

Amendment No.

CHAMBER ACTION

Senate

House

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1 The Conference Committee on HB 5305 offered the following:

2
3 **Conference Committee Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Sections 945.601, 945.602, 945.603, 945.6031,
6 945.6035, and 945.6036, Florida Statutes, are repealed.

7 Section 2. Subsection (3) of section 381.90, Florida
8 Statutes, is amended to read:

9 381.90 Health Information Systems Council; legislative
10 intent; creation, appointment, duties.-

11 (3) The council shall be composed of the following members
12 or their senior executive-level designees:

13 (a) The State Surgeon General;

14 (b) The Executive Director of the Department of Veterans'
15 Affairs;

16 (c) The Secretary of Children and Family Services;

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17 (d) The Secretary of Health Care Administration;

18 (e) The Secretary of Corrections;

19 (f) The Attorney General;

20 ~~(g) The Executive Director of the Correctional Medical~~
21 ~~Authority;~~

22 (g) ~~(h)~~ Two members representing county health departments,
23 one from a small county and one from a large county, appointed
24 by the Governor;

25 (h) ~~(i)~~ A representative from the Florida Association of
26 Counties;

27 (i) ~~(j)~~ The Chief Financial Officer;

28 (j) ~~(k)~~ A representative from the Florida Healthy Kids
29 Corporation;

30 (k) ~~(l)~~ A representative from a school of public health
31 chosen by the Commissioner of Education;

32 (l) ~~(m)~~ The Commissioner of Education;

33 (m) ~~(n)~~ The Secretary of Elderly Affairs; and

34 (n) ~~(o)~~ The Secretary of Juvenile Justice.

35
36 Representatives of the Federal Government may serve without
37 voting rights.

38 Section 3. Paragraph (a) of subsection (1) of section
39 766.101, Florida Statutes, is amended to read:

40 766.101 Medical review committee, immunity from
41 liability.—

42 (1) As used in this section:

43 (a) The term "medical review committee" or "committee"
44 means:

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45 1.a. A committee of a hospital or ambulatory surgical
46 center licensed under chapter 395 or a health maintenance
47 organization certificated under part I of chapter 641;τ

48 b. A committee of a physician-hospital organization, a
49 provider-sponsored organization, or an integrated delivery
50 system;τ

51 c. A committee of a state or local professional society of
52 health care providers;τ

53 d. A committee of a medical staff of a licensed hospital
54 or nursing home, provided the medical staff operates pursuant to
55 written bylaws that have been approved by the governing board of
56 the hospital or nursing home;τ

57 e. A committee of the Department of Corrections ~~or the~~
58 ~~Correctional Medical Authority as created under s. 945.602,~~ or
59 employees, agents, or consultants of ~~either~~ the department;i ~~or~~
60 ~~the authority or both,~~

61 f. A committee of a professional service corporation
62 formed under chapter 621 or a corporation organized under
63 chapter 607 or chapter 617, which is formed and operated for the
64 practice of medicine as defined in s. 458.305(3), and which has
65 at least 25 health care providers who routinely provide health
66 care services directly to patients;τ

67 g. A committee of the Department of Children and Family
68 Services which includes employees, agents, or consultants to the
69 department as deemed necessary to provide peer review,
70 utilization review, and mortality review of treatment services
71 provided pursuant to chapters 394, 397, and 916;τ

72 h. A committee of a mental health treatment facility
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73 licensed under chapter 394 or a community mental health center
74 as defined in s. 394.907, provided the quality assurance program
75 operates pursuant to the guidelines which have been approved by
76 the governing board of the agency;τ

77 i. A committee of a substance abuse treatment and
78 education prevention program licensed under chapter 397 provided
79 the quality assurance program operates pursuant to the
80 guidelines which have been approved by the governing board of
81 the agency;τ

82 j. A peer review or utilization review committee organized
83 under chapter 440;τ

84 k. A committee of the Department of Health, a county
85 health department, healthy start coalition, or certified rural
86 health network, when reviewing quality of care, or employees of
87 these entities when reviewing mortality records;τ or

88 1. A continuous quality improvement committee of a
89 pharmacy licensed pursuant to chapter 465,

90
91 which committee is formed to evaluate and improve the quality of
92 health care rendered by providers of health service, to
93 determine that health services rendered were professionally
94 indicated or were performed in compliance with the applicable
95 standard of care, or that the cost of health care rendered was
96 considered reasonable by the providers of professional health
97 services in the area; or

98 2. A committee of an insurer, self-insurer, or joint
99 underwriting association of medical malpractice insurance, or
100 other persons conducting review under s. 766.106.

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101 Section 4. Section 944.8041, Florida Statutes, is amended
102 to read:

103 944.8041 Elderly offenders; annual review.—For the purpose
104 of providing information to the Legislature on elderly offenders
105 within the correctional system, the department ~~and the~~
106 ~~Correctional Medical Authority~~ shall each submit annually a
107 report on the status and treatment of elderly offenders in the
108 state-administered and private state correctional systems and
109 the department's geriatric facilities and dorms. ~~In order to~~
110 ~~adequately prepare the reports, the department and the~~
111 ~~Department of Management Services shall grant access to the~~
112 ~~Correctional Medical Authority that includes access to the~~
113 ~~facilities, offenders, and any information the agencies require~~
114 ~~to complete their reports.~~ The report review shall also include
115 an examination of promising geriatric policies, practices, and
116 programs currently implemented in other correctional systems
117 within the United States. The report reports, with specific
118 findings and recommendations for implementation, shall be
119 submitted to the President of the Senate and the Speaker of the
120 House of Representatives on or before December 31 of each year.

