

1 A bill to be entitled
 2 An act relating to medical profession regulation; amending
 3 s. 456.041, F.S.; revising provisions relating to the
 4 content of the Department of Health's practitioner
 5 profiles; amending s. 458.307, F.S.; revising membership
 6 and terms of members of the Board of Medicine; providing
 7 an effective date.

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

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 11 Section 1. Subsection (4) of section 456.041, Florida
 12 Statutes, is amended to read:

13 456.041 Practitioner profile; creation.--

14 (4) The Department of Health shall include, with respect
 15 to a practitioner licensed under chapter 458 or chapter 459, a
 16 statement of how the practitioner has elected to comply with the
 17 financial responsibility requirements of s. 458.320 or s.
 18 459.0085. The department shall include, with respect to
 19 practitioners subject to s. 456.048, a statement of how the
 20 practitioner has elected to comply with the financial
 21 responsibility requirements of that section. ~~The department~~
 22 ~~shall include, with respect to practitioners licensed under~~
 23 ~~chapter 461, information relating to liability actions which has~~
 24 ~~been reported under s. 456.049 or s. 627.912 within the previous~~
 25 ~~10 years for any paid claim that exceeds \$5,000.~~ The department
 26 shall include, with respect to practitioners licensed under
 27 chapter 458, ~~or~~ chapter 459, or chapter 461, information
 28 relating to liability actions that ~~which~~ has been reported under

29 ss. 456.049 and 627.912 ~~within the previous 10 years~~ for any
 30 paid claim that exceeds \$50,000. ~~Any \$100,000. Such claims~~
 31 ~~information shall be reported in the context of comparing an~~
 32 ~~individual practitioner's claims to the experience of other~~
 33 ~~practitioners within the same specialty, or profession if the~~
 34 ~~practitioner is not a specialist. The department must provide a~~
 35 ~~hyperlink in such practitioner's profile to all such comparison~~
 36 ~~reports.~~ If information relating to a liability action ~~is~~
 37 included in a practitioner's practitioner profile, ~~the profile~~
 38 must ~~also~~ include the following statement: "Settlement of a
 39 claim may occur for a variety of reasons that do not necessarily
 40 reflect negatively on the professional competence or conduct of
 41 the practitioner. A payment in settlement of a medical
 42 malpractice action or claim should not be construed as creating
 43 a presumption that medical malpractice has occurred."

44 Section 2. Subsections (2) and (3) of section 458.307,
 45 Florida Statutes, are amended to read:

46 458.307 Board of Medicine.--

47 (2) Ten ~~Twelve~~ members of the board must be licensed
 48 physicians in good standing in this state who are residents of
 49 the state and who have been engaged in the active practice or
 50 teaching of medicine in this state with a full and unrestricted
 51 medical license for at least 5 ~~4~~ years immediately preceding
 52 their appointment. One of the physicians must be on the full-
 53 time faculty of a medical school in this state, and one of the
 54 physicians must be in private practice and on the full-time
 55 staff of a statutory teaching hospital in this state as defined
 56 in s. 408.07. At least one of the physicians must be a graduate

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57 of a foreign medical school. Four members must be consumer
58 members and ~~The remaining three members~~ must each be a resident
59 ~~residents~~ of the state who has lived in the state for at least 5
60 years immediately preceding his or her appointment, has never
61 been licensed as a health care practitioner under chapter 456 or
62 the applicable practice act, and does not have a substantial
63 personal, business, professional, or pecuniary connection with a
64 licensed health care practitioner or with a medical education or
65 health care facility, except as a patient or potential patient.
66 ~~The final are not, and never have been, licensed health care~~
67 ~~practitioners.~~ One member must be the chief operations officer
68 of a hospital a health care risk manager licensed under chapter
69 395 who has lived in the state and held this position for at
70 least 5 years immediately preceding his or her appointment ~~s.~~
71 ~~395.10974.~~ At least one member of the board must be 60 years of
72 age or older.

73 (3) Terms for current members of the board shall expire on
74 October 31, 2007. Initial appointments to the board pursuant to
75 this act shall take effect November 1, 2007. Five of the initial
76 physician appointments shall be for terms of 2 years each; five
77 of the initial physician appointments shall be for terms of 3
78 years each; and the remaining initial appointments shall be for
79 terms of 4 years each. As the terms of the members expire
80 subsequent to November 1, 2007, the Governor shall appoint
81 successors for terms of 4 years, and such members shall serve
82 until their successors are appointed.

83 Section 3. This act shall take effect July 1, 2007.