



597894

LEGISLATIVE ACTION

Senate	.	House
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The Committee on Budget (Wise) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 3297 - 3303

and insert:

(2) Every licensed facility ~~licensed under this part~~ is required to maintain adverse incident reports. For purposes of this section, the term, "adverse incident" means:

(a) An event over which facility staff ~~personnel~~ could exercise control rather than as a result of the resident's condition and results in:

1. Death;
2. Brain or spinal damage;
3. Permanent disfigurement;



597894

14 4. Fracture or dislocation of bones or joints;

15 5. Any condition that required medical attention to which
16 the resident has not given his or her consent, excluding
17 proceedings governed by part I of chapter 394, but including
18 failure to honor advanced directives;

19 6. Any condition that requires the transfer of the resident
20 from the facility to a unit providing more acute care due to the
21 incident rather than the resident's condition before the
22 incident; or

23 7. An event that is reported to law enforcement ~~or its~~
24 ~~personnel~~ for investigation; or

25 (b) Resident elopement, if the elopement places the
26 resident at risk of harm or injury.

27 ~~(3) Licensed facilities shall provide within 1 business day~~
28 ~~after the occurrence of an adverse incident, by electronic mail,~~
29 ~~facsimile, or United States mail, a preliminary report to the~~
30 ~~agency on all adverse incidents specified under this section.~~
31 ~~The report must include information regarding the identity of~~
32 ~~the affected resident, the type of adverse incident, and the~~
33 ~~status of the facility's investigation of the incident.~~

34 (3)-(4) Licensed facilities shall provide within 15 business
35 days after the occurrence of an adverse incident, by electronic
36 mail, facsimile, or United States mail, a full report to the
37 agency on the all adverse incident, including information
38 regarding the identity of the affected resident, the type of
39 adverse incident, and incidents specified in this section. The
40 report must include the results of the facility's investigation
41 into the adverse incident.

42 ~~(5) Each facility shall report monthly to the agency any~~



597894

43 ~~liability claim filed against it. The report must include the~~
44 ~~name of the resident, the dates of the incident leading to the~~
45 ~~claim, if applicable, and the type of injury or violation of~~
46 ~~rights alleged to have occurred. This report is not discoverable~~
47 ~~in any civil or administrative action, except in such actions~~
48 ~~brought by the agency to enforce the provisions of this part.~~

49 (4)~~(6)~~ Abuse, neglect, or exploitation must be reported to
50 the Department of Children and Family Services as required under
51 chapter 415.

52 (5)~~(7)~~ The information reported to the agency pursuant to
53 subsection (3) which relates to persons licensed under chapter
54 458, chapter 459, chapter 461, chapter 464, or chapter 465 shall
55 be reviewed by the agency. The agency shall determine whether
56 any of the incidents potentially involved conduct by a health
57 care professional who is subject to disciplinary action, in
58 which case the provisions of s. 456.073 apply. The agency may
59 investigate, as it deems appropriate, any such incident and
60 prescribe measures that must or may be taken in response to the
61 incident. The agency shall review each incident and determine
62 whether it potentially involved conduct by a health care
63 professional who is subject to disciplinary action, in which
64 case the provisions of s. 456.073 apply.

65 (6)~~(8)~~ If the agency, through its receipt of the adverse
66 incident reports prescribed in this part or through any
67 investigation, has reasonable belief that conduct by a staff
68 member ~~or employee~~ of a licensed facility is grounds for
69 disciplinary action by the appropriate board, the agency shall
70 report this fact to such regulatory board.

71 (7)~~(9)~~ The adverse incident report ~~reports and preliminary~~



597894

72 ~~adverse incident reports~~ required under this section is ~~are~~
73 confidential as provided by law and is ~~are~~ not discoverable or
74 admissible in any civil or administrative action, except in
75 disciplinary proceedings by the agency or appropriate regulatory
76 board.

77 (8) ~~(10)~~ The Department of Elderly Affairs may adopt rules
78 necessary to administer this section.

79
80 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

81 And the directory clause is amended as follows:

82 Delete lines 3291 - 3294

83 and insert:

84 Section 78. Subsections (2) through (10) of section 429.23,
85 Florida Statutes, are amended to read:

86
87 ===== T I T L E A M E N D M E N T =====

88 And the title is amended as follows:

89 Delete line 274

90 and insert:

91 exceptions; amending s. 429.23, F.S.; revising
92 provisions relating to the internal risk management
93 and quality assurance program and adverse incidents
94 and reporting requirements; deleting