121 Section 5. Subsections (3) and (9) of section 945.35,
122 Florida Statutes, are amended to read:

123 945.35 Requirement for education on human immunodeficiency
124 virus, acquired immune deficiency syndrome, and other
125 communicable diseases.—

126 (3) When there is evidence that an inmate, while in the
127 custody of the department, has engaged in behavior which places
128 the inmate at a high risk of transmitting or contracting a human
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129 immunodeficiency disorder or other communicable disease, the
130 department may begin a testing program which is consistent with
131 guidelines of the Centers for Disease Control and Prevention ~~and~~
132 ~~recommendations of the Correctional Medical Authority.~~ For
133 purposes of this subsection, "high-risk behavior" includes:

- 134 (a) Sexual contact with any person.
- 135 (b) An altercation involving exposure to body fluids.
- 136 (c) The use of intravenous drugs.
- 137 (d) Tattooing.
- 138 (e) Any other activity medically known to transmit the
139 virus.

140 (9) The department shall establish policies consistent
141 with guidelines of the Centers for Disease Control and
142 Prevention ~~and recommendations of the Correctional Medical~~
143 ~~Authority~~ on the housing, physical contact, dining, recreation,
144 and exercise hours or locations for inmates with
145 immunodeficiency disorders as are medically indicated and
146 consistent with the proper operation of its facilities.

147 Section 6. Section 945.6032, Florida Statutes, is amended
148 to read:

149 945.6032 Medical review committee; records and meetings
150 exemption ~~Quality management program requirements.~~-

151 ~~(1) The authority shall appoint a medical review committee~~
152 ~~pursuant to s. 766.101 to provide oversight for the Department~~
153 ~~of Corrections' inmate health care quality management program.~~
154 ~~The authority shall also designate one of its members to serve~~
155 ~~on the Department of Corrections' medical review committee in~~
156 ~~order to ensure coordination between the department and the~~

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157 ~~authority with regard to issues of quality management and to~~
158 ~~enhance the authority's oversight of the Department of~~
159 ~~Corrections' quality management system.~~

160 ~~(2) The authority's medical review committee shall review~~
161 ~~amendments to the Department of Corrections' inmate health care~~
162 ~~quality management program prior to implementation by the~~
163 ~~department.~~

164 ~~(3) The findings and recommendations of a medical review~~
165 ~~committee created by the authority or the department pursuant to~~
166 ~~s. 766.101 are confidential and exempt from the provisions of s.~~
167 ~~119.07(1) and s. 24(a), Art. I of the State Constitution, and~~
168 ~~any proceedings of the committee are exempt from the provisions~~
169 ~~of s. 286.011 and s. 24(b), Art. I of the State Constitution.~~

170 Section 7. Subsections (2) and (3) of section 945.6034,
171 Florida Statutes, are amended to read:

172 945.6034 Minimum health care standards.-

173 ~~(2) The department shall submit all health care standards~~
174 ~~to the authority for review prior to adoption. The authority~~
175 ~~shall review all department health care standards to determine~~
176 ~~whether they conform to the standard of care generally accepted~~
177 ~~in the professional health community at large.~~

178 ~~(2)(3)~~ The department shall comply with all adopted
179 department health care standards. Failure of the department to
180 comply with the standards ~~may result in a dispute resolution~~
181 ~~proceeding brought by the authority pursuant to s. 945.6035, but~~
182 shall not create a cause of action for any third parties,
183 including inmates or former inmates.

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184 Section 8. Subsection (1) of section 951.27, Florida
185 Statutes, is amended to read:

186 951.27 Blood tests of inmates.-

187 (1) Each county and each municipal detention facility
188 shall have a written procedure developed, in consultation with
189 the facility medical provider, establishing conditions under
190 which an inmate will be tested for infectious disease, including
191 human immunodeficiency virus pursuant to s. 775.0877, which
192 procedure is consistent with guidelines of the Centers for
193 Disease Control and Prevention ~~and recommendations of the~~
194 ~~Correctional Medical Authority~~. It is not unlawful for the
195 person receiving the test results to divulge the test results to
196 the sheriff or chief correctional officer.

197 Section 9. This act shall take effect July 1, 2011.

198

199

200 **T I T L E A M E N D M E N T**

201 Remove the entire title and insert:

202 A bill to be entitled

203 An act relating to the Correctional Medical Authority;
204 repealing ss. 945.601, 945.602, 945.603, 945.6031,
205 945.6035, and 945.6036, F.S., relating to the Correctional
206 Medical Authority definitions, creation, powers and
207 duties, reports and surveys, dispute resolution, and
208 enforcement, respectively; amending ss. 381.90, 766.101,
209 944.8041, 945.35, 945.6032, 945.6034, and 951.27, F.S.;
210 conforming provisions to changes made by the act;
211 providing an effective date.

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