

CHAMBER ACTION

1 The Health Care Regulation Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to probable cause panels; amending ss.
7 458.331 and 459.015, F.S.; placing a physician assistant
8 on probable cause panels of the Board of Medicine and the
9 Board of Osteopathic Medicine considering discipline of
10 physician assistants; providing that certain rulemaking
11 provisions are not required to implement specified
12 probable cause panel provisions; providing an effective
13 date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Subsection (2) of section 458.331, Florida
18 Statutes, is amended to read:

19 458.331 Grounds for disciplinary action; action by the
20 board and department.--

21 (2) The board may enter an order denying licensure or
22 imposing any of the penalties in s. 456.072(2) against any
23 applicant for licensure or licensee who is found guilty of

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24 | violating any provision of subsection (1) of this section or who
25 | is found guilty of violating any provision of s. 456.072(1). A
26 | probable cause panel considering disciplinary action against a
27 | physician assistant under s. 456.073 must include one physician
28 | assistant holding an active license to practice as a physician
29 | assistant who has been designated by the Council on Physician
30 | Assistants. The designated physician assistant shall only hear
31 | cases involving disciplinary action against physician
32 | assistants. If the designated physician assistant is not
33 | available at the time the case is heard, the panel may consider
34 | and vote on the case in the absence of the designated physician
35 | assistant. The training requirement set forth in s. 458.307(4)
36 | does not apply to the designated physician assistant. Rulemaking
37 | as set forth in s. 456.073(4) is not required to implement this
38 | subsection. In determining what action is appropriate, the board
39 | must first consider what sanctions are necessary to protect the
40 | public or to compensate the patient. Only after those sanctions
41 | have been imposed may the disciplining authority consider and
42 | include in the order requirements designed to rehabilitate the
43 | physician. All costs associated with compliance with orders
44 | issued under this subsection are the obligation of the
45 | physician.

46 | Section 2. Subsection (2) of section 459.015, Florida
47 | Statutes, is amended to read:

48 | 459.015 Grounds for disciplinary action; action by the
49 | board and department.--

50 | (2) The board may enter an order denying licensure or
51 | imposing any of the penalties in s. 456.072(2) against any

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52 applicant for licensure or licensee who is found guilty of
53 violating any provision of subsection (1) of this section or who
54 is found guilty of violating any provision of s. 456.072(1). A
55 probable cause panel considering disciplinary action against a
56 physician assistant under s. 456.073 must include one physician
57 assistant holding an active license to practice as a physician
58 assistant who has been designated by the Council on Physician
59 Assistants. The designated physician assistant shall only hear
60 cases involving disciplinary action against physician
61 assistants. If the designated physician assistant is not
62 available at the time the case is heard, the panel may consider
63 and vote on the case in the absence of the designated physician
64 assistant. Rulemaking as set forth in s. 456.073(4) is not
65 required to implement this subsection. In determining what
66 action is appropriate, the board must first consider what
67 sanctions are necessary to protect the public or to compensate
68 the patient. Only after those sanctions have been imposed may
69 the disciplining authority consider and include in the order
70 requirements designed to rehabilitate the physician. All costs
71 associated with compliance with orders issued under this
72 subsection are the obligation of the physician.

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