. A sworn statement of no felony convictions in the  
124 previous 2 years.
- 125        (c) Each licensed certified surgical first assistant shall  
126 biennially complete 40 hours of continuing medical education and  
127 shall hold a current certificate issued by a recognized  
128 certifying agency listed in subparagraph (a)2.
- 129        (d) The board may impose any of the penalties authorized  
130 under ss. 456.072 and 458.331(2) upon a certified surgical first  
131 assistant if the certified surgical first assistant or the  
132 supervising physician has been found guilty of or is being  
133 investigated for any act that constitutes a violation of this  
134 chapter or chapter 456.
- 135        (e) A certified surgical first assistant's license:

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- 136        1. Does not authorize the licensee to engage in the  
 137 practice of medicine or professional nursing.
- 138        2. Is not required of a registered nurse, an advanced  
 139 registered nurse practitioner, a registered nurse first  
 140 assistant, a physician assistant, or hospital employee as a  
 141 condition of employment to perform duties as a surgical  
 142 assistant.
- 143        (6) INACTIVE AND DELINQUENT STATUS.--A license on inactive  
 144 or delinquent status may be reactivated only as provided in s.  
 145 456.036.
- 146        (7) PENALTY.--A person who has not been licensed by the  
 147 board and approved by the department and who holds himself or  
 148 herself out as a licensed certified surgical first assistant or  
 149 who uses any other term in indicating or implying that he or she  
 150 is a licensed certified surgical first assistant commits a  
 151 felony of the third degree, punishable as provided in s.  
 152 775.082, s. 775.083, or s. 775.084.
- 153        (8) DENIAL, SUSPENSION, OR REVOCATION OF LICENSURE.--The  
 154 board may deny, suspend, or revoke a certified surgical first  
 155 assistant license if the board determines that the certified  
 156 surgical first assistant has violated this chapter.
- 157        (9) RULES.--The board may adopt rules to administer this  
 158 section.
- 159        (10) LIABILITY.--Each supervising physician using a  
 160 certified surgical first assistant may be liable for acts or  
 161 omissions of the certified surgical first assistant acting under  
 162 the physician's direct supervision and control.

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163           (11) FEES.--The fees collected by the board under this  
 164 section shall be used for the licensure and regulation of  
 165 certified surgical first assistants in accordance with this  
 166 section.

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

169           627.419 Construction of policies.--

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

184           (b)1. Notwithstanding any other provision of law, when any  
 185 health insurance policy, health care services plan, or other  
 186 contract provides for payment for surgical first assisting  
 187 benefits or services, the policy, plan, or contract is to be  
 188 construed as providing for payment to a certified surgical first  
 189 assistant or to the employer of a certified surgical first  
 190 assistant who performs such services that are assigned by the

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

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

208 Section 3. This act shall take effect October 1, 2006.