

CHAMBER ACTION

1 The Insurance 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 procedures relating to certified
8 surgical first assistants; providing legislative intent;
9 providing definitions; establishing performance guidelines
10 for supervising physicians and certified surgical first
11 assistants; designating scope of section; establishing
12 liability of supervising physicians; amending s. 627.419,
13 F.S.; requiring certain payments to certified surgical
14 first assistants or their employers by health insurance
15 policies, health care services plans, or other contracts;
16 providing limitations; amending s. 641.30, F.S.; requiring
17 certain payments to certified surgical first assistants or
18 their employers by health maintenance organizations;
19 providing limitations; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

23 Section 1. Section 458.3465, Florida Statutes, is created
24 to read:

25 458.3465 Certified surgical first assistants.--

26 (1) LEGISLATIVE INTENT.--The purposes of this section are
27 to:

28 (a) Encourage the use of certified surgical first
29 assistants who meet the qualifications of this section by
30 physicians and hospitals to provide quality, cost-effective
31 surgical intervention to health care recipients in the state.

32 (b) Provide for the reimbursement for the certified
33 surgical first assistants from insurers and health maintenance
34 organizations.

35 (2) DEFINITIONS.--As used in this section:

36 (a) "Certified surgical first assistant" means a person
37 who, under the direct supervision of a physician, assists that
38 physician or group of physicians in exposure, hemostasis,
39 closures, and other intraoperative technical functions during a
40 surgical procedure, is listed in the operative record as the
41 first assistant, and holds and maintains a certification from
42 one of the following recognized certifying agencies:

43 1. The Liaison Council on Certification for the Surgical
44 Technologist;

45 2. The National Surgical Assistant Association; or

46 3. The American Board of Surgical Assistants.

47 (b) "Direct supervision" means supervision by a delegating
48 physician who is physically present and who personally directs
49 delegated acts and remains immediately available to personally
50 respond to any emergency until the patient is released from the

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

53 (3) PERFORMANCE OF SUPERVISING PHYSICIAN.--Each physician
54 or group of physicians supervising a certified surgical first
55 assistant shall be qualified in the medical areas in which the
56 certified surgical first assistant is to perform and may be
57 individually or collectively responsible and liable for the
58 performance and the acts and omissions of the certified surgical
59 first assistant.

60 (4) PERFORMANCE OF CERTIFIED SURGICAL FIRST ASSISTANTS.--

61 (a) A certified surgical first assistant may perform
62 duties limited to the scope of certification in surgical
63 assisting functions while under the direct supervision of a
64 physician.

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

68 (c) A certified surgical first assistant may only perform
69 his or her duties in a hospital or ambulatory surgical center
70 licensed under chapter 395.

71 (5) SCOPE.--The provisions of this section shall have no
72 application to other duly licensed health care practitioners
73 acting within their scope of practice authorized by statute.

74 (6) LIABILITY.--Each supervising physician using a
75 certified surgical first assistant may be liable for any acts or
76 omissions of the certified surgical first assistants acting
77 under the physician's supervision and control.

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78 Section 2. Subsection (10) is added to section 627.419,
79 Florida Statutes, to read:

80 627.419 Construction of policies.--

81 (10) Notwithstanding any other provision of law, when any
82 health insurance policy, health care services plan, or other
83 contract provides for payment for surgical first assisting
84 benefits or services, the policy, plan, or contract is to be
85 construed as providing for payment to a certified surgical first
86 assistant as defined in s. 458.3465 or to employers of a
87 certified surgical first assistant who performs such services
88 that are within the scope of practice of a certified surgical
89 first assistant as set forth in s. 458.3465(4). The provisions
90 of this subsection apply only if reimbursement for an assisting
91 physician, licensed under chapter 458 or chapter 459, would be
92 covered and a certified surgical first assistant who performs
93 such services is used as a substitute for the assisting
94 physician. This subsection does not require an insurer to
95 directly reimburse a certified surgical first assistant if the
96 certified surgical first assistant is paid or will be paid for a
97 surgical procedure by a health care facility or surgeon.

98 Section 3. Subsection (6) is added to section 641.30,
99 Florida Statutes, to read:

100 641.30 Construction and relationship to other laws.--

101 (6) Notwithstanding any other provision of law, when any
102 health maintenance contract provides for payment of surgical
103 first assisting benefits or services, the contract is to be
104 construed as providing for payment to a certified surgical first
105 assistant as defined in s. 458.3465 or to employers of a

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106 certified surgical first assistant who performs such services
107 that are within the scope of practice of a certified surgical
108 first assistant as set forth in s. 458.3465(4). The provisions
109 of this subsection apply only if reimbursement for an assisting
110 physician, licensed under chapter 458 or chapter 459, would be
111 covered and a certified surgical first assistant who performs
112 such services is used as a substitute for the assisting
113 physician. This subsection does not require a health maintenance
114 organization to directly reimburse a certified surgical first
115 assistant if the certified surgical first assistant is paid or
116 will be paid for a surgical procedure by a health care facility
117 or surgeon.

118 Section 4. This act shall take effect July 1, 2006.